



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION**

APPROVED PERMIT

APPLICANT:	Ashley Munce 6700 Koll Center Pkwy, Ste 210 Pleasanton, CA 94566	APPLICATION NO.:	CDDP24-03002
		ASSESSOR'S PARCEL NO.:	011-220-013 and 011-350-010
		PROJECT LOCATION:	Intersection of Newport Drive and Slifer Drive Discovery Bay, CA
OWNER:	Century Communities of California, LLC 6700 Koll Center Pkwy, Ste 210 Pleasanton, CA 94566	ZONING DISTRICT:	P-1
		APPROVED DATE:	May 20, 2024

This matter having not been appealed within the period of time prescribed by law, a Modification to Development Plan #CDDP09-03029 (Newport Pointe Subdivision) and #CDDP91-03025 (Discovery Bay West Subdivision) to allow grading and site improvements on Parcel J to allow utility connection from the Newport Pointe Subdivision to the Town of Discovery Bay's sanitary sewer system, and grading between the southern portion of Parcel J and the northern portion of Newport Pointe Subdivision in the DISCOVERY BAY area is hereby APPROVED, subject to the attached conditions of approval.

By: _____


Ruben L. Hernandez
County Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE (1) YEAR from the approved date identified above.

PLEASE NOTE THE EFFECTIVE DATE. as no further notification will be sent by this office.

FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE #CDDP24-03002, ASHLEY MUNCE (APPLICANT) / CENTURY COMMUNITIES OF CALIFORNIA, LLC (OWNER) AS APPROVED BY THE ZONING ADMINISTRATOR ON MAY 20, 2024

FINDINGS

A. Growth Management Performance Standards

1. Traffic: The project would not generate commuter trips. The scope involves the trenching for sewer improvements, and grading on Parcel J of the Discovery Bay West subdivision, for the Newport Pointe subdivision to the south. Once the work is completed, the parcel shall remain undisturbed with the occasional maintenance for the utilities. Overall, neither of these activities would cause an increase in the number of vehicle trips or change circulation patterns in the general vicinity.
2. Water: The subject area currently obtains water service from the Town of Discovery Bay Community Services District. The grading and the trenching for utility improvements will not generate any additional demand for water service beyond what currently is associated and expected from the Newport Pointe subdivision.
3. Sanitary Sewer: The project sites currently receives sanitary sewer service from the Town of Discovery Bay Community Services District. The grading and the trenching for utility improvements will not generate any additional demand for sanitary sewer service beyond what currently is associated with the Newport Pointe subdivision.
4. Fire Protection: The project sites is in the service area of the Contra Costa County Fire Protection District. Utility improvements and grading will not generate additional demand for fire protection services.
5. Public Protection: Trenching for utility improvements and grading will not affect or alter the use of the parcel or the adjacent subdivisions, and therefore, will not increase the demand for police service facilities or personnel.
6. Parks and Recreation: The utility improvements and grading will not increase the population in the area, and therefore will not increase the demand for parks or recreational facilities.
7. Flood Control and Drainage: The expansion of sanitary improvements on the subject parcel, and the southern portion grading activities are not expected to change the drainage pattern on site or substantially increase stormwater runoff.

B. Development Plan Findings (County Code Section 84-26.1806)

In approving a Development Plan in the Discover Bay P-1 District, findings are required that the proposed project is consistent with the intent and purpose of the P-1 District and is compatible with other uses in the vicinity, both inside and outside of the district.

1. *Required Finding: The proposal is consistent with the purpose of the zoning district.*

Project Finding: The subject properties are located in the P-1 Planned Unit District and include the Newport Point subdivision (to the south) and the Discovery Bay West Development (to the north).

The conditions of approval for both Final Development Plans and their respective Major Subdivisions include conditions that are intended to guide development within the subdivision, and the type of development allowed on the subject properties. These Development Plans also address obtaining the necessary utilities to meet the expected needs of the existing residential development and the proposed Newport Pointe development. The trenching along Newport Drive is needed to ensure sufficient capacity to serve the proposed Newport Pointe Subdivision. Currently, the existing sanitary sewer system within Newport Drive and along parcel 011-220-013 does not have enough capacity, and therefore requires extension onto Parcel J where the facilities would have capacity for the project. As it is, the system extension cannot be installed within Newport Drive near the project site due to physical conflicts with other storm drain pipelines.

The additional grading addresses an elevation change on the northern boundary of the Newport Pointe Subdivision and the southern property line of the Parcel J. Ultimately, both parcels are expected to remain the same once the trenching and the grading are completed. The use within each development plan is not intended to change. Additionally, Condition of Approval #3 requires the applicant to include plans to return the trenched area to its original condition so as to maintain the nature of the parcel as an open space area for both subdivisions. Therefore, the overall project is consistent with the development guidelines as described by the Newport Point Development and the Discovery Bay West Development.

2. *Required Finding: That the proposal is compatible with other uses in the vicinity, both inside and outside the zoning district.*

The project does not change the use established under the P-1 Zoning District

approval, and remains as open space, as originally approved. The surrounding areas consist of single-family residences to the north (Discovery Bay West), proposed new single-family lots to the south (Newport Pointe subdivision), a R.V. storage and parking area to the west, and a vacant lot to the east, both of which are also designated as open space. The original approval in 1997, deemed Parcel J and the lot across from it (Parcel E) as open space lots with no allowability for development. Both lots are also noted as "restricted development" and have been grant deeded to the County.

The project does not construct any permanent structures, and it plans to maintain the area as open space. The trenching for utilities is limited to the western property boundary abutting Newport Drive. The grading is occurring on the southern property line abutting the Newport Pointe Subdivision. Trenching is often treated as temporary work, and not typically considered development. The grading that is to occur on the southern portion of the subject parcel is only requested to create a smoother transition between lots due to the different elevations, and to address the 100-year floodplain elevation. The rest of the parcel is to remain in its existing condition. The project has also been conditioned to ensure that the applicant returns the site to its original condition once the trenching and installation of utilities culminates. Ultimately, the use of the parcel will remain as open space and shall remain undisturbed once the utility work and slope adjustments along the southern border are finished. Therefore, the project is compatible with the vicinity.

C. California Environmental Quality Act (CEQA) Findings

The proposed project is exempt under CEQA Guidelines Section 15304 and 15305. Section 15304 exempts minor trenching and backfilling where the surface has been restored. The project applicant is conditioned to return the trenching area to its original condition. Section 15305 exempts minor alterations in land use in areas with an average slope of less than 20% which do not result in any changes in land use or density. The proposed grading along the northern boundary of parcel 011-220-013 is not expected to change the land use or density and will maintain the parcel with its intended use.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDDP24-03002

Development Plan Approval

1. This Substantial Modification to Development Plans #CDDP09-03029 (Newport Pointe Subdivision) and #CDDP91-03025 (Discovery Bay West Subdivision) to allow grading and site improvements on Parcel J. The proposed site improvements will

include trenching on Parcel J to allow utility connection from the Newport Pointe Subdivision to the Town of Discovery Bay's sanitary sewer system, and grading between the southern portion of Parcel J and the northern portion of Newport Pointe Subdivision, is generally **APPROVED** based on the application and materials received by the Department of Conservation, Community Development Division (CDD) on January 22, 2024 and additional information received on March, 08, 2024.

2. This approval is contingent upon receiving Board of Supervisors approval for the trenching and grading of Parcel J (Assessor Parcel Number: 011-350-010).
3. Prior to receiving Final Inspection, and once the trenching of utilities has been completed, the applicant must provide evidence that the disturbed area along Newport Drive has been returned to its original condition.

Application Costs

4. The Development Plan application was subject to an initial deposit of \$3,500.00. The application is subject to time and material costs if the application review expenses exceed the initial deposit. **Any additional fee due must be paid prior to an application for 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 Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

General Provisions

5. Any deviation from or expansion beyond the limits of this permit may necessitate the filing and approval of a request for modification to the Development Plan Permit approval.
6. Unless otherwise noted, all conditions of approval for CDDP91-03025, and CDDP09-03029 remain in full force and effect and apply to this proposal.

Air Quality

7. The following air quality measures shall be implemented during project

construction and shall be stated on the face of all construction plans:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-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 is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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 Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage 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 visible emissions evaluator.

The applicant shall post a publicly visible sign with the telephone number and the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

8. During construction, the project developer shall implement standard construction dust control measures which shall be stated on the face of all construction plans:
 - a. Watering active construction areas on the site at least twice daily.
 - b. Daily watering or covering stockpiles of debris, soils, sand, and other materials that can be blown by the wind.

- c. Covering all trucks hauling soils, sand, and other loose material or require all material-hauling trucks to maintain at least two feet of freeboard.
- d. Paving, watering three times daily, or applying non-toxic soil stabilizers on all unpaved access roads, parking lots, and staging areas at construction site.
- e. Sweeping streets daily, preferably with water sweepers, if soil is carried onto adjacent streets.
- f. Seeding disturbed areas as quickly as possible or installation of cover vegetation over exposed soils.

Cultural Resources

- 9. The following mitigation measure shall be implemented during project construction-related ground disturbance, and shall be stated on the face of all construction plans:
- 10. Should human remains be encountered during grading, trenching, or other on-site excavation(s), earthwork within 30 feet of the discovery should be stopped until the County Coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the human remains. If the human remains are of a Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the property and provide recommendations for the proper treatment of the remains and associated grave goods.

Construction Restrictions

Contractor and/or developer shall comply with the following construction, noise, dust and litter control requirements.

- 11. A dust and litter control program shall be submitted for the review and approval of the Community Development Division staff. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.

12. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
13. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
14. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
15. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
16. Large trucks and heavy equipment are 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.
17. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, 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)
- Presidents' Day (State)
- Cesar Chavez Day (State)
- Memorial Day (State and Federal)
- Juneteenth National Independence Day (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 Holidays: [Federal Holidays \(opm.gov\)](http://www.opm.gov)

California Holidays: <https://www.calhr.ca.gov/employees/pages/state-holidays.aspx>

18. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.

ADVISORY NOTES

PLEASE NOTE THAT ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The 90-day period, in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the CDD within 90 days of the approval date of this permit.

- B. The applicant must comply with the requirements of the Contra Costa County Building Inspection Division. They will require, at minimum, architectural, and structural plans before issuance of a building permit.

- C. The applicant must comply with applicable requirements of the Contra Costa County Fire Protection District. The applicant is advised to submit plans to the Fire Protection District for approval prior to submitting for a building permit.
- D. The applicant is advised that plans submitted for a sign permit may require prior approval and be stamped by the Town of Discovery Bay Community Services District.