

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS22-00011:
PALLAV CHATTERJEE (APPLICANT) AND JEANETTE SORENSEN TRUST (OWNER)**

I. Findings

A. Tentative Map Findings

- 1. The County Planning Agency shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law.**

Project Finding: On November 5, 2024, the County Board of Supervisors adopted the Contra Costa County 2045 General Plan. County file #CDMS22-00011 was deemed “complete” for processing on June 13, 2024. Therefore, the County General Plan 2005-2020 applies.

The subject property is located within a Single-Family Residential, Low Density (SL) land use designation. Generally speaking, the purpose of the SL designation is to allow for the development of detached single-family residences and accessory buildings and structures, while also allowing for secondary uses that are considered to be compatible with low density homes (e.g., ADUs, churches, home occupations, small residential and child care facilities). The SL land use designation allows for a density of 1 to 2.9 units per net acre. According to Table 3-4 of the 2005-2020 County General Plan, “Net acreage includes all land area used exclusively for residential purposes, and excludes streets, highways, and all other public rights-of-way.” Due to the road dedication and access easement, the total net acreage of the approximately 2.56-acre project site is approximately 2.07 acres. This would allow for a minimum of two units and a maximum of 6 units. Therefore, the three-lot minor subdivision would result in a density within the range of units allowed. Thus, the project is consistent with the applicable general plan required by law.

- 2. The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.**

Project Finding: The project will comply with the collect and convey regulations, storm drainage facilities, and design standards for private roads. Additionally,

compliance with the California Building Code and all applicable County Ordinances is required for grading of the property and construction of residential buildings.

B. Tree Permit Findings

The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:

- 1. County Code Section 816-6.8010(2)(G):** A 3-lot subdivision with road and drainage improvements requires removal of 20 code-protected trees and work within the dripline of 24 code-protected trees, and could not be reasonably accommodated on another area of the lot.

The project Arborist Report prepared by registered consulting arborist Tony Wolcott (RCA#685) dated August 7, 2022, provides an inventory and evaluation of all trees on the project site that may be impacted by the proposed project. A total of 147 trees were surveyed, numbered, tagged, identified, measured, and evaluated. There were 9 tree species inventoried, but only 4 species are listed in the County Tree Ordinance under the indigenous species list: 120 Valley Oaks, 10 Coast Live Oaks, 4 Monterey Pines, 4 Claro Walnut trees, 2 Coastal Redwoods, 2 California Buckeyes, 2 Blue Gum trees, 2 Olive trees, and 1 Canary Island Pine.

The arborist report indicates these trees cannot be avoided and are not expected to survive, thus requiring removal. In addition, remaining trees that are proposed for preservation would be preserved through the implementation of the tree mitigation measures described in the attached conditions of approval, which will be required to be in place throughout the entire construction period.

C. County Code Section 96-10 (Underground Utilities) Exception Findings

Chapter 96-10 of the County Ordinance Code requires all new and existing utility distribution facilities to be installed underground. This requirement applies to the existing overhead lines along the site's Withers Avenue frontage.

The project engineer delivered an exception request on October 27, 2023, from the requirement to underground existing overhead lines along Withers Avenue in accordance with the findings outlined in Chapter 92-6 of the County Ordinance.

1. That there are unusual circumstances or conditions affecting the property.

Project Finding: Along a portion of the project frontage, a steep embankment exists adjacent to Withers Avenue. In order to install underground utility lines along northside of Withers Avenue it would require the construction of a retaining wall approximately 20' in height or bury the utility conduit along a steep side slope embankment. There is no existing flat adjacent space to install an underground conduit that could be properly accessed and maintained by a utility company. There is only one existing joint pole within the project's frontage; therefore, to completely underground the utilities along its frontage additional undergrounding work would be necessary on neighboring properties.

2. That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

Project Finding: The installation of underground utilities along Withers Avenue would require substantial impacts on the subject property and its neighboring properties.

3. That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

Project Finding: The existing overhead utility lines would remain as is as it has been for decades. The risk of fire to the public/neighborhood from overhead lines would not be significantly reduced with this short segment (one pole) being undergrounded. The existing overhead utility lines are consistent with the remainder of Withers Avenue.

D. County Code Division 914 (Drainage) Exception Findings

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse. As noted, a tributary of Murderer's Creek is located along the southeast portion of the property and would be considered adequate receiving water for the 10-year design flowrate required by the County Code.

The applicant should consider the creek structure setback requirements of the Code as it applies to future construction of improvements on the property. The Code requires development rights within the creek structure setback be dedicated to the County. A setback line is delineated on the tentative map, but additional information, i.e., cross sections, will be required to verify that the line as delineated meets Code requirements.

Per the tentative map, a portion of the proposed bioretention basin encroaches into the structure setback area. As that is part of the project's drainage infrastructure and above the FEMA determined base flood elevation, this encroachment would be allowable. There is a small portion of the proposed private road serving the subdivision that also encroaches into the setback. According to Code requirements, the road would have to be relocated.

The project engineer delivered an exception request on October 27, 2023, from the creek structure setback requirements in accordance with the findings outlined in Chapter 92-6 of the County Ordinance.

1. That there are unusual circumstances or conditions affecting the property.

Project Finding: Due to the overall steepness of the subject property, the access road and accompanying drainage to the bioretention basin needs to be located relatively close to the creek tributary along the east side of the parcel. There is no alternate access point for the private road serving the proposed three lots. In addition, the bioretention basin will need to be located near the creek tributary

to drain stormwater runoff that has been treated within the basin. The stormwater drainage system operates based on gravity flow therefore its placement needs to be located near the low point of the property which is also where the existing creek tributary is located.

2. That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

Project Finding: The relocation of the access road and bioretention basin outside of the creek structure setback would cause significant impacts to the existing steep slopes on the western side of the property and introduce the need for a mechanical pump for the storm drain system.

3. That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

Project Finding: The exception to allow the access road and bioretention basin within the creek structure setback will not be materially detrimental to the public's welfare since these encroachments are not structures which house human beings. The construction of both the access road and bioretention basin will require grading and stabilization work to the side slope area to the creek tributary which will improve the existing creek bank stability.

E. County Code Section 96-14.002 (Improvement of County Streets) Exception Findings

Withers Avenue is a 24-foot road within a 40-foot right of way and is planned to be a 40-foot road in a 60-foot right-of-way. The County Ordinance Code will require a 10-foot right-of-way dedication along the entire Withers Avenue frontage. The Code would also require construction of frontage improvements along the entire frontage.

The project engineer delivered an exception request on March 29, 2023, from the requirement to construct frontage improvements in accordance with the findings outlined in Chapter 92-6 of the County Ordinance.

1. That there are unusual circumstances or conditions affecting the property.

Project Finding: Withers Avenue is a semi-rural street without any sidewalks. Along a portion of the project frontage, a steep embankment exists adjacent to Withers Avenue. The installation of a sidewalk and pavement widening in this area would require a retaining wall approximately 20 feet in height or major regrading of the embankment to achieve a 2.5:1 slope even if the sidewalk was placed directly next to the existing westbound travel lane. The retaining wall would be unsightly and out of character for the neighborhood and regrading would have considerable impacts to the project site and adjoining properties.

2. That the exception is necessary for the preservation and enjoyment of the substantial right of the applicant.

Project Finding: As stated above, the installation of a tall retaining wall or embankment regrading would substantially impact the available space for the development of the property or impact adjoining properties.

3. That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

Project Finding: Granting exceptions to the requirements for frontage improvements would not be materially detrimental to the public welfare or injurious to other properties. It would maintain the existing character of Withers Avenue and its surrounding neighborhood. It would be consistent with the remainder of Withers Avenue which has no existing sidewalks and the roadway pavement width is approximately 24-feet.

F. California Environmental Quality Act (CEQA) Findings

The following are the findings required pursuant to the California Environmental Quality Act (CEQA) to adopt a Mitigated Negative Declaration/Initial Study for the project, prior to the approval of a project.

1. A draft Mitigated Negative Declaration/Initial Study (MND), State Clearinghouse Number SCH 2025071206, was prepared for Minor Subdivision CDMS22-00011 on July 29, 2025. The State and public review period for the draft MND started on July 29, 2025, and ended on August 28, 2025. Comments were received from the California Department of Fish & Wildlife (CDFW), the Confederated Villages

of Lisjan Nation (CVLN), the East Bay Municipal Utility District (EBMUD), and the general public. Comments from CDFW and CVLN required changes to the draft MND and the mitigation measures for the Biological Resources and Tribal Cultural Resources sections. These changes are present in the final MND. Comments received from EBMUD and the general public and staff's response are attached to the final MND.

2. A revised draft Mitigated Negative Declaration/Initial Study (MND), State Clearinghouse Number SCH 2026060678, was prepared for Minor Subdivision CDMS22-00011 on June 15, 2026. The public review period for the revised draft MND started on June 12, 2026, and ended on July 13, 2026, and the State review period ended on July 14, 2026. No further comments were received from CDFW, and additional comments were received from CVLN and the general public. Comments received from CVLN and the general public and staff's response are attached to the final MND.
3. A final MND has been prepared that includes the revised draft MND and written comments received on both draft MNDs.
4. On the basis of the whole record before it, including both drafts and final MND, the Zoning Administrator finds that:
 - There is no substantial evidence that the project with the identified mitigation measures will have a significant effect on the environment;
 - MND SCH 2026060678, consisting of the revised draft MND and final MND, reflects the County's independent judgement and analysis;
 - The MND is adequate and complete; and
 - The MND has been prepared in compliance with the California Environmental Quality Act and the State and County CEQA guidelines.
5. A Mitigation Monitoring and Reporting Program has been prepared, based on the identified significant environmental impacts and mitigation measures in MND SCH 2026060678. The mitigation measures in the Mitigation Monitoring Program are included in the project Conditions of Approval.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS22-00011

DEPARTMENT OF CONSERVATION AND DEVELOPMENT, COMMUNITY DEVELOPMENT DIVISION (CDD), CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS22-00011

Project Approval

1. County file #CDMS22-00011 and its Vesting Tentative Map for a 3-lot minor subdivision, is APPROVED, by the Department of Conservation and Development, Community Development Division (CDD).
2. Associated Tree Permit for the removal of twenty (20) code protected trees and work within the dripline of twenty-four (24) listed in the project arborist report for installation of private access roadway and drainage improvements, is APPROVED, by CDD.
3. The project approvals described above are granted based on, or as generally shown in the following documents:
 - Vesting Tentative Map for Parcel Map MS22-0011, Grading and Drainage Plan, and Utility Plan, prepared by Humann Company Inc., dated October 12, 2023;
 - Arborist Report, prepared by registered consulting arborist Tony Wolcott (RCA#685) dated August 7, 2022;
 - Biological Resources Assessment (BRA) Report, dated January 21, 2024, and subsequent Rectification and Addendum to BRA Report, dated March 19 2026, prepared by Daniel Edelstein (#TE-1017403-5);
 - Cultural Resources Assessment Report, prepared by First Carbon Solutions, dated April 4, 2025; and
 - Geotechnical Investigation Report, prepared by Ting & Associates Inc., dated September 20, 2023.
4. A copy of the recorded Parcel Map shall be submitted to CDD upon recordation.
5. Any modification to the project approved under this permit that is not required by a Condition of Approval herein shall be subject to the review and approval of

CDD.

6. The maximum number of lots approved for this subdivision is 3 residential lots.

Application Fees

7. This application is subject to an initial application deposit of \$7,500, which was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to CDD approval of a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval.

Indemnification

8. Prior to recordation of the Parcel Map or submittal of a building permit, whichever occurs first, Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Compliance Report

9. A permit compliance report shall be submitted to CDD for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures to be taken to satisfy all relevant conditions. Unless otherwise indicated, the permit compliance report will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Parcel Map or CDD approval of a grading or building permit, whichever occurs first.

The permit compliance report will be filed and reviewed through a Condition of Approval Compliance Check application with an initial deposit of \$2,000 (subject to time and materials).

Grading and Building Permits

- 10.** This approval does not constitute a grading or building permit. Please contact the Department of Conservation and Development, Building Inspection Division for information on how to apply for a grading or building permit.

Fencing

- 11.** Prior to CDD approval of a grading or building permit, whichever is applicable, a fencing plan program shall be submitted to CDD for the review and approval. The approved plan set shall be present in the construction plan set for a grading or building permit.

Landscaping

- 12.** Any future landscaping shall comply with the County's Water Efficient Landscape Ordinance.

Covenants, Conditions and Restrictions (CC&R's)

- 13.** Prior to recordation of the Parcel Map, Covenants, Conditions and Restrictions (CC&R's) shall be submitted to CDD for review and approval. This document shall include the maintenance obligation requirements of Public Works condition(s) of approval. The CC&Rs shall also require occupants to maintain garage spaces in a manner, which makes them available for off-street parking.

Signs/Walls

- 14.** Prior to CDD approval of a grading or building permit, whichever is applicable, the details of the design, location, color and type of materials for any proposed signs and/or masonry walls shall be submitted to CDD for review and approval.

Park Impact Fee

- 15.** Prior to issuance of a building permit for a new residence, the applicable park impact fee as established by the Board of Supervisors shall be paid.

Park Dedication Fee

- 16.** Prior to issuance of a building permit for a new residence, the applicable park dedication fee as established by the Board of Supervisors shall be paid.

Child Care

- 17.** Prior to issuance of a building permit for a new residence, a fee for childcare facility needs in the area, as established by the Board of Supervisors, shall be paid.

Police Services District

- 18.** Prior to issuance of a building permit for a new residence, a fee for police services in the area, as established by the Board of Supervisors, shall be paid.

Street Names

- 19.** Prior to the recordation of the Parcel Map, proposed name(s) shall be submitted for review by the Department of Conservation and Development, GIS/Mapping Section. Alternate street names should be submitted. The Parcel Map cannot be certified by CDD without the approved street names.

Power Lines

- 20.** Where a lot is located within 300 feet of a high voltage electric transmission line, the applicant shall record the following as a deed disclosure:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved,

the basis for such a hypothesis is established. At this time no risk assessment has been made.”

When a Final Subdivision Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

Will Serve Letters

- 21.** Prior to recordation of the Parcel Map, a copy of a will-serve letter from East Bay Municipal Utility District shall be submitted to CDD.
- 22.** Prior to recordation of the Parcel Map, a copy of a will-serve letter from Central Contra Costa Sanitary District shall be submitted to CDD.

Electric Vehicle

- 23.** In accordance with the County’s Electric Vehicle (EV) Ordinance, a listed raceway to accommodate a dedicated 208/240-volt branch circuit shall be installed for each new residence.

Tree Protection

- 24.** Storage or parking vehicles, building materials, refuse, excavated spoils, or dumping of paint or poisonous materials on or around trees and roots is prohibited.
- 25.** Prior to issuance of a grading or building permit, the tree protective fencing shall be installed along the dripline perimeter for trees where work will be taking place within its dripline. Photographs of the installed fencing shall be submitted to CDD staff as evidence that this condition of approval has been satisfied.
- 26.** If the tree protective fencing needs to be temporarily moved for construction purposes, once the work is complete, the tree protective fencing shall be put back to its original state.

- 27.** The applicant shall immediately notify CDD staff of any damage that occurs to any tree during construction. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of this project shall be replaced with a tree or trees of equivalent size and of a species as approved by the CDD to be reasonably appropriate for the situation.
- 28.** The following tree related Best Management Practices (BMPs) shall be implemented during project construction and shall be present on the site plan for building permit(s) as construction notes:
- a. Root Management
 - i. If roots over 1" in diameter are encountered when excavating in any location:
 - Hand-dig the edge nearest the trunk to the full depth of the feature being installed or to a depth of 3-feet, whichever is shallower.
 - Route conduit and other features around and between roots when possible.
 - ii. If roots 1-2 inches in diameter must be cut, sever them clean and square at undamaged tissue using bypass pruners for a sharp saw.
 - iii. If roots over 2" must be cut, stop work in that area and contact a licensed arborist immediately for guidance.
 - iv. The project arborist will inspect the exposed root(s) to assess the impact of cutting and oversee/document any approved root cutting.
 - v. Exposed roots and upper 3-feet of trench walls shall be covered with 3-4 layers of burlap or absorbent fabric and kept moist until backfilled.
 - b. Pruning/Trimming: Any pruning of any limbs or roots over 2" diameter must be supervised by the project arborist.

Contingency Restitution for Work within the Dripline

- 29.** Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity nevertheless damages the tree(s) where work is within their dripline, photographs of the subject trees shall be provided to CDD post construction and prior to final building inspection, to ensure the trees intended to be preserved are not significantly damaged by construction activity, and the applicant shall provide the County with a security (e.g. bond, cash deposit) prior to planning approval of a grading or building permit, to allow for replacement of tree(s) intended to be preserved that are significantly damaged by construction activity. The security shall be based on:

- A. Extent of Possible Restitution Improvements – The planting of at least 24 trees, minimum 15-gallons in size, in the vicinity of the affected tree(s), or equivalent planting contribution, and subject to prior review and approval of CDD.
- B. Determination of Security Amount: The security shall be submitted for each lot and provide for all of the following costs:
- A labor and materials estimate for planting 24 trees, minimum 15-gallons in size, and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
 - An additional 20% of the total of the above amounts to address inflation costs.
- C. Initial Deposit for Processing of Security – The County Ordinance requires that the applicant cover all time and material costs of staff for processing a tree protection security. The Applicant shall pay an initial fee deposit of \$200 at time of submittal of a security.
- D. Duration of Security: The security bond for each property and/or common area shall be retained by the County for a minimum of 12 months up to 24 months following final building inspection. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the tree(s) and to prepare a report on the trees' health. In the event that CDD determines that the tree intended to be protected has been damaged by development activity, and CDD determines that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then CDD may require that all part of the security be used to provide for mitigation of the damaged tree(s). Should one security be submitted for the entire project site, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last property/area constructed.

Restitution for Tree Removal

- 30.** The following measures are intended to provide restitution for the removal of 20 code-protected trees:

- A. Tree Replacement Plan: Prior to planning approval of a grading or building permit, the applicant shall submit a Tree Replacement Plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The Plan shall provide for the planting of at least 20 trees, minimum 15-gallons in size. The approved Tree Restitution plan shall be in the construction plan set for a building permit. Photographs of the planted trees shall be submitted to CDD post construction and prior to final building inspection, to ensure that the restitution plan is implemented.
- B. Required Security to Assure Completion of Plan Improvements: Prior to issuance of a grading or building permit, the applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD to ensure that the Tree Replacement Plan is implemented.

Determination of Security Amount: The security shall provide for a breakdown of all of the following costs:

- A labor and materials estimate for planting the 20 trees, minimum 15-gallons in size, and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
 - An additional 20% of the total of the above amounts to address inflation costs.
- C. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs of staff for processing the landscape improvement security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$200.
- D. Duration of Security: The security bond for each lot shall be retained by the County for a minimum of 12 months up to 24 months following final building inspection. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. In the event that CDD determines that the tree(s) intended to be protected has been damaged, and CDD determines that the applicant has not been diligent in providing reasonable restitution, then CDD may require that all part of the security be

used to provide for mitigation of the damaged tree(s). Should one security be submitted for all lots, the security may be released upon complying with the requirements stated above and upon approval of a final inspection for the last lot constructed.

- 31.** Tree removal shall occur only with an approved grading or building permit.

MITIGATION MEASURES FROM THE MITIGATION MONITORING PROGRAM APPLIED
AS CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS22-00011:

Mitigation Measure Aesthetics 1

- 32.** Prior to CDD approval of a building permit, a Lighting Plan shall be submitted for review and approval of CDD. At a minimum, the plan shall include the following measures:
- a. All outdoor lighting, including façade, yard, security, and streetlights, shall be oriented down, onto the project site or road.
 - b. Back shields or functionally similar design elements shall be installed on every lighting pole to reduce lighting from spilling off site, and to ensure that lighting remains within the project site.

Mitigation Measure Air Quality 1

- 33.** The following Bay Area Air Quality Management District, Basic Construction Mitigation Measures shall be implemented during project construction and shall be included on all construction plans:
- a. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
 - c. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping shall be prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ACTM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall take corrective action within 48 hours of receipt of the complaint. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure Air Quality 2

- 34.** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:
- a. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.
 - b. Prior to issuance of a grading or building permit, a construction management plan shall be submitted to the CDD for review and approval. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the proposed project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan should include, but is not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

Mitigation Measure Biological Resources 1

- 35.** If project-related activities that require tree removal take place during the nesting season (February through August), an avian pre-construction survey for nesting passerine birds and raptors (birds of prey) within the project site and the trees within the adjacent riparian area shall be conducted by a qualified Biologist no more than 14 days prior to the commencement of the tree removal or project-related activities. If any bird listed under the Migratory Bird Treaty Act (MBTA) is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified Biologist (with consultation of the California Department of Fish and Wildlife (CDFW)) to protect the nesting site. The distance shall be determined by a qualified Biologist. The nest site(s) shall be monitored by a qualified Biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), a qualified Biologist shall determine if the project can proceed without further regard to the nest site(s). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during the nesting season, and if so, the avian pre-construction survey, and any incidental materials, shall be reviewed and approved by the CDD.

Mitigation Measure Biological Resources 2

- 36.** If project construction-related activities, including tree removal, take place during seasonal periods of bat activity (April 15 through August 31 and October 15 through February 28), a bat habitat assessment shall be conducted by a qualified Biologist that has 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted no more than 14 days prior to the commencement of site clearing or project-related activities to determine presence of bat roosting or maternal colonies.

For tree removal, the habitat assessment shall include a visual inspection of potential roosting features of trees to be removed (e.g., cavities, crevices in wood

and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

If no roosting or maternal colonies are observed, a letter report confirming absence shall be prepared by a qualified Biologist, and no further avoidance measures should be required. If bat roosting sites and/or maternal colonies are found, then the bats shall not be disturbed without a pre-approved strategy prepared and implemented by a qualified bat Biologist (with consultation of the California Department of Fish and Wildlife (CDFW)). Prior to issuance of a building or grading permit, the CDD shall determine if project construction-related activities will take place during seasonal periods of bat activity, and if so, the bat habitat assessment, and any incidental materials, shall be reviewed and approved by the CDD.

Mitigation Measure Geology and Soils 1

- 37.** Prior to submittal of a building or grading permit, the project applicant shall submit a project geotechnical report that evaluates the sites of proposed Parcel B improvements. This report shall provide the following: (i) original geologic map showing the consultant's interpretation of the site conditions, with delineation of any potentially hazardous soil condition; (ii) the scope of the investigation shall include subsurface exploration that is adequate to establish the depth to bedrock

within the Parcel B building site conditions and features; generalized logs are not acceptable. (iii) Shall provide laboratory test data to evaluate engineering properties of the native soil, Quaternary deposits and underlying bedrock, (iv) shall provide slope stability analysis for the slope area between the Parcel B building site and flow line of the creek at the toe-of-slope, as well as analysis of slope stability for the C.3 basin. The methodology used in the analysis shall be compliant with standards for project in the official Seismic Hazard Zone (SHZ) delineated by the California Geological Survey on the findings of this investigation, recommendations for foundations should be reviewed and updated as may be warranted.

The project geotechnical report shall be subject to peer review of the County Geologist and the review and approval of CDD.

Mitigation Measure Geology and Soils 2

- 38.** Geotechnical observation and testing services shall be required for the construction of improvements in each of the three parcels of CDMS22-00011. These services are (i) to ensure that geotechnical recommendations of the project are properly interpreted and implemented by contractors, (ii) allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and (iii) provide the opportunity for field modifications of geotechnical recommendations (with Building approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of recommend drainage facilities, and foundation related work.

Prior to final grading inspection, a report from the project geotechnical engineer that documents their observation and testing service to that stage of construction, including monitoring and testing of backfilling required for utility and drainage facilities, shall be submitted and subject to peer review of the County Geologist and the review and approval of CDD.

Prior to final building inspection of a residential dwelling unit or retaining wall, a report from the project geotechnical engineer that documents the monitoring

services associated with implementation of final grading, drainage, and foundation related work, and retaining wall pier hole drilling/foundation work, shall be submitted and subject to peer review of the County Geologist and the review and approval of CDD.

Mitigation Measure Geology and Soils 3

- 39.** All grading, excavation and filling shall be conducted during the dry season (April 15 – October 15) only, and all areas of exposed soil shall be revegetated to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed by the grading permit. Any modifications to the above schedule shall be subject to peer review of the County Geologist and the review and approval of CDD.

Mitigation Measure Cultural Resources 1-2

The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans:

- 40.** All project-related ground disturbance shall be monitored by an archaeologist who meets the Secretary of the Interior's professional qualification standards for archaeology. In the event that significant cultural resources are discovered during construction activities, the applicant/project owner or sponsor shall ensure that operations within a 100-foot radius of the find shall cease and the archaeologist will be consulted to determine whether the resource requires further study. The standard inadvertent discovery clause shall be included on the plans for grading permit(s) as construction notes to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations to the County concerning appropriate measures, which shall be implemented by the applicant/project owner or sponsor to protect the discovered resources, including but not limited to recordation on appropriate California Department of Parks and Recreation (DPR) forms, evaluation, or excavation of the finds in accordance with CEQA Guidelines, Section 15064.5.
- 41.** In the event of accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and 5097.98 shall be followed. If during the

course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:

- a. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98.
- b. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
 - The descendant identified fails to make a recommendation.
 - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Mitigation Measures Tribal Cultural Resources 1-3

The following Mitigation Measures shall be implemented during project construction and shall be included on all construction plans:

- 42. Native American Monitoring.** If there is an inadvertent discovery during ground disturbing activities, a Confederated Villages of Lisjan Nation (CVLN) Tribal monitor(s) shall be retained. Confederated Villages of Lisjan Tribal monitor(s) will have the authority to halt and redirect work should any archeological or tribal cultural resources be identified during monitoring. If archeological or Tribal

cultural resources are encountered during ground disturbing activities, work within 100 feet of the find must halt and the find must be evaluated for listing in the CRHR and NRHP. Monitoring may be reduced or halted at the discretion of the CVLN monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities moves to a new location within the project site and/or when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

- 43.** Unanticipated Discovery of Tribal Cultural Resources. If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until an archeologist has evaluated the nature and significance of the find as a cultural resource and a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. The archeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a tribal cultural resource and thus significant under CEQA and/or the Tribe, the entity shall retain a qualified archeologist and a Tribal monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented by the entity in accordance with state guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery.
- 44.** Halt Work/Coroner's Evaluation/Impact to Previously Undiscovered Human Remains. If human remains are encountered during construction and/or other ground disturbing activities, all work within 100 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated

funerary objects. There shall be no pictures taken or testing done on the Native American human remains. All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. The archeologist shall record information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the archeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archeological materials. The report should be submitted to the City, the project proponent, the NWIC and the consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity, either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.

Mitigation Measure Noise 1

- 45.** The following Mitigation Measure shall be implemented during project construction and shall be included on all construction plans:
- a. The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
 - b. The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
 - c. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where such market available technology exists.
 - d. At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses.
 - e. The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establish reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.
 - f. Unless specifically approved otherwise by the CDD, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday,

and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For specific details on the actual day the State and Federal holidays occur, please visit the following websites:

Federal: http://www.opm.gov/Operating_Status_Schedules/fedhol/2015.asp

California: <http://www.ftb.ca.gov/aboutFTB/holidays.shtml>

- g. Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES DIVISION, CONDITIONS OF APPROVAL FOR COUNTY FILE #CDMS22-00011

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan/(vesting) tentative map submitted to the Department of Conservation and Development on October 12, 2023.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE PARCEL MAP:

General Requirements

- 46.** Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

Roadway Improvements (Withers Avenue)

- 47.** Applicant shall be granted an exception from the installation of frontage improvements (such as sidewalk, street lighting, and pavement widening) because of the steep embankment present between the project site and the fronting road.

Access to Adjoining Property

- 48.** Proof of Access: Applicant shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

- 49.** Applicant shall obtain an encroachment permit from the Public Works Department, if necessary, for construction of driveways or other improvements within the right-of-way of Withers Avenue.

Abutter's Rights

- 50.** Applicant shall relinquish abutter's rights of access along Withers Avenue with the exception of the proposed private road intersection.

Road Alignment/Intersection Design/Sight Distance

- 51.** Applicant shall provide sight distance at the intersection of the private driveway with Withers Avenue in accordance with Chapter 82-18 "Sight Obstructions at Intersections" of the County Ordinance Code. The applicant shall trim vegetation, as necessary, to provide sight distance at this intersection, and any new signage, landscaping, fencing, retaining walls, or other obstructions proposed at this

intersection shall be setback to ensure that the sight line is clear of any obstructions.

Private Roads

- 52.** Applicant shall construct an on-site roadway system to current County private road standards with a minimum travel way width of 16 feet, with 2 feet shoulders, within a minimum 25-foot access easement.
- 53.** Any proposed roadway over 15.9% in grade shall be surfaced with grooved concrete or open-graded asphalt.
- 54.** Applicant shall construct the on-site roadways and the internal road network (serving the residential development) to current County private road standards, subject to the review of the Fire District. Although the proposed on-site roadways are shown as private, the pavement structural section shall conform to County public road standards.
- 55.** Applicant shall construct a street type connection with 20-foot radii returns in lieu of standard driveway depressions at the intersection of the access road with Withers Avenue.

Road Dedications

- 56.** Property owner(s) shall convey to the County, by Offer of Dedication, the right-of-way necessary for the planned future half-width of 30 feet along the frontage of Withers Avenue by separate document.

Countywide Street Lights Financing

- 57.** Prior to parcel map approval, the applicant shall establish a funding mechanism to cover the ongoing financial impact the Project will have on the ongoing maintenance and operations of public streetlighting. Compliance with this requirement shall be to the satisfaction of the Public Works Director and may be met through the formation of a new Community Facilities District or annexation into the existing Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include

the transfer of ownership and maintenance of street lighting on private roads. All costs associated with meeting this condition of approval shall be paid for by the applicant.

Bicycle – Pedestrian Facilities

- 58. Pedestrian Access:** The Applicant shall design all public and private pedestrian facilities for accessibility in accordance with Title 24 and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

Parking

- 59.** Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

Utilities/Undergrounding

- 60.** Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Walnut Boulevard Applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Applicant is granted an exception from the utility undergrounding requirement of the Ordinance Code for the existing utility poles along the frontage of Withers Avenue because of the steep embankment present and the short segment of undergrounding would only remove one overhead pole within the project frontage.

Maintenance of Facilities

- 61.** Property owner shall record a Statement of Obligation in the form of a deed notification, to inform all future property owners of their legal obligation to maintain the private roadway, street lights, and landscape improvements.

Drainage Improvements

- 62.** Collect and Convey: Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to *an adequate* natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to *an adequate* natural watercourse, in accordance with Division 914 of the Ordinance Code.

Miscellaneous Drainage Requirements

- 63.** Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
- 64.** Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
- 65.** A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over any proposed storm drain line that serves or traverses the site.

Floodplain Management

- 66.** The project is located in a Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps. The applicant shall be aware of and comply with the requirements of the National Flood Insurance Program (Federal) and the County Floodplain Management Ordinance as they pertain to development and future construction of any structures on this property.

Creek Banks and Creek Structure Setbacks

- 67.** Property owner shall relinquish "development rights" over that portion of the site that is within the structure setback area of Murderers Creek (tributary). The structure setback area shall be determined by using the criteria outlined in Chapter 914-14, "Rights of Way and Setbacks," of the Subdivision Ordinance. "Development rights" shall be conveyed to the County by grant deed.

Applicant shall be granted an exception from the creek structure setback requirement concerning construction of the proposed access driveway and bioretention basin due to the extensive undesirable grading required to relocate it to an alternative location.

- 68.** Hold Harmless: The property owner shall be aware that the creek banks on the site are potentially unstable. The property owner shall execute a recordable agreement with the County which states that the developer and the property owner and the future property owner(s) will hold harmless Contra Costa County and the Contra Costa County Flood Control and Water Conservation District in the event of damage to the on-site and off-site improvements as a result of creek-bank failure or erosion.

National Pollutant Discharge Elimination System (NPDES)

- 69.** The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works

Department. Trash capture devices shall meet the requirements of the County's NPDES permit.

- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Offer pavers for household driveways and/or walkways as an option to buyers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Shared trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by Public Works.

Stormwater Management and Discharge Control Ordinance

- 70.** The applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the Parcel Map. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
- 71.** Improvement plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
- 72.** Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.

- 73.** Prior to filing of the Parcel Map, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
- 74.** Prior to filing of the Parcel Map, the property owner(s) shall establish a funding mechanism to cover the ongoing financial impact of the development will have for ongoing maintenance and operations of the stormwater treatment facility. Compliance with this requirement shall be to the satisfaction of the Public Works Director and may be met through the formation of a new Community Facilities District or annexation of the subject property into existing Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners. All costs associated with meeting this condition of approval shall be paid for by the applicant.
- 75.** Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

Drainage Area Fee Ordinance

- 76.** Applicant shall comply with the drainage fee requirements for Drainage Area 46 as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to filing of the Parcel Map.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. This project is subject to the development fees in effect under County Ordinance as June 13, 2024, the date the vesting tentative map application was accepted as complete by the Department of Conservation and Development. These fees are in addition to any other development fees, which may be specified in the conditions of approval.
- C. Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.
- D. The applicant shall comply with the requirements of the following agencies:
- Contra Costa County Public Works Department
 - California Department of Fish and Wildlife
 - Army Corps of Engineers
 - Contra Costa County, Department of Conservation and Development, Building and Grading Inspection Divisions
 - Contra Costa County Fire Protection District
 - Central Contra Costa Sanitary District
 - East Bay Municipal Utility District