

ATTACHMENTS

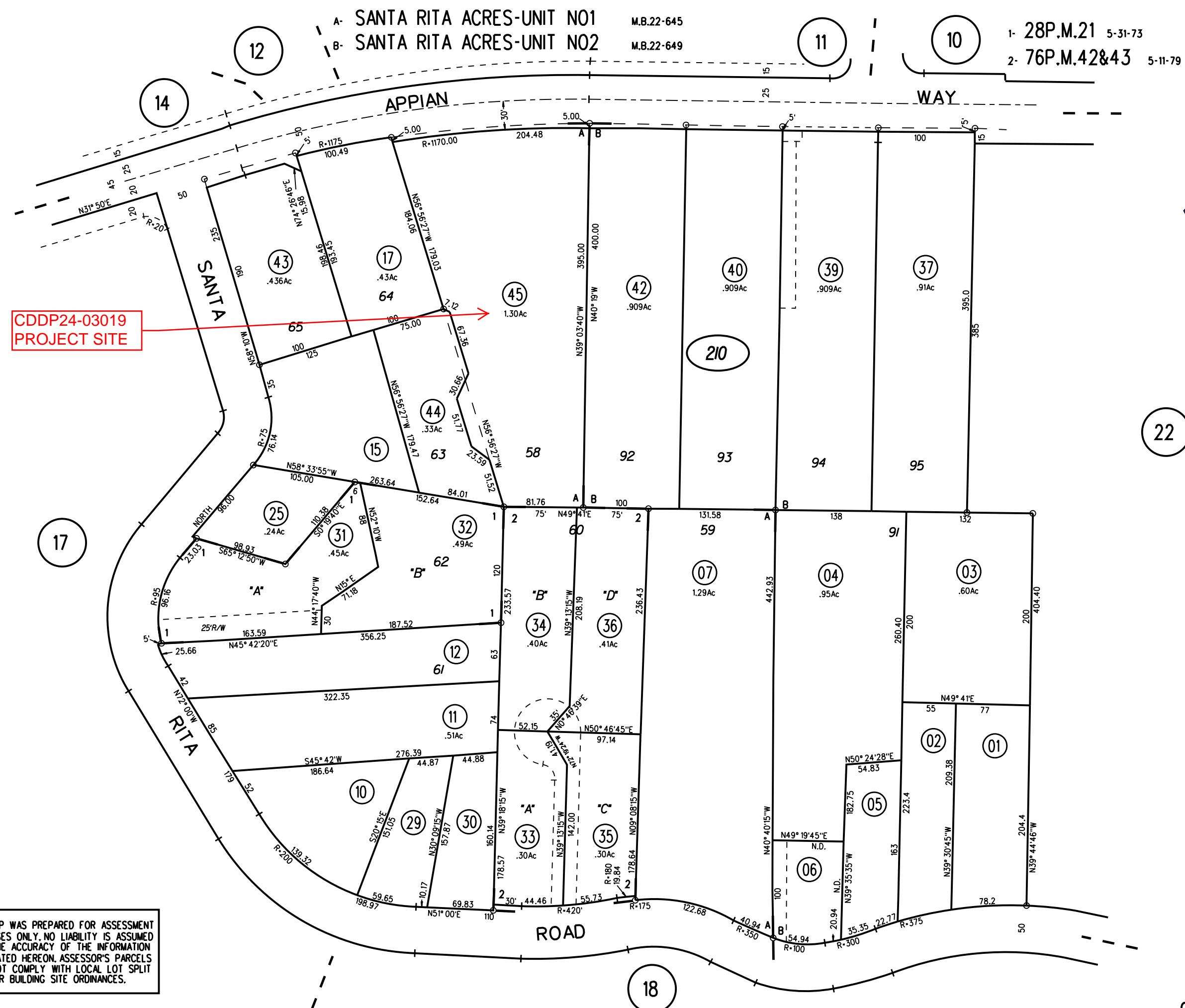
ATTACHMENT 1: MAPS AND PLANS

ATTACHMENT 2: AGENCY COMMENTS

ATTACHMENT 3: RELEVANCE

ATTACHMENT 1

MAPS AND PLANS





Aerial



Map Legend

- Assessment
- Parcels

DOIT GIS
CONTRA COSTA COUNTY

This map is a user generated, static output from an internet mapping application and is intended for reference use only.

Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION.

CCMap is maintained by Contra Costa County GIS.

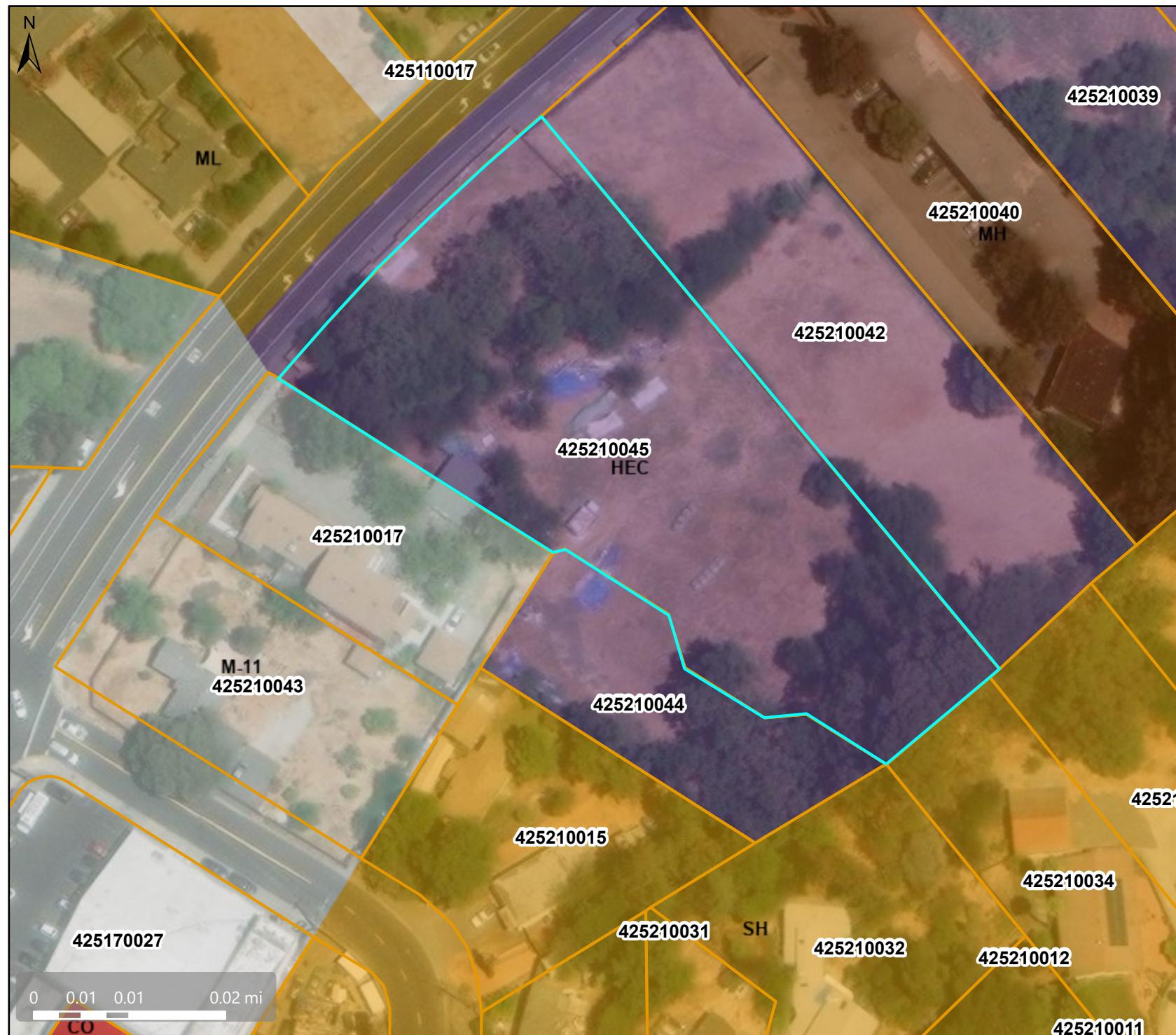
Data layers contained within the CCMap application are provided by various Contra Costa County Departments.

Please direct all data inquiries to the appropriate department.

Spatial Reference
PCS: WGS 1984 Web Mercator Auxiliary Sphere
Datum: WGS 1984



General Plan: HEC Housing Element Consistency



| Map Legend | |
|--|--|
| Assessment Parcels | |
| Planning Layers (DCD) | |
| General Plan | |
| SH (Single Family Residential - High) 5.0 - 7.2 Units per Net Acre | |
| ML (Multiple Family Residential - Low) 7.3 - 11.9 Units per Net Acre | |
| MH (Multiple Family Residential - High) 21.0 - 29.9 Units per Net Acre | |
| HEC (Housing Element Consistency) see Zoning table for density | |
| M-11 (Appian Way Mixed Use) | |
| CO (Commercial) | |

DOIT GIS
CONTRA COSTA COUNTY

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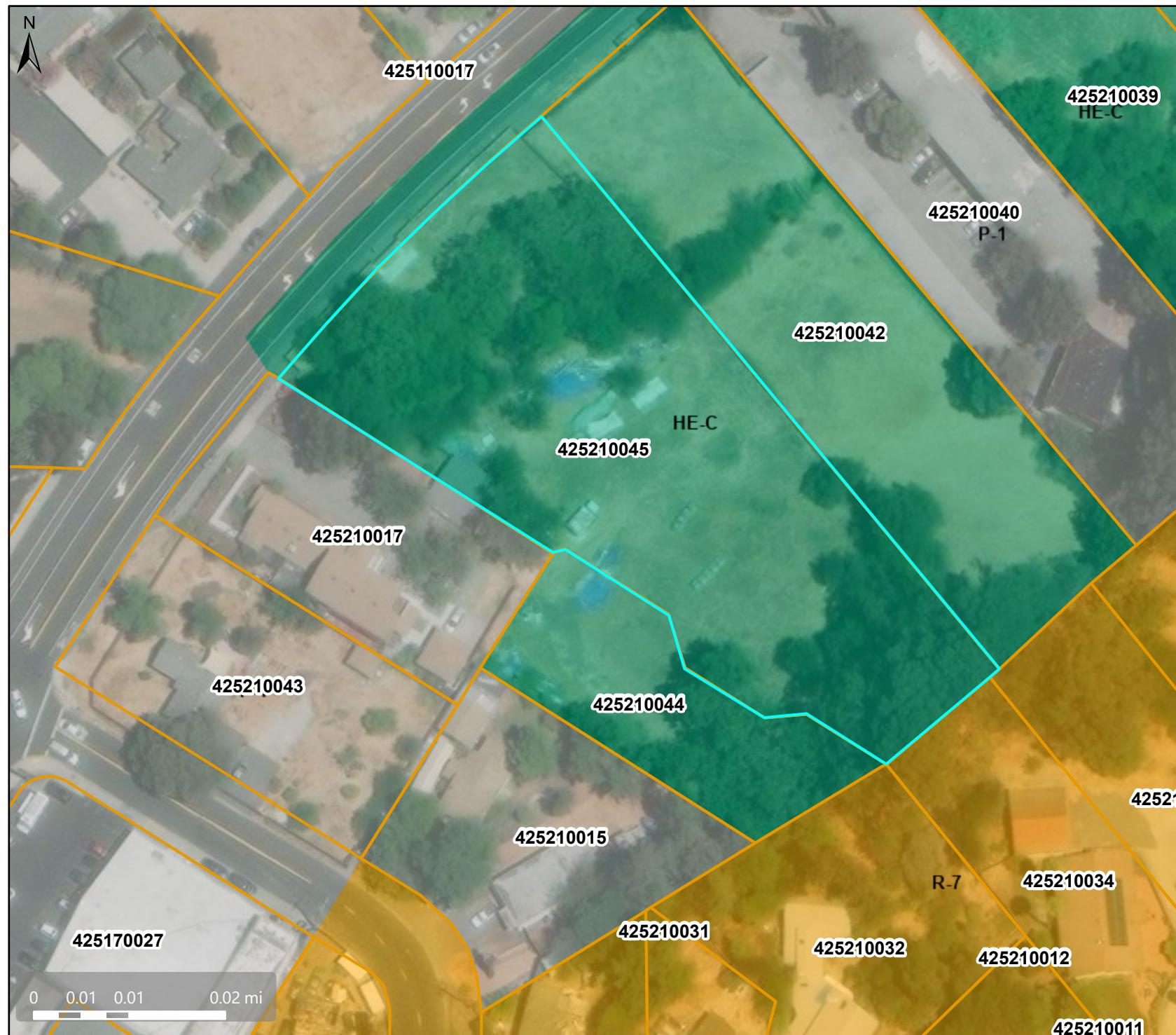
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Spatial Reference
PCS: WGS 1984 Web Mercator Auxiliary Sphere
Datum: WGS 1984

Zoning: HE-C Housing Element Consistency District



| Map Legend | |
|-----------------|---------|
| Assessment | Parcels |
| Planning Layers | (DCD) |
| Zoning | |
| ZONE_OVER | |
| R-7 (Single | |
| Family | |
| Residential) | |
| P-1 (Planned | |
| Unit) | |
| HE-C (Housing | |
| Element | |
| Consistency) | |



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Spatial Reference
PCS: WGS 1984 Web Mercator Auxiliary Sphere
Datum: WGS 1984

RECEIVED on 04/26/2024 CDDP24-03019
 By Contra Costa County
 Department of Conservation and Development

RONG MOU RESIDENCE

ADDRESS: 4448 APPIAN WAY, EL SOBRANTE, CA 94803
 OWNER: RONG MOU
 APN: 425-210-045

GENERAL NOTES

- IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND SUBCONTRACTORS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS INDICATED ON THESE DRAWINGS AND MAKE KNOWN ANY DISCREPANCIES PRIOR TO COMMENCING THEIR WORK.
- THESE DRAWINGS ARE INTENDED FOR USE IN A NEGOTIATED CONSTRUCTION CONTRACT AND, THEREFORE, MAY NOT SPECIFY ALL THE DETAILS OF THE PROJECT. THE CONTRACTOR SHALL PROVIDE ALL SAMPLES AND OR CUTS AS REQUIRED TO ASSIST OWNER OR HIS AGENT IN MAKING MATERIAL SELECTIONS. FOR THE PURPOSE OF ESTIMATING, THE CONTRACTORS SHALL USE THE MATERIALS SELECTED BY THE OWNER, OR IN ABSENCE OF SAME, HE SHALL PROVIDE AN ALLOWANCE AMOUNT AND SO CONDITION ANY COST ESTIMATE.. ALL MATERIALS SPECIFIED IN THESE DRAWINGS SHALL BE INCLUDED IN SUCH ESTIMATE.
- NO GUARANTEE OF QUALITY OF CONSTRUCTION IS IMPLIED OR INTENDED BY THE ARCHITECTURAL DOCUMENTS, AND THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY OR ALL CONSTRUCTION DEFICIENCIES.
- THE GENERAL CONTRACTOR SHALL HOLD HARMLESS, INDEMNIFY AND DEFEND THE DESIGNER FROM ANY ACTION INITIATED BY THE OWNER OR HIS AGENT BASED UPON DEFICIENCIES, MODIFICATIONS OR SUCH CONDITIONS WHICH MAY BEYOND THE CONTROL OF THE DESIGNER.
- ALL WORK SHALL COMPLY WITH APPLICABLE CODES AND TRADE STANDARDS WHICH GOVERN EACH PHASE OF WORK, INCLUDING BUT NOT LIMITED TO: UNIFORM BUILDING CODE (UBC), UNIFORM MECHANICAL CODE (UMC), NATIONAL ELECTRICAL CODE (NEC), NATIONAL PLUMBING CODE (NPC), AND ALL APPLICABLE LOCAL CODES AND LEGISLATION.
- THE CONTRACTOR SHALL REVIEW AND RECORD THE CONDITIONS OF ALL EXISTING SITE IMPROVEMENTS INCLUDING PAVED AREAS. HE SHALL MAKE KNOWN ALL EXISTING DAMAGED OR DISREPAIRED ITEMS AND CONDITIONS THAT MAY WORSEN DUE TO THE CONSTRUCTION. ALL ITEMS IN GOOD CONDITION SHALL BE MAINTAIN IN THEIR PRESENT CONDITION AND ANY REPAIR OR DAMAGE WHICH OCCURS DURING CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- CONTRACTOR SHALL DEDUCE AND DETERMINE ALL CONDITIONS SATISFACTORIE AS TO THE ENVIRONMENT UNDER WHICH THE WORK IS TO BE PERFORMED. THE CONTRACTOR SHALL VERIFY AT THE SITE ALL MEASUREMENTS AFFECTING HIS WORK AND SHALL BE RESPONSIBLE FOR THE CORRECTNESS OF SAME. NO EXTRA COMPENSATION WILL BE ALLOWED TO THE CONTRACTOR FOR THE EXPENSES DUE TO HIS NEGLECT TO EXAMINE OR FAILURE TO DISCOVER CONDITIONS WHICH MAY AFFECT HIS WORK.
- ALL NEW INTERIOR PAINT COLOR, FLOOR, WALLS AND CEILING FINISHES SHALL BE SELECTED BY OWNER AT THE TIME WHEN IT IS NECESSARY FOR THE COMPLETION OF THE PROJECT.
- ALL PUBLIC IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE LATEST ADOPTED CITY STANDARDS. THE STORING OF GOODS AND MATERIALS ON SIDEWALK AND/OR STREET WALL NOT BE ALLOWED UNLESS THE CONTRACTOR HAS APPLIED AND SECURED A SPECIAL PERMIT WHICH ALLOW SUCH STORAGE TO BE PLACED.

PROJECT DESCRIPTION

THIS PROJECT IS TO BUILD A NEW 2-STORY DUPLEX RESIDENCE.

ABBREVIATIONS

| | | | | | |
|--------|----------------------|-------|----------------|---------|------------------------|
| A/C | AIR CONDITIONING | FIN | FINISH | PERP | PERPENDICULAR |
| ADJ | ADJACENT | FLR | FLOORING | PL | PROPERTY LINE OR PLATE |
| AFF | ABOVE FINISHED FLOOR | TOP | FACE OF FINISH | PLYWD | PLYWOOD |
| AL | ALUMINUM | FR | FACE OF STUDS | | |
| ANOD | ANODIZED | FO | FACE OF STUDS | | |
| APPROX | APPROXIMATE(LY) | FT | FOOT / FEET | RRC | REINFORCED CONCRETE |
| ARCH | ARCHITECT(URAL) | FTG | FOOTING | RD | ROOF DRAIN |
| BD | BOARD | GA | GAUGE | REF | REFERENCE |
| BLDG | BUILDING | GALV | GALVANIZED | RM | ROOM |
| B/LX | BULDING | GL | GLASS | RO | ROUGH OPENING |
| BOT | BOTTOM | GR | GYPSUM | | |
| BTU | BRITISH THERMAL UNIT | HB | HOSE BIB | S | SOUTH |
| CEM | CEMENT | HWDR | HARDWARE | SD | STORM DRAIN |
| CER | CERAMIC | HORIZ | HORIZONTAL | SF | SQUARE FOOT |
| CL | CONTROL JOINT | HW | HOT WATER | SHT | SHEET (ING) |
| CLG | CEILING | HT | HIGHT | SHTHG | SHEATHING |
| CLR | CLEAR | HP | HORSEPOWER | SIM | SIMILAR |
| CONC | CONCRETE | INSUL | INSULATION | SPEC(S) | SPECIFICATION(S) |
| CONT | CONTINUOUS | INT | INTERIOR | SS | STAINLESS STEEL |
| CTR | CENTER | MAX | MAXIMUM | STD | STANDARD |
| DBL | DOUBLE | MECH | MECHANICAL | STL | STEEL |
| DEMO | DEMOLITION | MFR | MANUFACTURER | | |
| DIA | DIAETER | MIN | MINIMUM | | |
| DIM | DIMENSION | MISC | MISCELLANEOUS | | |
| DN | DOWN | MTD | MONTEED | | |
| DR | DOOR | | | | |
| DWG | DRAWING | | | | |
| E | EAST | N | NORTH | TEMP | TERMOSTAT |
| (E) | EXISTING | (N) | NEW | TOP | TOP OF SLAB |
| ELEC | ELECTRICAL | N/A | NOT APPLICABLE | TYP | TYPICAL |
| EQ | EQUAL | NTS | NOT TO SCALE | | |
| EXT | EXTERIOR | | | | |
| FD | FLOOR DRAIN | OC | ON CENTER | | |
| FDN | FOUNDATION | OPP | OPPOSITE | | |

cel. 510.850.6885

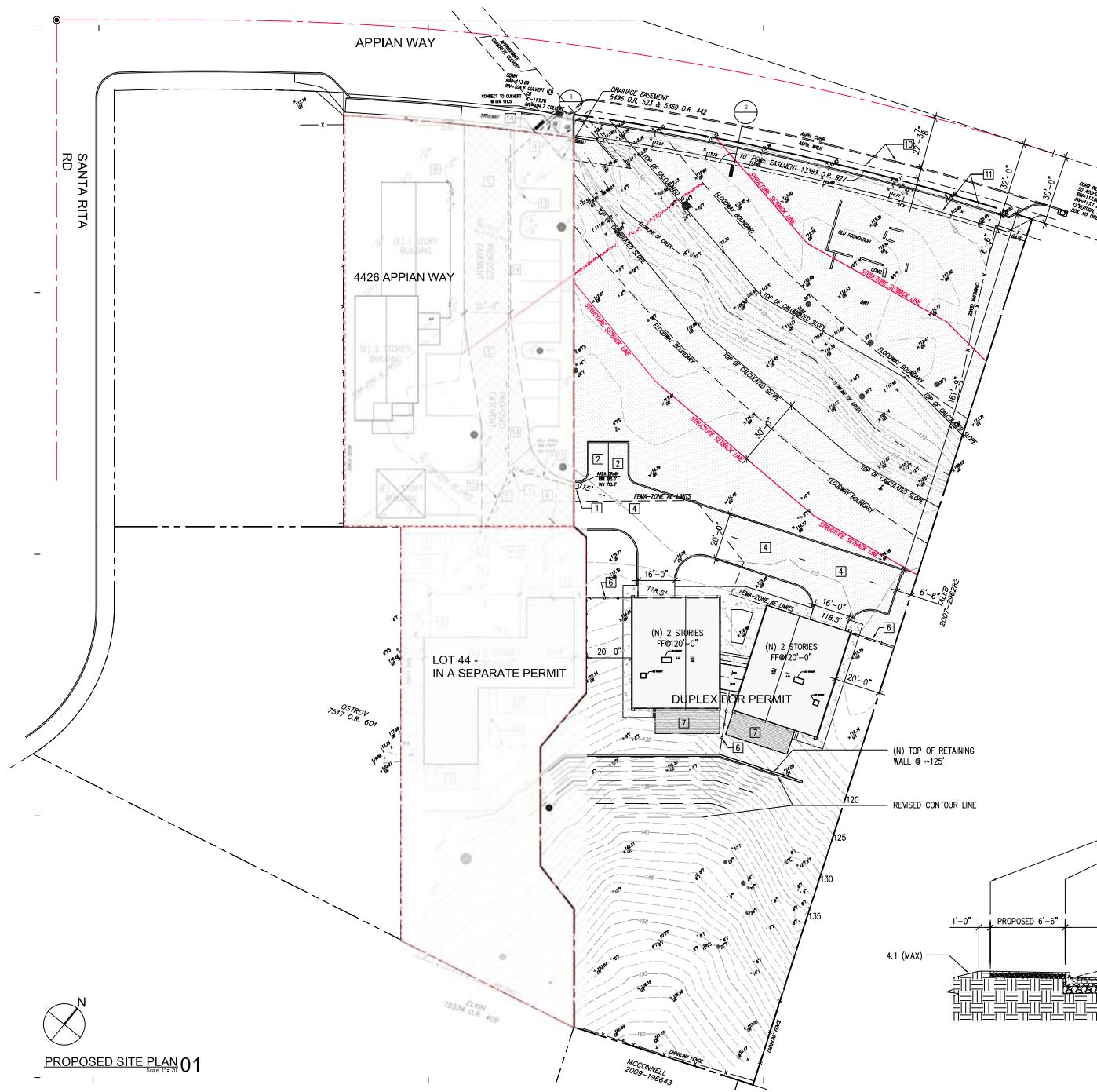


yuanyi28@gmail.com



| VICINITY MAP | APPLICABLE CODES | DRAWING INDEX |
|------------------|---|--|
| PROJECT LOCATION | 2019 CRC, CBC, CES, CPC, GFC 2019 T-24 ENERGY STANDARD, CALGREEN | ARCHITECTURAL A0.01 COVER SHEET (NTS) A1.01 SITE PLAN (1"=20') A1.03 PROPOSED ACCESS SITE PLAN (1"=20') A2.01 L1 PLAN - PROPOSED (1/4"=1') A2.02 L2 PLAN - PROPOSED (1/4"=1') A3.01 PROPOSED BLDG ELEVATION (1/4"= 1') A4.01 PROPOSED BLDG ELEVATION (1/4"= 1') A4.02 PROPOSED BLDG ELEVATION (1/4"= 1') A4.03 PROPOSED BLDG SECTION (1/4"= 1') |
| | PROJECT DATA | LANDSCAPE L1.01 PROPOSED LANDSCAPE & IRRIGATION PLAN (1"=20') |
| | | CIVIL X-4022-LIA BOUNDARY & TOPOGRAPHIC SURVEY H-3660 APPIAN CREEK STRUCTURE SETBACK EXHIBIT X-4022-1 APPIAN CREEK CROSS SECTION |
| | | COVER SHEET Rev. Date Issue Project No: Date: Scale: N/A |

A0.01



GRAPHIC LEGEND

- [Hatched Box] FEMA ZONE AE, SEE SURVEY DRAWING FOR DETAIL
- [Cross-hatched Box] PROPOSED EASEMENT FOR ACCESS TO LOT 44 & 45

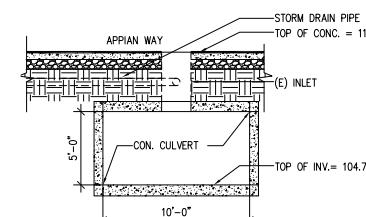
KEYNOTES

- [1] (N) 18" x 18" INLET, TRAFFIC RATED WITH GALVANIZED STEEL GRATE, US CONCRETE MODEL NO. CB1818
- [2] (N) GUEST PARKING FOR LOT 45
- [3] (N) GUEST PARKING FOR LOT 44
- [4] (N) ASPHALT DRIVE WAY
- [5] (E) ASPHALT DRIVE WAY
- [6] (N) WOOD FENCE
- [7] (N) WOOD DECK
- [8] (E) ELECTRICAL METER & GAS METER
- [9] (E) TELEPHONE BOX & ELECTRICAL BOX
- [10] (E) CURB OF SIDE WALK TO BE DEMOLISHED
- [11] (N) CURB OF SIDE WALK
- [12] (E) WATER METER
- [13] (E) INLET
- [14] (N) 6" SOLID STORM DRAIN PIPE
- [15] (N) 4" SOLID STORM DRAIN PIPE

cel. 510.850.6885

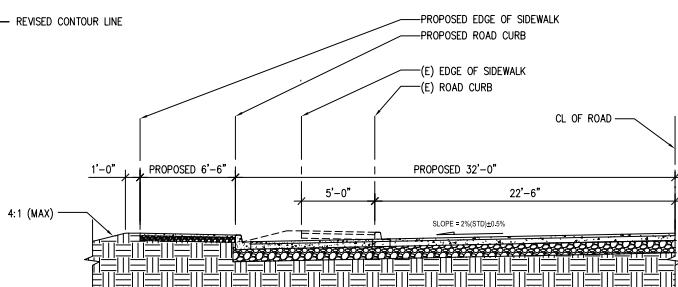


yuanyi28@gmail.com



CULVERT SECTION 03

MOU RESIDENCE



PROPOSED WIDENED ROAD & SIDEWALK SECTION 02

A1.01

4448 APPIAN WAY,
EL SOBRANTE, CA 94803

PLANNING SUBMIT 05-29-2020
PLANNING RESUBMIT 07-07-2021

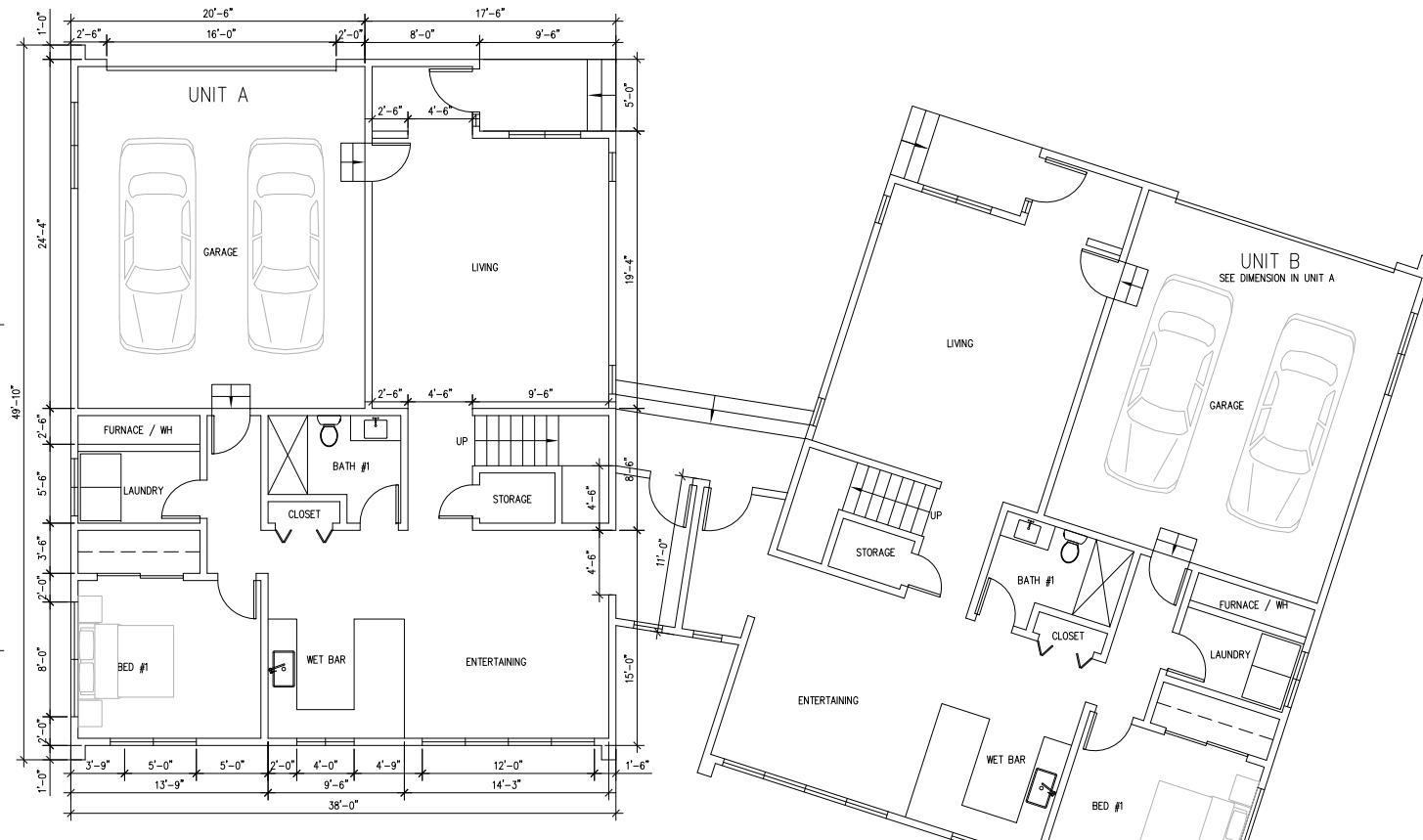
Rev. Date Issue

Project No:
Date:
Scale:
N/A
PROPOSED SITE PLAN
LOT 45

cell. 510.650.6885



yuan128@gmail.com

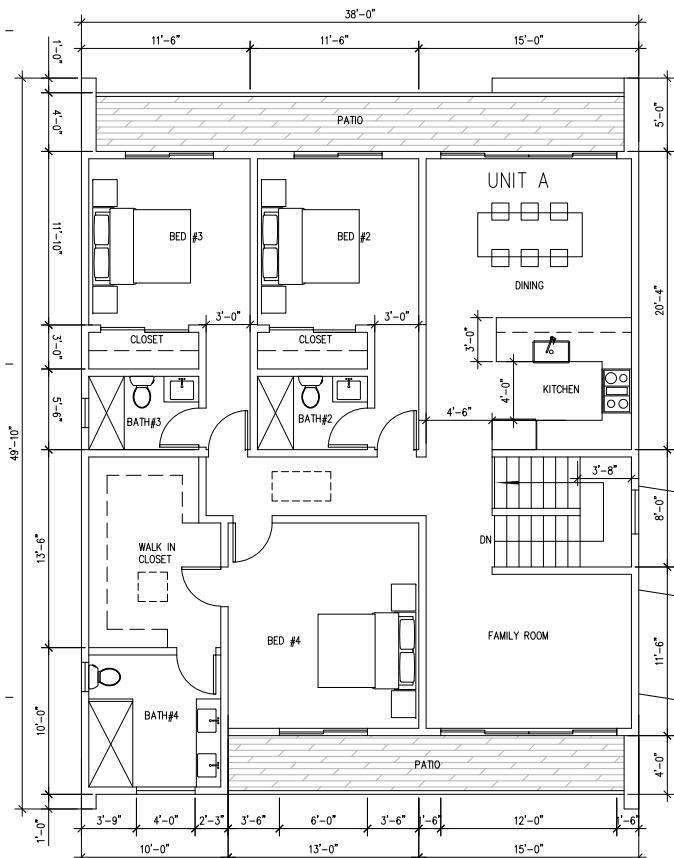


A2.01

cel. 510.650.6885



yuan128@gmail.com



PROPOSED L2 PLAN 01

LOT 45

PROPOSED FLOOR PLAN

A2.02

Project No:
Date:
Scale:
1/4" = 1'

4448 APPIAN WAY,
EL SOBRANTE, CA 94803
PLANNING SUBMIT 05-29-2020
PLANNING RESUBMIT 07-07-2021

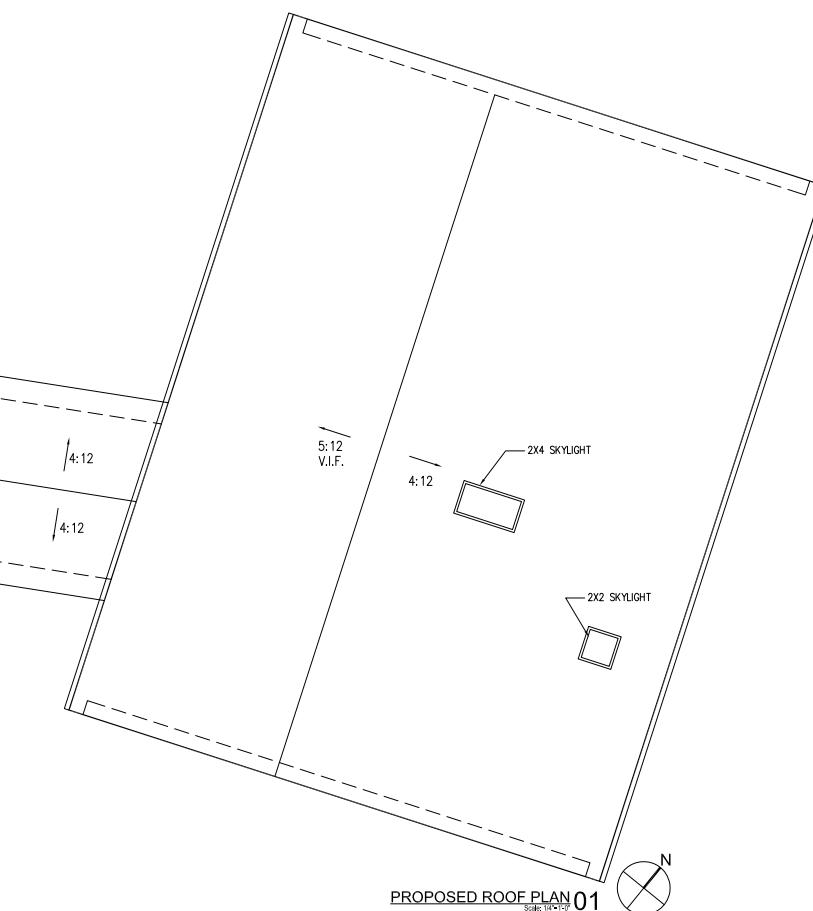
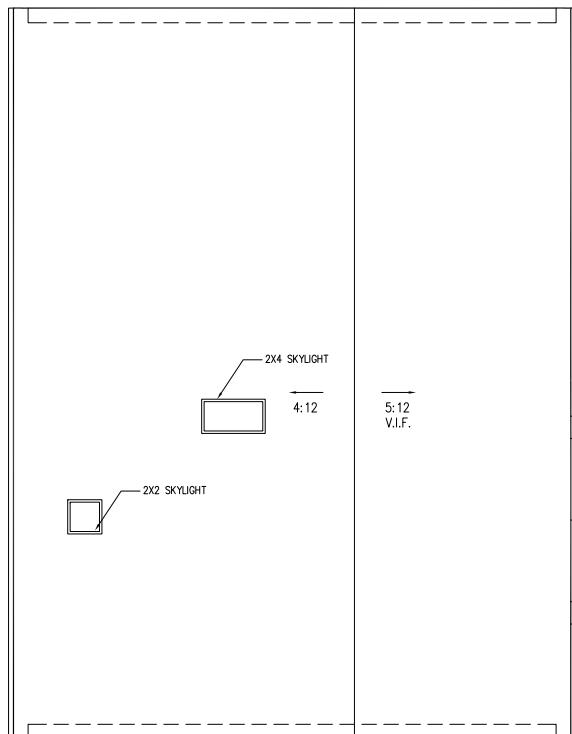
Rev. Date Issue

MOU
RESIDENCE

cell. 510.650.6885



yuan128@gmail.com



MOU
RESIDENCE

4448 APPIAN WAY,
EL SOBRANTE, CA 94803

PLANNING SUBMIT 05-29-2020
PLANNING RESUBMIT 07-07-2021

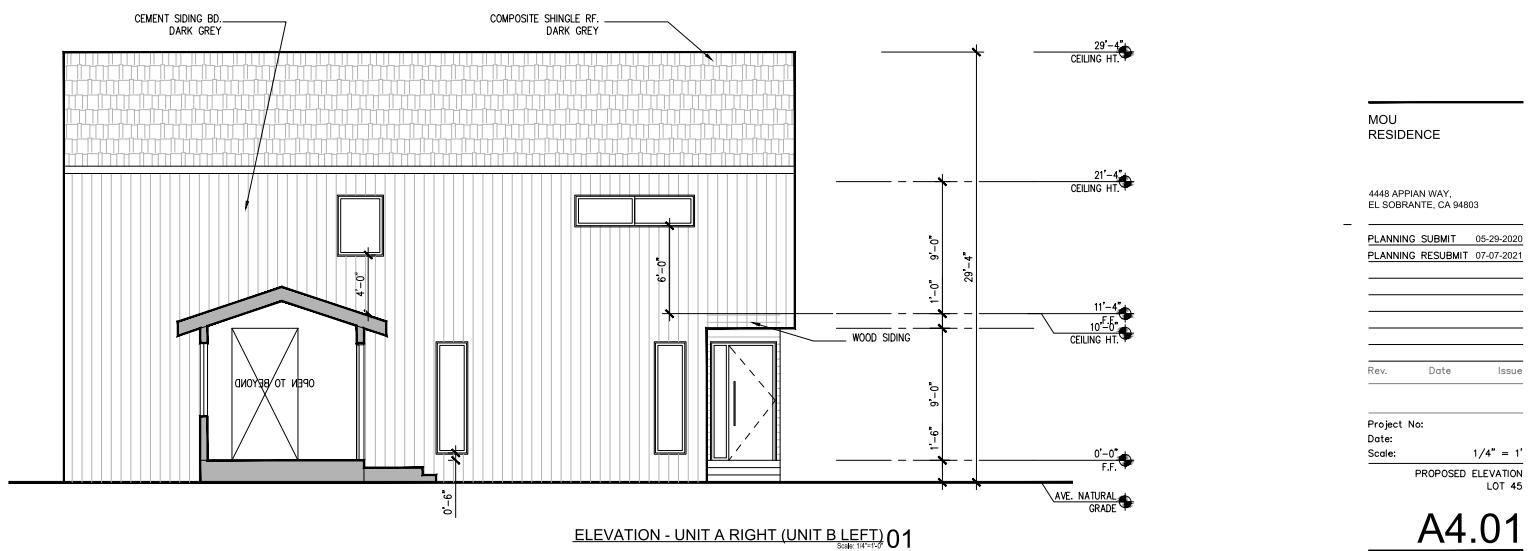
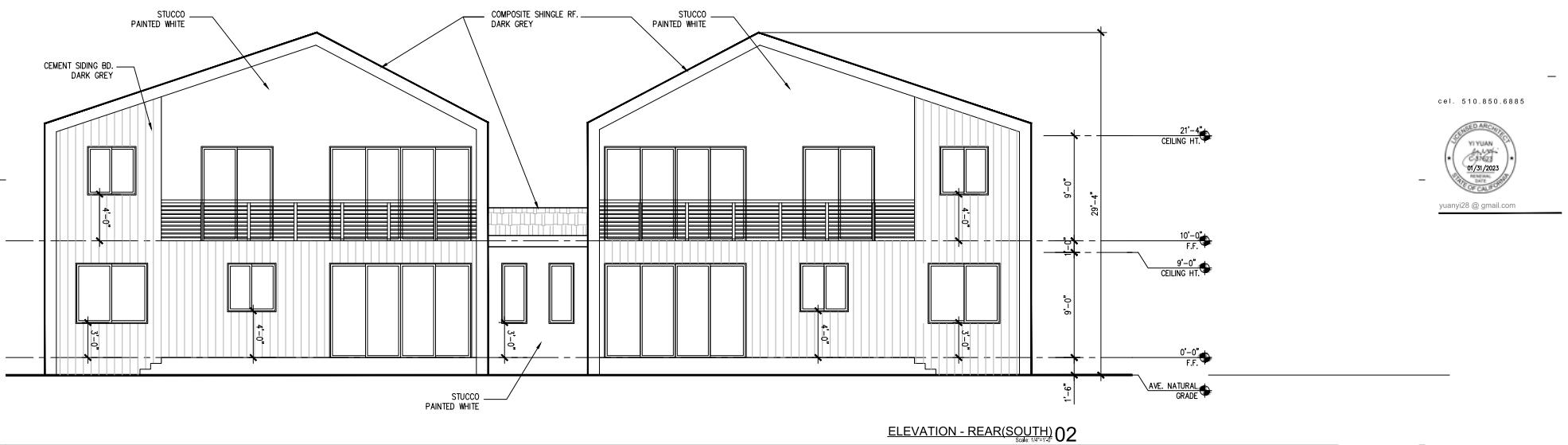
Rev. Date Issue

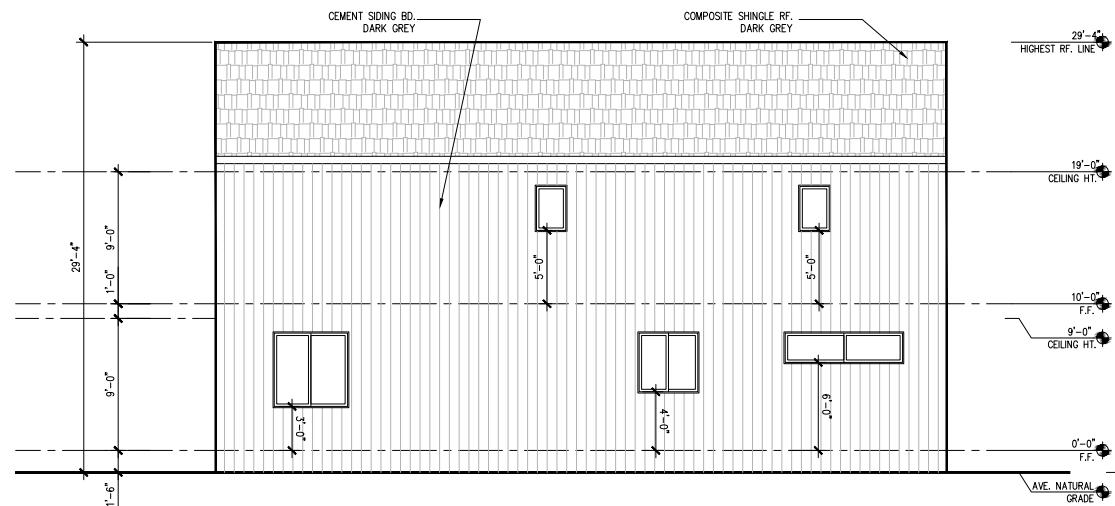
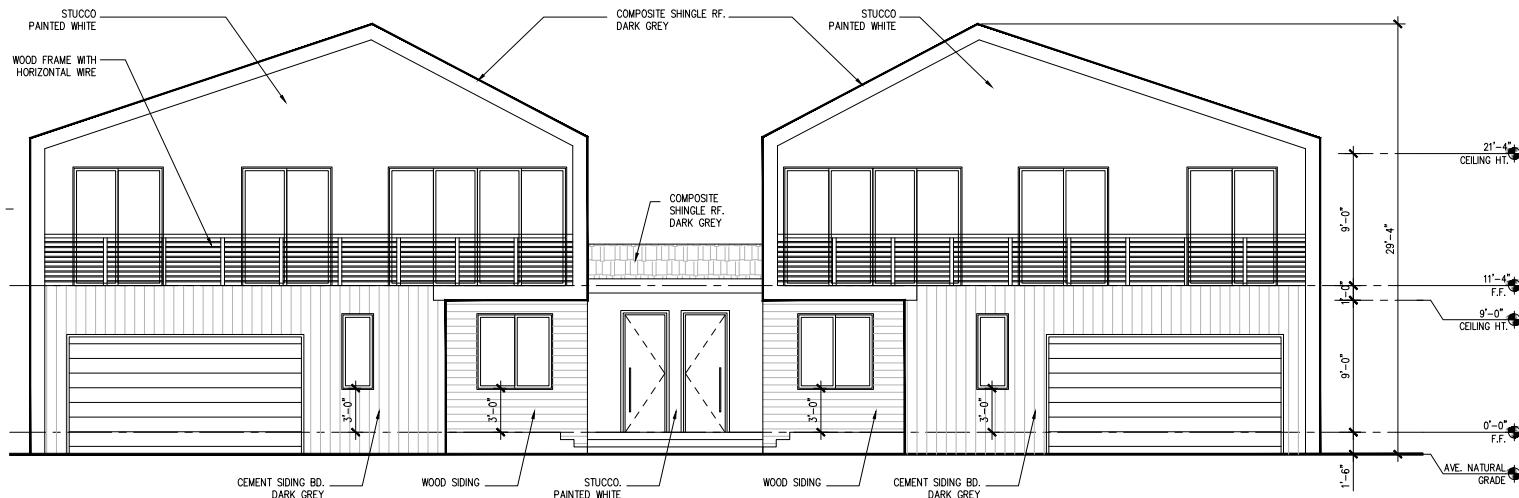
Project No:
Date:
Scale:
1/4" = 1'

LOT 45

PROPOSED ROOF PLAN

A2.03





cel. 510.850.6885



yuyan28@gmail.com

MOU
RESIDENCE

4448 APPIAN WAY,
EL SOBRANTE, CA 94803

PLANNING SUBMIT 05-29-2020
PLANNING RESUBMIT 07-07-2021

Rev. Date Issue

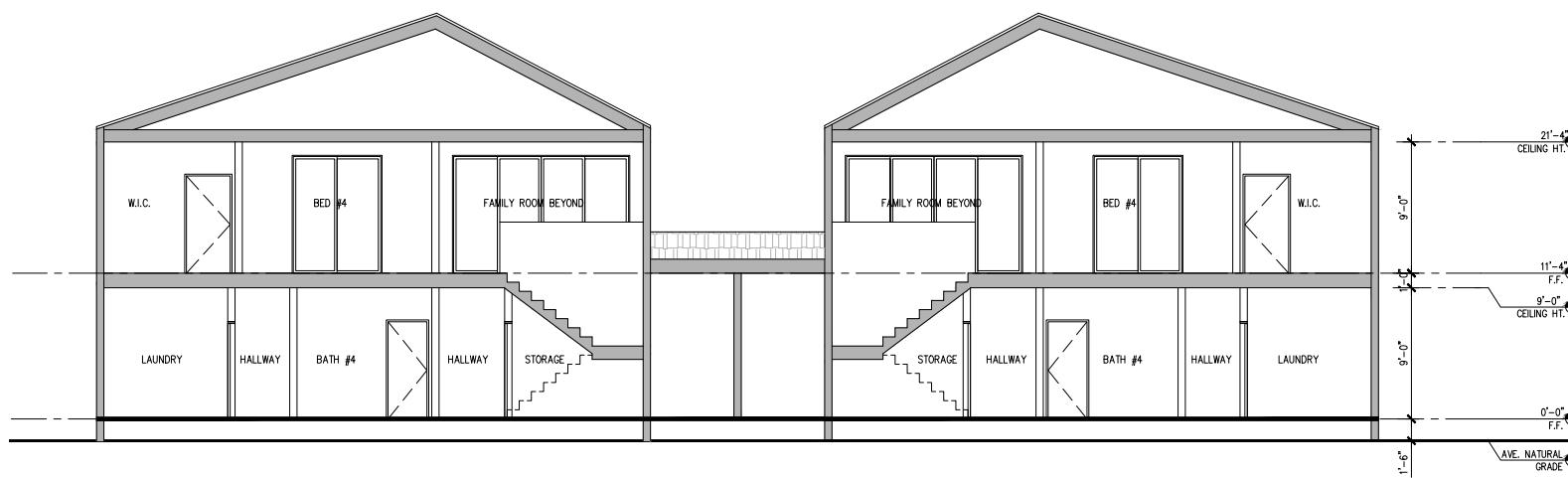
Project No:
Date:
Scale:
1/4" = 1'
PROPOSED ELEVATION
LOT 45

A4.02

cel. 510.850.6885



yuanyi28@gmail.com



SECTION A-A 01

Scale: 1/4" = 1'

MOU
RESIDENCE

4448 APPIAN WAY,
EL SOBRANTE, CA 94803

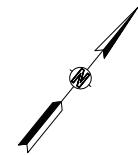
PLANNING SUBMIT 05-29-2020
PLANNING RESUBMIT 07-07-2021

Rev. Date Issue

Project No:
Date:
Scale:
1/4" = 1'
PROPOSED SECTION
LOT 45

A4.03





GENERAL NOTES

1. LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREIN ARE BASED ON ABOVE GROUND STRUCTURES. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY FLOW FROM LOCATIONS SHOWN HEREIN. ADDITIONAL LOCATIONS OF UTILITIES/STRUCTURES ENCOUNTERED NO EXCAVATIONS MADE DURING THIS SURVEY TO LOCATE UNDERGROUND UTILITIES/STRUCTURES.
2. CONTRACTORS AND OTHERS WORKING ON PROPERTY SHALL VERIFY THE EXACT LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES.
3. CONTOUR INTERVAL = 1'
4. AREA OF SURVEY: THE "RUNNING HORIZONTAL" BETWEEN THE CENTER LINE OF COUNTY HIGHWAYS RR-2 AND RR-3 AS PLANNED AS SHOWN ON COUNTY CROSS SECTION RR-2-100, PLATE 1271-105, SHEET 2 OF 5.
5. ELEVATION: TOP OF DRIED DITCH INLET = 11.53' NAVD88 DATUM AS ESTABLISHED BY AN IRRIGATION SURVEY REFERENCED TO THE TOP-OF-DITCH LINE CROSS SECTION.
6. SPRINKLER HEAD AND IRRIGATION LINES ARE NOT SHOWN HEREIN.

TALEB

5. BENCHMARK: TOP OF BRASS DISC MARKMENT AB-2, ELEVATION 113.57 FT
ABOVE GPS SURFACE REFERENCED TO THE TOPO-NET 2003 CSZ NETWORK

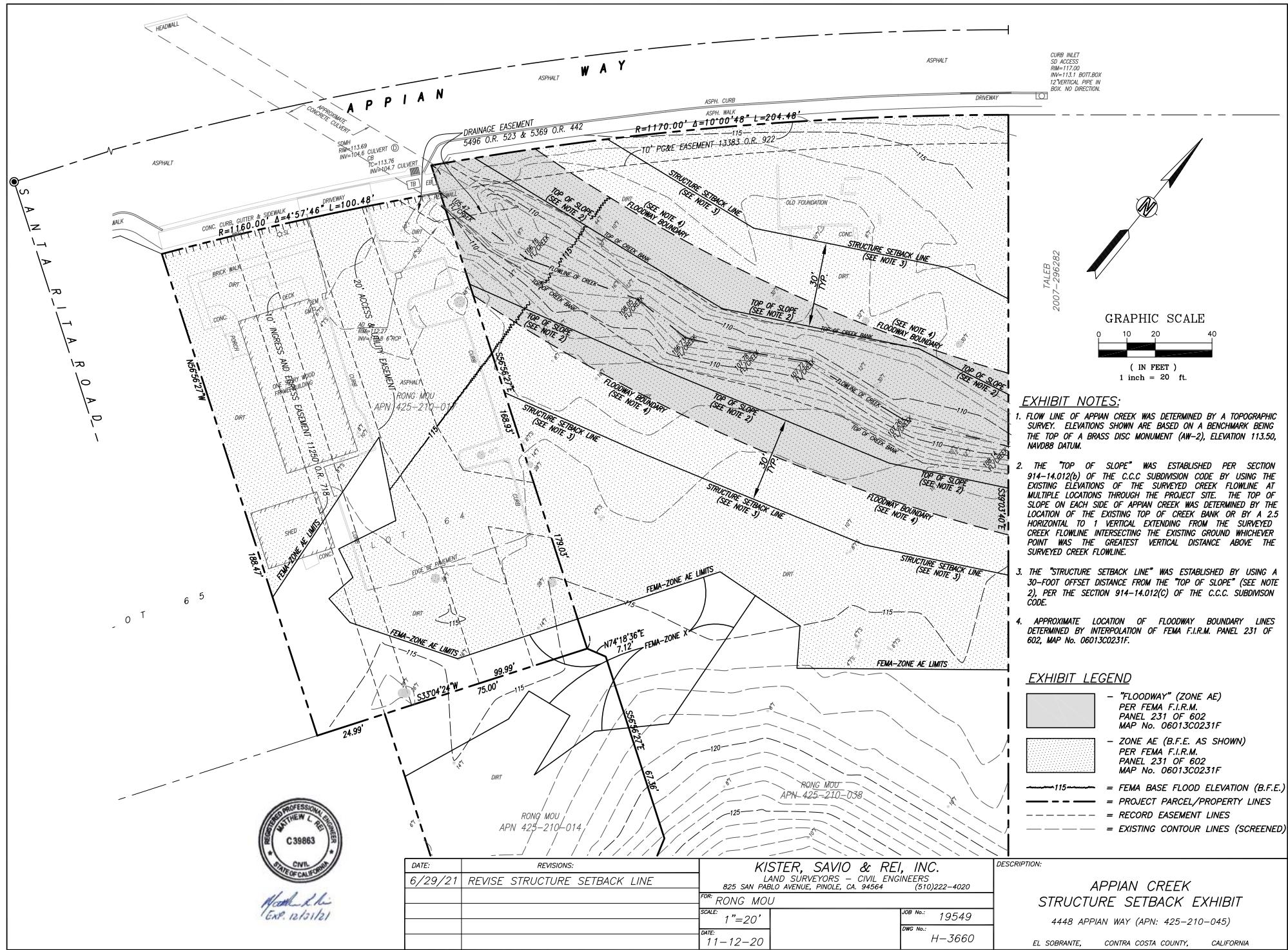
6. SPRINKLER HEADS AND IRRIGATION LINES ARE NOT SHOWN HEREON.

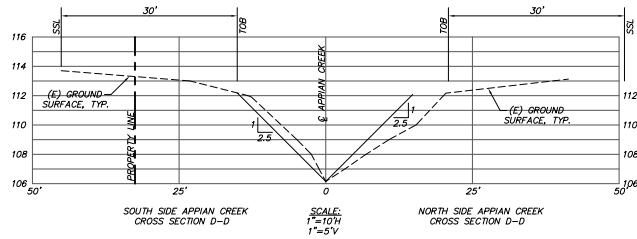
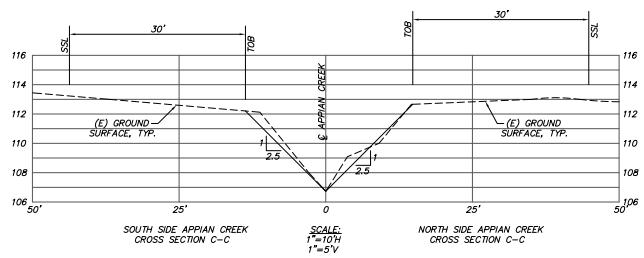
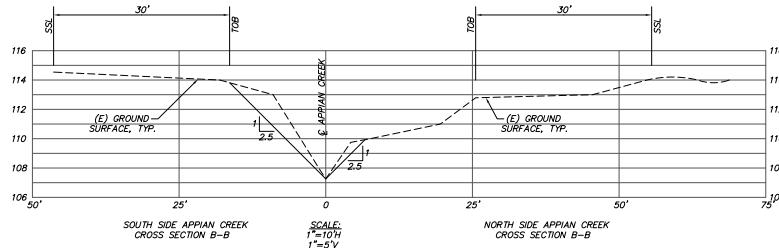
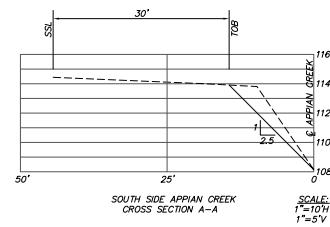
— - - - - = EXISTING PARCEL / LOT LINE
— - - - - = ADJUSTED PARCEL / LOT LINE
— - - - - = EASEMENT LINE

| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | N74°18'36"E | 7.12 |
| L2 | S16°31'58"E | 30.66 |
| L5 | N85°04'08"E | 23.59 |

PATRICK M. REI, DATE
CA. LS. NO. 8178

| | | | |
|---|---|--------------------------------|------------------------------------|
| <p>REFERENCES FIELD BOOK No. FILE MAP No. 8-334 THREE (3) FEET POLY. No. DRAFT NAV/DBS MSC. REF.</p> | <p>KISTER, SAVIO & REI, INC. LAND SURVEYORS - CIVIL ENGINEERS</p> <p>825 SAN PABLO AVENUE PINOLE, CALIFORNIA 94564</p> | | |
| | <p>DESCRIPTION</p> | | |
| | <p>BOUNDARY & TOPOGRAPHIC SURVEY</p> | | |
| | <p>425-210-014, 415-210-017 & 425-210-038</p> | | |
| | <p>REVISIONS</p> | <p>EL SOBRANTE</p> | <p>CALIFORNIA</p> |
| | | <p>FOR: 1 KUAN CHOI</p> | |
| <p>SCALE 1" = 20'</p> | <p>JOB No. 19549</p> | <p>DATE 11-7-2016</p> | <p>PER. No. Y-40227-11A</p> |





TOB - TOP OF BANK
SSL - STRUCTURE SETBACK LINE



Heidi L. K.
Ext. 12/21/21

ATTACHMENT 2

AGENCY COMMENTS

From: [Thomas Lang](#)
To: [Maria Lara-Lemus](#)
Cc: [Ronnie Mills](#)
Subject: CDDP24-03018/CDDP24-03019
Date: Thursday, May 9, 2024 4:15:08 PM

Dear Ms. Lara-Lemus,

The El Sobrante Municipal Advisory Council (ESMAC) approved the above-referenced development plans in its May 8 meeting. As described in the submission, this is a reapproval of projects previously supported by the ESMAC, but which had lapsed.

The vote was 5-1 in support. Here is a statement from the member with the dissenting vote:

"Although the county planners seemed satisfied with the previous application and responses to potential problems with these projects concerning grading, working next to a creek and disturbing the footing of the hill potentially destabilizing a known slide affecting the residents above them on this hill, I wish to re-iterate my objections to these projects. This is particularly reinforced by allegations that the owner has flaunted his regard for other legal authority and regulations concerning his businesses which leads to me suspecting he would have few qualms in disregarding any contractual obligations set forward by CDD. If this project is allowed to go forward, I would request that all work be stringently monitored by the county."

--

Thomas Lang

Chair, El Sobrante Municipal Advisory Council
Co-Chair, El Sobrante Stroll Committee, El Sobrante Chamber of Commerce
Member at Large, Contra Costa Advisory Council on Aging
email: tlangesmac.cc@gmail.com
mobile: 510-364-5131



REVIEW OF AGENCY PLANNING APPLICATION

| THIS IS NOT A PROPOSAL TO PROVIDE WATER SERVICES | | |
|--|---|---|
| The technical data supplied herein is based on preliminary information, is subject to revision and is to be used for planning purpose ONLY | | |
| DATE: 05/20/2024 | EBMUD MAP(S): 1479B540 | EBMUD FILE:S-11596 |
| AGENCY: Department of Conservation and Development Attn: Maria Lara-Lemus 30 Muir Road MARTINEZ, CA 94553 | AGENCY FILE: CDDP24-33019 | FILE TYPE: Development Plan |
| APPLICANT: Eason Yuan 250 Harrison Avenue Redwood City, CA 94062 | OWNER: Rong Mou 4426 Appian Way El Sobrante, CA 94803 | |
| DEVELOPMENT DATA | | |
| ADDRESS/LOCATION: 4448 Appian Way | City:EL SOBRANTE | Zip Code: 94803 |
| ZONING:HE-C PREVIOUS LAND USE: | | |
| DESCRIPTION: Approval of a development plan to allow a duplex previously approved under CDDP22-03005. Current lot is vacant. Ref S-11173 | TOTAL ACREAGE:1.3 ac. | |
| TYPE OF DEVELOPMENT: | Multi Family Residential:2 Units | |
| WATER SERVICES DATA | | |
| PROPERTY: in EBMUD | ELEVATION RANGES OF STREETS: 114-145 | ELEVATION RANGE OF PROPERTY TO BE DEVELOPED: 114-145 |
| Part of development may be served from existing main(s) Location of Main(s):Appian Way | | Part of development may be served from main extension(s) Location of Existing Main(s):Appian Way |
| PRESSURE ZONE | SERVICE ELEVATION RANGE | |
| A2E | 200-375 | |
| PRESSURE ZONE | | |
| A1A | | |
| 100-200 | | |
| COMMENTS | | |
| see attached | | |
| CHARGES & OTHER REQUIREMENTS FOR SERVICE: Contact the EBMUD New Business Office at (510)287-1008. | | |
| | | 5/15/24 |
| Chien Wang,Associate Civil Engineer; DATE WATER SERVICE PLANNING SECTION | | |

Attachment
Review of Agency Planning Application

City File: CDDP24-03019 (4448 Appian Way, El Sobrante, APN 425-210-045)

EBMUD File: S-11596

Effective January 1, 2018, water service for new multiunit structures shall be individually metered or sub-metered in compliance with Section 537 of California's Water Code & Section 1954.201-219 of California's Civil Code, which encourages conservation of water in multifamily residential and mixed-use multi-family and commercial buildings by requiring metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to these metering requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with Section 537 of California's Water Code & Section 1954.201-2019 of California's Civil Code.

The property currently does not have water service. A main extension, at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. Please see the attached EBMUD documents for California (Waterworks Standards) Code of Regulations, Title 22, Section 64572 (Water Main Separation) and EBMUD requirements for placement of water mains. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule. No water meters are allowed to be located in driveways. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

Depending on the final elevations of the proposed development, a High Pressure Service Agreement may be required to provide water service to portions of the development. A High Pressure Service Agreement recommends the installation and maintenance of a pressure regulator at the project sponsor's expense, to maintain adequate pressure to the premises at all times.

AAL



Applicant Pipeline Design Criteria

EBMUD values applicant pipeline projects and is committed to providing a thorough and efficient design. To ensure an efficient design process and to avoid significant delays the design criteria below should be adhered to when submitting improvement plans.

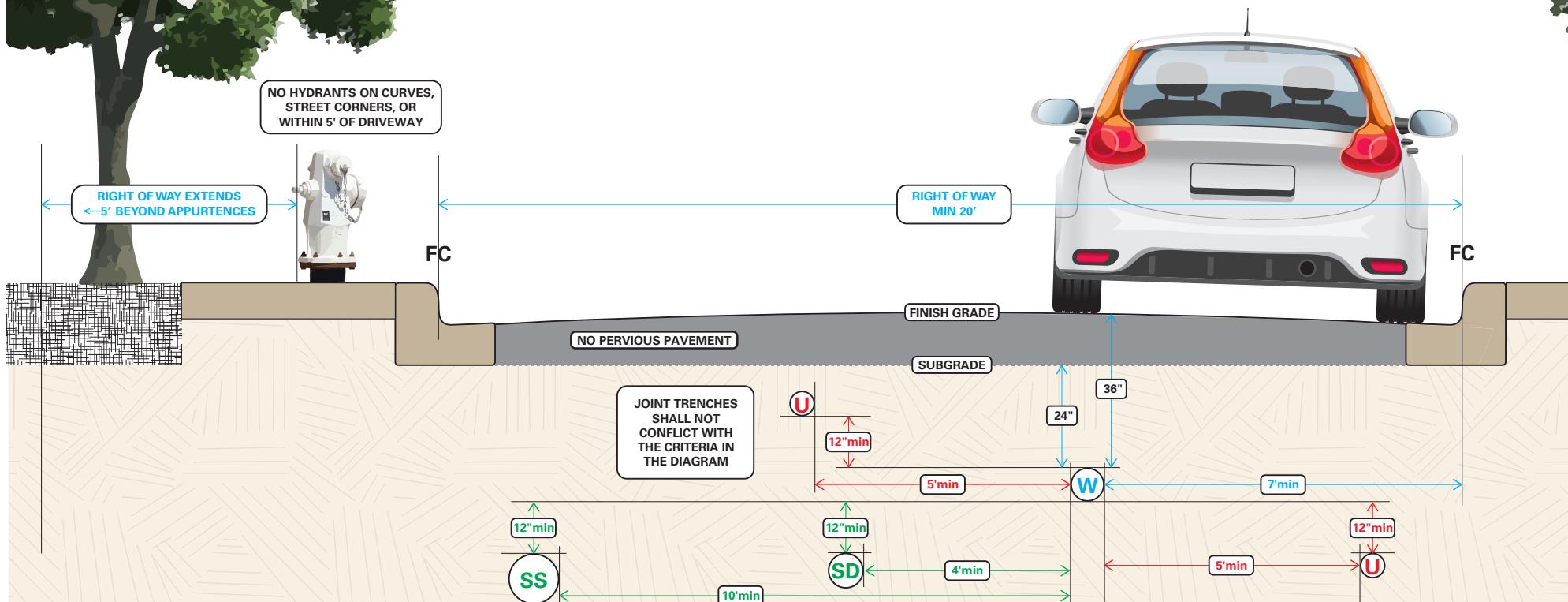
Design Criteria

- Water mains shall be seven (7) feet from face of curb.
- Water mains shall maintain a minimum one (1) foot vertical and five (5) foot horizontal clearance from other utilities.
- Gas mains shall meet the one (1) foot vertical separation requirement by installing the gas main below the water main only.
- Water mains shall maintain a minimum ten (10) foot horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any sewer main. Title 22 CCR
- Water mains shall maintain a minimum four (4) feet horizontal clearance (O.D. to O.D.) and be located a minimum one (1) foot above any storm drain. Title 22 CCR
- Water mains shall have a 36-inch cover to final grade and 24-inch cover to pavement subgrade.
- Joint trenches that are in conflict with the criteria above may delay the project. Submit to EBMUD final joint trench plans (no intent plans) which include the size of the joint trench and the utilities located inside.
- Water mains shall not be installed under pervious pavement.
- Water mains installed under decorative pavement, pavers, or stamped concrete will require an additional paving agreement.
- Hydrants shall not be located on curved sections of street, street corners, or within five feet of a driveway.
- Right of ways for 6-inch and 8-inch water mains shall be a minimum of 20 feet wide and extend five (5) feet past the water main centerline.
- Right of ways for 12-inch to 24-inch water mains shall be a minimum of 20 feet wide and extend eight (8) feet past the water main centerline.

Please contact the New Business Office representative assigned to your project if there are any questions regarding the requirements listed above. Meeting this criteria will enable the most efficient design possible.



APPLICANT PIPELINE DESIGN CRITERIA



W = WATER
24" cover to subgrade
36" cover to final grade
7' inset from face of curb

U = UTILITY
min 12" vertical clearance
min 5' horizontal clearance

SS = SANITARY SEWER
min 12" below water
min 10' horizontal clearance

SD = STORM DRAIN
min 12" below water
min 4' horizontal clearance

FC = FACE OF CURB

To: Maria Lara-Lemus, Planner
From: Christine Louie, Planner
Date: May 17, 2024
Subject: **County File #CDDP24-03019 – 4448 Appian Way, El Sobrante CA**
APN 425-210-045

The following is Housing and Community Improvement Division's response to the application submitted on April 26, 2024, for a Development Plan in El Sobrante under County file #CDDP24-03019. The applicant proposes a duplex where there was a prior entitlement approval under CDDP22-03005, which expired.

Inclusionary Housing Ordinance

Residential development of five or more units is subject to the County's Inclusionary Housing Ordinance. Pursuant to Section 822-4.408 of the County Ordinance Code, the proposed project is exempt from the requirements of the County's Inclusionary Housing Ordinance, Chapter 822-4.

Housing Inventory Site

The project site is listed on the Housing Element sites inventory with a total unit capacity of two above moderate-income units. Above Moderate Income is the income category for a gross household income of 120 percent of area median income or more for Contra Costa County. The project is proposing two units, which qualifies as two above-moderate income units. The proposed project will not result in the reduction in the Housing Element sites inventory for the total number of units or income category.

The State's Government Code mandates findings for all discretionary projects where a housing development does not propose the maximum density on the property or does not propose the number of units at the income levels indicated in the sites inventory. If the number of units in a project is less than the density or income category listed in the sites inventory, then a developer may be required to assist staff in identifying an alternative site or rezone another site to make up the deficiency of units by density or income category as identified in the sites inventory.

Housing Comments

- The proposed project will not result in a net loss in sites inventory capacity and will not be required by state law to provide findings as a part of an entitlement approval.
- Please notify us if the project scope/project plans are revised, or if you should have any questions.

Sincerely,
Christine Louie, Planner



Contra Costa County Public Works Department

Warren Lai, Director
Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Sarah Price
Carrie Ricci
Joe Yee

Memo

August 22, 2024

TO: Maria Lara-Lemus, Project Planner, Department of Conservation and Development

FROM: Larry Gossett, Senior Civil Engineer, Engineering Services Division

SUBJECT: **DEVELOPMENT PLAN PERMIT DP24-3019**
Staff Report & Recommended Conditions of Approval
(Yuan/Appian Way/El Sobrante/APN 425-210-045)

FILE: DP24-3019 (xref DP22-3005 & DP20-3013)

This permit is a resubmittal of a prior approved permit (DP22-3005) that expired. There are no changes from the prior permit application, and the prior comments and recommendations from our staff report relative to that project dated May 9, 2022 are still applicable and included by reference.

LG:bg
G:\engsvc\Land Dev\DP\DP 24-3019\Staff Report and COAs.docx
cc: J. LaRocque, Engineering Services
L. Gossett, Engineering Services
Rong Mou, owner
4426 Appian Way, El Sobrante, CA 94803
Eason Yuan, applicant
250 Harrison Ave,
Redwood City CA 94062

RECEIVED on 8/22/2024 **CDDP24-03019**
By Contra Costa County
Department of Conservation and Development

"Accredited by the American Public Works Association"

255 Glacier Drive Martinez, CA 94553-4825
TEL: (925) 313-2000 • FAX: (925) 313-2333
www.cccpublicworks.org

**PUBLIC WORKS RECOMMENDED
CONDITIONS OF APPROVAL FOR PERMIT DP24-3019**

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 submitted to the Department of Conservation and Development on April 26, 1, 2024.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT AND/OR PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.

General Requirements:

- 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. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Appian Way):

- Applicant shall construct curb, 6.5-foot sidewalk (measured from face of curb), necessary longitudinal and transverse drainage, street lighting, striping and signing, and pavement widening and transitions along the frontage of Appian Way. The face of curb shall be located 8 feet from the dedicated right-of-way line.
- Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Appian Way. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doweled into existing improvements.

Access to Adjoining Property:

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.
- Applicant shall furnish proof to the Public Works Department that legal access to the property is available from Appian Way.

Encroachment Permit

- Applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of driveways or other improvements within the right-of-way of Appian Way.

Site Access

- Applicant shall only be permitted access at the locations shown on the approved site/development plan.

Road Alignment/Intersection Design/Sight Distance:

- Applicant shall provide sight distance at the existing driveway and Appian Way for a design speed of 40 miles per hour. The applicant shall trim vegetation, as necessary, to provide sight distance at these driveways. Any new landscaping, signs, fencing, retaining walls, or other obstructions proposed at the driveways shall be setback to ensure that the sight lines are clear.

Private Roads:

- 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.
- Applicant shall create a 20-foot access easement through 4426 Appian Way (APN 425-210-017) in favor of the subject property for ingress and egress upon sale of either 4426 Appian Way or the subject property.

Road Dedications:

- Property owner(s) shall convey to the County, by Offer of Dedication, the right-of-way necessary for the planned future width of 80 feet along the frontage of Appian Way.

Bicycle - Pedestrian Facilities:

Pedestrian Access

- Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.
- Applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

Utilities/Undergrounding:

- Applicant shall underground all new utility distribution facilities. 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.

Maintenance of Facilities:

- Property owner shall develop and enter into a maintenance agreement that will insure that the private road, street lights and landscape improvements will be maintained, and that each property that will use the proposed private road and street lights will share in its maintenance.
- Applicant shall insure that all public and private street lights and landscaping, private roads, and any retaining walls on-site be privately maintained in perpetuity. A maintenance plan of operation for all common areas, private roads and perimeter walls/fences shall be submitted for the Public Works Department review. The County will not accept these properties or facilities for ownership or maintenance.

Drainage Improvements:

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 facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the existing and project condition for the required design storm event, applicant shall construct improvements to make the system adequate. Applicant shall obtain access rights to make any necessary improvements to off-site facilities.

Exception (Subject to Advisory Agency findings and approval)

Applicant shall be permitted an exception from the collect and convey requirements of the County Ordinance Code to discharge to an existing inadequate system with no additional offsite improvements required, provided that runoff from the site does not exceed values calculated by Kister, Savio and Rei, Inc. dated December 2021 and concentrated storm drainage is not discharged onto adjacent properties.

- The nearest public drainage facility is located north of the site in Appian Way. Applicant shall verify its adequacy prior to discharging run-off.
- Applicant shall construct drainage improvements to satisfy the collect and convey provisions of the Ordinance prior to issuance of a Building Permit.

Miscellaneous Drainage Requirements:

- Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

- Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
- The applicant shall construct creek capacity improvements as called for in the "San Pablo Creek Watershed Study" and as directed by the Public Works Department or Flood Control and Water Conservation District.

OR

Applicant shall contribute \$0.25 per square foot of additional impervious surface area to the San Pablo Creek watershed mitigation fund, to be used for creek capacity improvements within the San Pablo Creek Drainage Area.

Floodplain Management:

- 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:

- Applicant shall show the creek structure setback line on the site plan in accordance with Section 914-14.012, "Structures Setback Lines for Unimproved Earth Channels" and observe this setback line as if this were a subdivision.
- Property owner shall relinquish "development rights" over that portion of the site that is within the structure setback area of Appian Creek. 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.

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):

- 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.
- 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.
- Other alternatives comparable to the above as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance:

- Based on the proposed new and/or redeveloped impervious surface area totaling less than 10,000 square feet (5,000 square feet for projects that include parking lots, restaurants, automotive service facilities and gas stations), this project does not require submittal of a final Stormwater Control Plan. Applicant shall incorporate stormwater quality elements to the Maximum Extent Practicable (MEP), in accordance with all other provisions of the County Stormwater Management and Discharge Control Ordinance. This must include efforts to limit new impervious surface area, limit directly connected impervious areas, provide for self-retaining areas and include other Best Management Practices to the MEP.

Drainage Area Fee Ordinance:

- Applicant shall comply with the drainage fee requirements for Drainage Area 73 as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to issuance of a building permit.

ADVISORY NOTES

- Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Richmond/El Sobrante, West Contra Costa Transportation Advisory Committee (WCCTAC) Bridges/Road, and WCCTAC Transit/Pedestrian Areas of Benefit, as adopted by the Board of Supervisors. These fees shall be paid prior to issuance of building permits.
- This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.

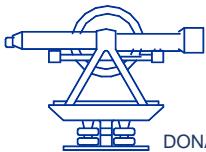
- This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- Further development of the parcel may need to comply with the latest Stormwater Management and Discharge Control Ordinance (§1014) and Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This compliance may require a Stormwater Control Plan and an Operations and Maintenance Plan prepared in accordance with the latest edition of the *Stormwater C.3 Guidebook*. Compliance may also require annexation of the subject property into the Community Facilities District 2007-1 (Stormwater Management Facilities) and entering into a standard Stormwater Management Facilities Operation and Maintenance Agreement with Contra Costa County.

ATTACHMENT 3

RELEVANCE

KISTER, SAVIO & REI INC.

LAND SURVEYORS & CIVIL ENGINEERS



MATTHEW L. REI
RCE 39863, LLS 7115
PRES - ENGINEERING

PATRICK M. REI
LLS 8178
PRES - SURVEYING

DONALD E. KISTER (1905-1969) * CHARLES J. SAVIO (1921-2006) * MICHAEL P. REI (1934-2015)

825 SAN PABLO AVENUE
PINOLE, CA 94564
PHONE (510) 222 - 4020
FAX (510) 222 - 3718
E-MAIL info@ksrinc.net

January 6, 2022

Contra Costa County
Public Works Department
255 Glacier Drive
Martinez, CA 94553

RECEIVED on 01/21/2022 **CDDP22-03005**
By Contra Costa County
Department of Conservation and Development

Subject: Request for Exception to Section 914-2.004
Development Permit DP20-3012 & DP20-3013
Appian Way Development
APN: 425-210-044 & 425-210-045

Attention: Deborah Preciado, Staff Engineer, Engineering Services Division

Dear Deborah,

We respectfully submit the subject application for approval of exception to Section 914-2.004 of the County Ordinance for conveying post development storm water flows from our project into the existing public storm drainage system, as explained below.

Introduction

Each Development Application involves construction of a duplex structure on the separate, but adjacent parcels. Drainage studies indicate the existing undeveloped condition for both subject parcels direct stormwater runoff directly into Appian Creek with a 10-year peak flow of approximately 0.84 cfs. Post development conditions for both subject parcels indicate a 10-year peak flow of 1.80 cfs. The combined post development flows will be collected in a catch basin at the base of both developments and conveyed in a new 12" storm drainpipe out to Appian Way, connecting into an existing catch basin situated on the south curb of the Appian Way bridge above Appian Creek and outfalling directly into the 4.9' x 10' Appian Creek concrete culvert.

Section 914-2.004 of the County Ordinance requires that all storm water originating on the project site be collected and conveyed to an existing adequate storm drainage system which conveys the storm water to an adequate natural watercourse. A 2017 Drainage Study, performed by Clearwater Hydrology, indicates the existing 4.9' x 10' concrete box culvert under Appian Way is inadequate to convey the Contra Costa County Flood Control District's required 10-year peak flow of 530 cfs. Therefore, compliance with section 914-2.004 of the County Ordinance cannot be met, which necessitates requesting an exception from the Advisory Agency as per section 92-6.002 of the County Ordinance. Our justification to the required findings for an exception is detailed below.

Finding #1 – That there are unusual circumstances or conditions affecting the property

As indicated in the Introduction, the existing 4.9' x 10' concrete box culvert under Appian Way is inadequate to convey the Contra Costa County Flood Control District's required 10-year peak flow of 530 cfs. The increase in 10-year peak flow from existing conditions to proposed conditions is (1.80 cfs – 0.84 cfs) = 0.96 cfs. Based on the 2017 Clearwater Hydrology Drainage Study, the following table indicates the Base Flood Water Surface Elevation at the upstream end of the existing unobstructed Appian Way 4.9' x 10' concrete culvert (XS16) for 10-year and 100-year peak flows:

KISTER, SAVIO & REI INC.

LAND SURVEYORS & CIVIL ENGINEERS



MATTHEW L. REI
RCE 39863, LLS 7115
PRES - ENGINEERING

PATRICK M. REI
LLS 8178
PRES - SURVEYING

DONALD E. KISTER (1905-1969) * CHARLES J. SAVIO (1921-2006) * MICHAEL P. REI (1934-2015)

825 SAN PABLO AVENUE
PINOLE, CA 94564
PHONE (510) 222 - 4020
FAX (510) 222 - 3718
E-MAIL info@ksrinc.net

| Flood Recurrence Interval, Years | Peak Flow, cfs | Base Flood Water Surface Elevation at upstream end Of Appian Way Culvert |
|----------------------------------|----------------|--|
| 10 | 530 | 113.74 |
| 100 | 810 | 114.34 |

The increase in Base Flood Water Surface Elevation from a Peak Flow of 530 cfs to 810 cfs is only $(114.34 - 113.74) = 0.60$ feet. Therefore, there will be a negligible increase (0.002') in the Base Flood Water Surface Elevation for the 10-year peak flow from the combined two projects.

This validates there are unusual conditions affecting the property.

Finding #2 – That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant

The development of this property increases the 10-year peak storm water flows a negligible amount relative to the 530 cfs the County has determined the 10-year peak storm water flow to be at this location in Appian Creek. Further, the project storm water flow will be collected and conveyed, per County guidelines, to an existing catch basin on Appian Way.

The exception is required to preserve substantial property rights of our clients for the betterment of the property.

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

Typically, section 914-2.004 requires constructing improvements to make the system adequate. However, a small increase in runoff from post-development conditions will not significantly alter existing drainage patterns, which are already inadequate as explained below Finding #1 above. The proposed development is physically suitable for the type, density and intensity for this site.

Hence, granting of the exception will not be materially detrimental to the public welfare or injurious to other property/properties in the project vicinity.

We look forward for granting an approval to the “Request for Exception” for these two projects.

Regards,

Matthew L. Rei
RCE 39863
510-222-4020 x25

Attachments:

- 1) Clearwater Hydrology Summary – 6 sheets
- 2) Clearwater Hydrology Figure 4 – Cross Section Locations
- 3) Kister, Savio & Rei, Inc. – Hydrology Computations

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

Rong Mou
400 Stannage Ave.
Albany, CA 94706

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND EASEMENT MAINTENANCE AGREEMENT

THIS DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND EASEMENT MAINTENANCE AGREEMENT (this "Declaration") is made by Rong Mou ("Declarant"), effective as of the date it is recorded in the Office of the County Recorder of Contra Costa County.

RECITALS

A. Declarant is the owner of the following parcels of real property in the County of Contra Costa, State of California (hereinafter referred to collectively as "the three subject parcels"):

- (a) The real property commonly known as 4426 Appian Way, El Sobrante, Assessor's Parcel No. 425-210-017-9, and more particularly described as set forth in Exhibit "A", attached hereto and incorporated herein by this reference. Said real property shall hereinafter be referred to as the "Servient Parcel".
- (b) The real property commonly known as 4448 Appian Way, El Sobrante, Assessor's Parcel No. 425-210-045-0, and more particularly described as set forth in Exhibit "B", attached hereto and incorporated herein by this reference. Said real property shall hereinafter be referred to as "Dominant Parcel One".
- (c) The parcel of real property identified by Assessor's Parcel No. 425-210-044-3 and more particularly described as set forth in Exhibit "C", attached hereto and incorporated herein by this reference. Said real property shall hereinafter be referred to as "Dominant Parcel Two".

B. To satisfy governmental conditions for the approval of development plans for Dominant Parcel One and Dominant Parcel Two, Declarant must establish easements in favor of said two parcels. Since said two parcels and the Servient Parcel are under the common ownership of Declarant, the legal doctrine of merger would interfere with any effort to create easements at the present time. The purpose of this Declaration is to cause certain easements to arise when said parcels are no longer under common ownership and to govern certain relations among future owners with respect to such easements.

COVENANTS, CONDITIONS, AND RESTRICTIONS AND EASEMENT MAINTENANCE AGREEMENT

- 1) At such time that any interest in either the Servient Parcel or Dominant Parcel One is conveyed or transferred in such manner as to cause the fee title to each of said two parcels to no longer be under identical ownership, there shall automatically, by operation of this Declaration, be established in favor of the owners of Dominant Parcel One a non-exclusive easement appurtenant to Dominant Parcel One for ingress, egress, and utilities over that portion of the Servient Parcel that is described in Exhibit "D", attached hereto and incorporated herein by this reference.
- 2) At such time that any interest in either the Servient Parcel or Dominant Parcel Two is conveyed or transferred in such manner as to cause the fee title to each of said two parcels to no longer be under identical ownership, there shall automatically, by operation of this Declaration, be established in favor of the owners of Dominant Parcel Two a non-exclusive easement appurtenant to Dominant Parcel Two for ingress, egress, and utilities over that portion of the Servient Parcel that is described in Exhibit "D", attached hereto and incorporated herein by this reference.
- 3) The owner(s) of Dominant Parcel One shall bear one third of the road maintenance costs for the entire easement area described in Exhibit "D", attached hereto. The owner(s) of Dominant Parcel Two shall bear one third of the road maintenance costs for the entire easement area described in Exhibit "D", attached hereto. The owner(s) of the Servient Parcel shall bear one third of the road maintenance costs for the entire easement area described in Exhibit "D", attached hereto.
- 4) The maintenance of any utility line or portion thereof that runs through the easement area described in Exhibit "D", attached hereto, and that exclusively serves only one of the three subject parcels, shall not be in any part the responsibility of the owner(s) of the other two of the three subject parcels. If any utility line or portion thereof running through said easement area serves two or more of the three subject parcels, the costs of maintaining any shared portion shall be allocated equally among the parcels sharing it and paid by the owners of such parcels.
- 5) Notwithstanding any other provision of this Declaration, if any party bound by this Declaration negligently or intentionally damages or destroys any pavement, surface material, or utility line in the easement area described in Exhibit "D", or damages or removes pavement or surface material for purposes of repairing or installing any utility line, that party shall bear the entire cost of repair/restoration of the damaged, destroyed, or removed pavement or surface material or utility line.
- 6) All parties bound by this Declaration shall bear any liability, in the same proportions as they share the costs of repairs and maintenance under this Declaration, for any personal injury or property damage to any worker employed to perform maintenance or repair work covered by this Declaration or to any third person, provided the injury or damage results from or arises out of maintenance or repair work governed by this Declaration. This Declaration shall not apply to liability resulting from personal injury or property damage when the injury or damage is not attributable to maintenance or repair work governed by this Declaration.
- 7) All parties bound by this Declaration shall be responsible for maintaining their own liability and/or casualty insurance, if any. In the event that there is any insurance policy providing indemnification for any liability addressed by this Declaration or for any maintenance or repair expense addressed by this Declaration, this Declaration may not be enforced by the insurer for purposes of subrogation, regardless of whether enforcement is in its own name or in the name of an insured or any other party.

8) The acceptance by any successor to Declarant of a deed or other instrument conveying any interest in the Servient Parcel or Dominant Parcel One or Dominant Parcel Two shall constitute the consent and agreement of such successor that he/she/it shall take such interest subject to this Declaration.

9) This Declaration shall bind successive owners of the Servient Parcel for the benefit of Dominant Parcel One and Dominant Parcel Two, and shall bind successive owners of Dominant Parcel One for the benefit of the Servient Parcel and Dominant Parcel Two, and shall bind successive owners of Dominant Parcel Two for the benefit of the Servient Parcel and Dominant Parcel One.

10) If any term or provision of this Declaration or the application of it to any person or circumstance will to any extent be invalid and unenforceable, the remainder of this Declaration or the application of it to persons or circumstances other than those as to which it is invalid or unenforceable will not be affected thereby, and each term and provision of this Declaration will be valid and will be enforced to the extent permitted by law.

11) This Declaration will be interpreted and construed only by the contents hereof and there will be no presumption or standard of construction against any party responsible for drafting it.

Dated: _____, 2019

Rong Mou

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF _____ } SS.

On _____, 201_____, before me, _____, a Notary Public, personally appeared _____ Rong Mou _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

(This area for official notarial seal)

WITNESS my hand and official seal.

Signature _____

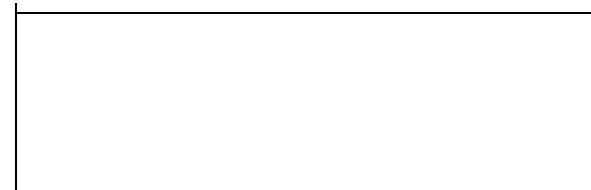


EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Contra Costa, State of California, and is described as follows:

Lot 64 as designated on the map entitled "Santa Rita Acres, Unit No. 1, Contra Costa County, California", which map was filed in the Office of the Recorder of County of Contra Costa, State of California, on October 21, 1937, in Book 22 of Maps, at Page 645.

EXCEPTING THEREFROM THE FOLLOWING:

A portion of Lot 64 as shown on the map entitled "Santa Rita Acres, Unit No. 1, Contra Costa County, California," filed October 21, 1937 in Book 22 of Maps at Page 645, records of said county described as follows:

Beginning at the most Northerly corner of said Lot 64, at the Southeast line of Appian Way as shown on said map (22 M 645), from which point a radial line of a curve concave to the Southeast having a radius of 1,175.00 feet bears South $49^{\circ} 06' 27''$ East; thence from said point of beginning along said Southeast line of said Appian Way Southwesterly along the arc of said curve, through a central angle of $4^{\circ} 53' 58''$ a distance of 100.48 feet to the most Westerly corner of said Lot 64 (22 M 645) from which point a radial line of last said curve bears South $54^{\circ} 00' 25''$ East; thence leaving said Southeast line along the Southwest line of said Lot 64 (22 M 645) South $56^{\circ} 56' 27''$ East 15.02 feet to a point from which a radial line of a curve concave to the Southeast with a radius of 1,160.00 feet bears South $53^{\circ} 58' 08''$ East; thence along the arc of last said curve being concentric with and 15.00 feet Southeasterly measured radially from said Southeasterly line of said Appian Way Northeasterly through a central angle of $4^{\circ} 57' 47''$ a distance of 100.48 feet to a point on the Northeast line of the parcel of land described in the Deed to Larry D. Erickson, et ux., recorded May 13, 1983 in Book 11250 at Page 718 of Official Records of Contra Costa County from which point a radial line of last said curve bears South $49^{\circ} 00' 21''$ East; thence along said Northeast line (11250 O.R. 718) North $56^{\circ} 55' 27''$ West 15.14 feet to the point of beginning.

APN: 425-210-017

EXHIBIT B

LEGAL DESCRIPTION

ADJUSTED APN 425-210-038 [now APN 425-210-045-0]

REAL PROPERTY IN UNINCORPORATED CONTRA COSTA COUNTY, CALIFORNIA, BEING A PORTION OF LOTS 58 AND 63, SANTA RITA ACRES UNIT NO. 1, RECORDED OCTOBER 21, 1937, IN BOOK 22 OF MAPS, PAGE 645, CONTRA COSTA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 58; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 58 NORTH $56^{\circ} 56' 27''$ WEST, 51.52 FEET;

THENCE LEAVING SAID SOUTHWEST LINE, SOUTH $85^{\circ} 04' 08''$ WEST, 23.59 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 14.52 FEET SOUTHWESTERLY OF SAID SOUTHWEST LINE;

THENCE ALONG SAID PARALLEL LINE, NORTH $56^{\circ} 56' 27''$ WEST, 51.77 FEET;

THENCE NORTH $16^{\circ} 31' 58''$ WEST, 30.66 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 5.36 FEET NORTHEASTERLY FROM SAID SOUTHWEST LINE;

THENCE ALONG SAID PARALLEL LINE, NORTH $56^{\circ} 56' 27''$ WEST, 67.36 FEET;

THENCE SOUTH $74^{\circ} 18' 36''$ WEST, 7.12 FEET TO A POINT ON SAID SOUTHWEST LINE, SAID POINT BEING ALSO THE NORTHEAST CORNER OF SAID LOT 63;

THENCE ALONG SAID SOUTHWEST LINE, NORTH $56^{\circ} 56' 27''$ WEST, 179.03 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF APPIAN WAY AS DESCRIBED IN THE GRANT DEED TO CONTRA COSTA COUNTY, RECORDED MARCH 11, 1988, IN BOOK 14212 OF OFFICIAL RECORDS, PAGE 121, CONTRA COSTA COUNTY RECORDS, SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,170.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS NORTH $49^{\circ} 04' 28''$ WEST;

THENCE ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF $10^{\circ} 00' 48''$, AN ARC DISTANCE OF 204.48 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 58;

THENCE ALONG THE EXTERIOR BOUNDARY OF SAID LOT 58, SOUTH $39^{\circ} 03' 40''$ EAST, 395.00 FEET AND SOUTH $50^{\circ} 56' 20''$ WEST, 81.76 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 56,826 S.F. MORE OR LESS.

BEARINGS ARE BASED ON CONTRA COSTA COUNTY RIGHT OF WAY MAP 1271-85

EXHIBIT C

LEGAL DESCRIPTION

ADJUSTED APN 425-210-014 [now APN 425-210-44-3]

REAL PROPERTY IN UNINCORPORATED CONTRA COSTA COUNTY, CALIFORNIA, BEING A PORTION OF LOTS 58 AND 63, SANTA RITA ACRES UNIT NO. 1, RECORDED OCTOBER 21, 1937, IN BOOK 22 OF MAPS, PAGE 645, CONTRA COSTA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 58; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 58 NORTH 56° 56' 27" WEST, 51.52 FEET;

THENCE LEAVING SAID SOUTHWEST LINE, SOUTH 85° 04' 08" WEST, 23.59 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 14.52 FEET SOUTHWESTERLY OF SAID SOUTHWEST LINE;

THENCE ALONG SAID PARALLEL LINE, NORTH 56° 56' 27" WEST, 51.77 FEET;

THENCE NORTH 16° 31' 58" WEST, 30.66 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 5.36 FEET NORTHEASTERLY FROM SAID SOUTHWEST LINE;

THENCE ALONG SAID PARALLEL LINE, NORTH 56° 56' 27" WEST, 67.36 FEET;

THENCE SOUTH 74° 18' 36" WEST, 7.12 FEET TO A POINT ON SAID SOUTHWEST LINE, SAID POINT BEING ALSO THE NORTHEAST CORNER OF SAID LOT 63;

THENCE ALONG THE NORTHWEST LINE OF SAID LOT 63, SOUTH 33° 04' 24" WEST, 75.00 FEET TO A POINT ON THE SOUTHWEST LINE OF PARCEL TWO AS DESCRIBED IN THE GRANT DEED TO RONG MOU, RECORDED APRIL 17, 2015, DOCUMENT 2015-0073541, CONTRA COSTA COUNTY RECORDS;

THENCE ALONG SAID SOUTHWEST LINE, SOUTH 56° 56' 27" EAST, 179.47 FEET TO A POINT ON SOUTH EAST LINE OF SAID LOT 63;

THENCE ALONG SAID SOUTHEAST LINE, NORTH 59° 50' 00" EAST, 84.01 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 14,258 S.F. MORE OR LESS.

BEARINGS ARE BASED ON CONTRA COSTA COUNTY RIGHT OF WAY MAP 1271-85, SHEET 2 OF 5.

EXHIBIT D
LEGAL DESCRIPTION
20' ACCESS & UTILITY EASEMENT

REAL PROPERTY IN THE UNINCORPORATED AREA OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, BEING A PORTION OF THE PARCEL DESCRIBED IN THE GRANT DEED TO RONG MOU, RECORDED NOVEMBER 9, 2015, DOCUMENT NUMBER DOC-2015-0234275, CONTRA COSTA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A THE NORTHEAST CORNER OF SAID MOU PARCEL, SAID POINT BEING ON THE SOUTHEAST LINE OF THE PARCEL DESCRIBED IN THE OFFER OF DEDICATION TO CONTRA COSTA COUNTY, RECORDED MARCH 4, 1984, IN BOOK 11679 OF OFFICIAL RECORDS, PAGE 185, CONTRA COSTA COUNTY RECORDS, SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1160.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 49° 00' 22" WEST;

THENCE FROM SAID POINT OF COMMENCEMENT, ALONG SAID SOUTHEAST LINE AND SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 1° 22' 59", AN ARC DISTANCE OF 28.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE FROM SAID TRUE POINT OF BEGINNING, THE FOLLOWING TEN (10) COURSES:

1. SOUTH 57° 56' 08" EAST, 81.54 FEET,
2. SOUTH 70° 03' 50" EAST, 18.15 FEET,
3. NORTH 61° 03' 33" EAST, 25.19 FEET TO A POINT ON THE NORTHEAST LINE OF SAID MOU PARCEL (2015-0234275),
4. ALONG SAID NORTHEAST LINE, SOUTH 56° 56' 27" EAST, 20.39 FEET,
5. LEAVING SAID NORTHEAST LINE, SOUTH 61° 03' 33" WEST, 22.65 FEET,
6. SOUTH 56° 56' 27" EAST, 51.67 TO A POINT ON THE SOUTHEAST LINE OF SAID MOU PARCEL,
7. ALONG SAID SOUTHEAST LINE, SOUTH 33° 04' 24" WEST, 20.00 FEET,
8. LEAVING SAID SOUTHEAST LINE, NORTH 56° 56' 27" WEST, 61.34 FEET,
9. NORTH 70° 03' 50" WEST, 28.01 FEET AND
10. NORTH 57° 48' 36" WEST, 85.95 FEET TO A POINT ON THE SOUTHEAST LINE OF SAID CONTRA COSTA COUNTY LINE (11679 O.R. 185), SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1160.00 FEET, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 51° 22' 37" WEST;

THENCE ALONG SAID SOUTHEAST LINE AND SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 00° 59' 16", AN ARC DISTANCE OF 20.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 3,898 SQUARE FEET OR 0.09 ACRES MORE OR LESS.

EXHIBIT D-1 ATTACHED HERETO AND BY THIS REFERENCE IS MADE A PART OF
THIS DESCRIPTION.



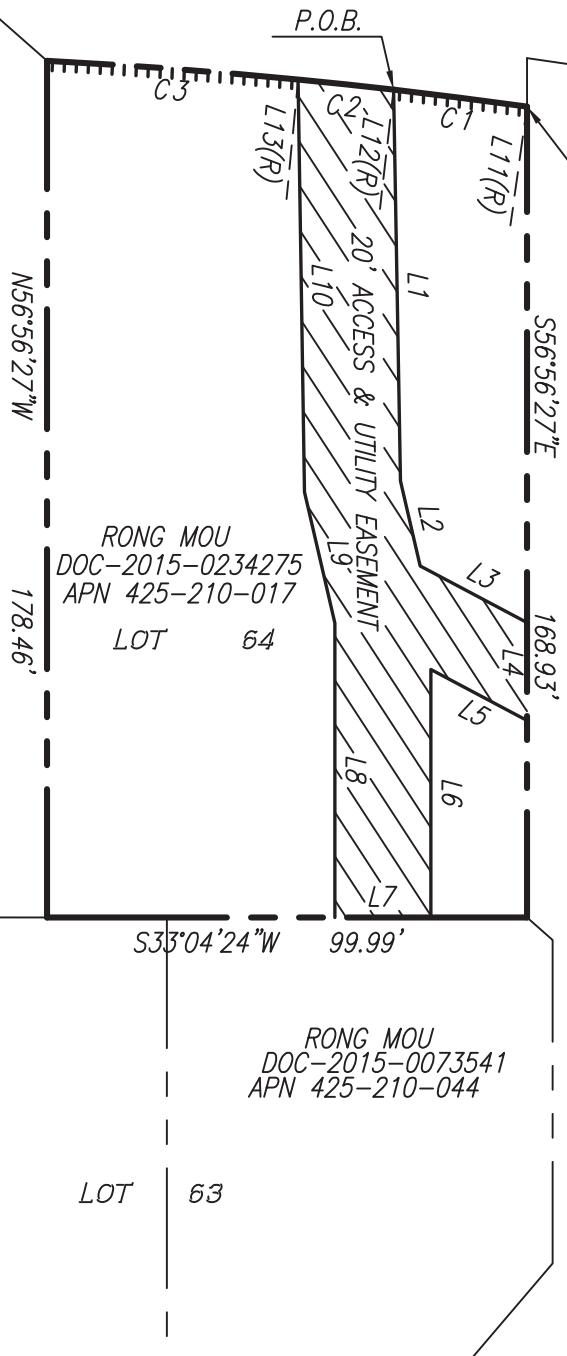
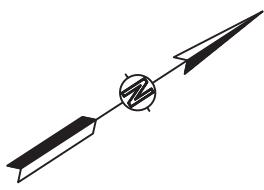
09/05/2019



EXHIBIT D-1

A P P I A N

W A Y



| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S57°56'08"E | 81.54 |
| L2 | S70°03'50"E | 18.15 |
| L3 | N61°03'33"E | 25.19 |
| L4 | S56°56'27"E | 20.39 |
| L5 | S61°03'33"W | 22.65 |
| L6 | S56°56'27"E | 51.67 |
| L7 | S33°04'24"W | 20.00 |
| L8 | N56°56'27"W | 61.34 |
| L9 | N70°03'50"W | 28.01 |
| L10 | N57°48'36"W | 85.95 |
| L11(R) | N49°00'22"W | 25.00 |
| L12(R) | N50°23'21"W | 25.00 |
| L13(R) | N51°22'37"W | 25.00 |

| CURVE TABLE | | | |
|-------------|---------|----------|--------|
| CURVE | RADIUS | DELTA | LENGTH |
| C1 | 1160.00 | 1°22'59" | 28.00 |
| C2 | 1160.00 | 0°59'16" | 20.00 |
| C3 | 1160.00 | 2°35'31" | 52.48 |

GRAPHIC SCALE



(IN FEET)

1 inch = 40 ft.

| REFERENCE | DESCRIPTION | KISTER, SAVIO & REI, INC LAND SURVEYORS - CIVIL ENGINEERS 825 SAN PABLO AVENUE PINOLE, CA. 94564 | |
|-----------|--|---|--------------|
| | PLAT TO ACCOMPANY LEGAL DESCRIPTION 20' ACCESS & UTILITY EASEMENT | PHONE: (510) 222-4020 FOR: RONG MOU | |
| | | FAX (510) 222-3718 | |
| | | DATE: 09/05/19 | |
| | CALIFORNIA | JOB No. 19549 | DWG No. PLAT |
| | | SCALE: 1" = 40' | |



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

APPROVED PERMIT

| | | | |
|------------|---|------------------------|---|
| APPLICANT: | Rong Mou 917 Clark Place El Cerrito, CA 94530 | APPLICATION NO.: | TP17-0050 |
| | | ASSESSOR'S PARCEL NO.: | 425-210-017, 425- 210-038, 425-210- 014 |
| | | ZONING DISTRICT | P-1 |
| | | PROJECT LOCATION: | 4448/4426 Appian Way, El Sobrante |
| OWNER: | Rong Mou 917 Clark Place El Cerrito, CA 94530 | APPROVED DATE: | December 21, 2017 |
| | | EFFECTIVE DATE: | January 3, 2018 |

This matter has not been appealed within the period of time prescribed by law. Accordingly, a TREE PERMIT to allow removal of 25 code-protected trees is hereby APPROVED, subject to the attached conditions of approval.

Aruna M. Bhat
County Zoning Administrator

By:

Telma B. Moreira
Telma B. Moreira
Deputy Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE (1) YEAR from the effective date if the action allowed by this permit is not undertaken within that time.

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

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #TP17-0050, RONG MOU
(APPLICANT/OWNER)**

I. FINDINGS

Required Factors for Granting Permit. 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. Reasonable development of the property would require the alteration or removal of trees and this development could not be reasonably accommodated on another area of the lot.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #TP17-0050

Project Approval

1. This application for a Tree Permit to remove 25 code-protected trees is approved based on the following documents and materials submitted to the Department of Conservation and Development, Community Development Division (CDD):
 - A. Application submitted to the CDD on November 3, 2017.
 - B. Tree Survey Results, prepared by Jeff Olberding of Olberding Environmental, Inc., biological consultants, received on October 18, 2017.

Payment of Fees

2. This application is subject to an initial application deposit of \$500.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The fees include costs through permit issuance plus five working days for file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013/340, 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. The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance. This permit shall be valid for a period of one (1) year and may be renewed for an additional year by CDD upon written request by the applicant and submittal of a fee.

Required Restitution for Approved Tree Removal

3. The following measures are intended to provide restitution for the removal of 25 protected trees:

- a. Planting and Irrigation Plan: Prior to issuance of a grading or building permit for APN 425-210-014 or APN 425-210-038, whichever occurs first, the applicant shall submit a landscaping and irrigation plan prepared by a licensed arborist or landscape architect for review and approval by the CDD. The plan shall provide for the planting of six (6) trees of a drought-tolerant species, minimum 15-gallon size, along with other landscape plantings as appropriate. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's Ordinance has been adopted. Verification of compliance with the Water Efficient Landscape Ordinance shall accompany the plan. The plan shall also include an estimate prepared by a licensed landscape architect, arborist, or landscape contractor of the materials and labor costs to complete the improvements (accounting for supply, delivery, and installation of trees and irrigation). The plan shall be implemented prior to final building inspection.
- b. Required Security to Assure Completion of Plan Improvements: A security deposit shall be required to ensure that the approved planting and irrigation plan is implemented. Prior to the issuance of a grading or building permit, whichever occurs first, the applicant shall submit a security that is acceptable to the CDD. The security shall be the amount of the approved cost estimate described in Condition #3.a above plus a 20% inflation surcharge.
- c. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and materials costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial processing fee deposit of \$100.00.
- d. Duration of Security: When the replacement trees and irrigation have been installed, the applicant shall submit a letter to the CDD to be composed by the landscape architect, arborist, or landscape contractor, verifying that the installation has been completed in accordance with the approved landscaping and irrigation plan. The security shall be retained by the County for a minimum of 12 months and up to 24 months beyond the date of receipt of this letter.

As a prerequisite for releasing the bond between 12 and 24 months, the applicant shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on the trees' health. The report shall be submitted for review to the CDD, and shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant. Any replacement tree that dies within the first two years of being planted shall be replaced by another tree of the same size.

- e. Tree Installation: The replacement trees shall be planted before a final inspection for a building permit for APN 425-210-014 or APN 425-210-038, whichever occurs first. A hold will be placed on the final inspection until photos confirming that the trees have been planted have been received by the CDD.

Additional Trees Permit

4. If any impacts to the trees occur in addition to those described herein, a new Tree Permit will be required. The fee for this application is a deposit of \$500.00 that is subject to time and material costs. Should staff costs exceed the deposit, additional fees will be required.

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL; IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

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 Community Development Division within 90 days of the approval date of this permit.