

Community Development Department

Contra Costa County

CONTRA COSTA COUNTY PLANNING COMMISSION
TUESDAY, JANUARY 9, 2007

NOVE PROPERTY

I. INTRODUCTION

Signature Properties, (Applicant) – Nove Investments (Owner)

This project consists of the following related applications:

- A. General Plan Amendment, County File#GP040008: -- An amendment to the Land Use Element of the Contra Costa County General (2005-2020) Plan re-designating two parcels that total 29.2 acres from Heavy Industry (HI) and Light Industry (LI) to Multiple Family Residential – Medium Density.
- B. Major Subdivision, County File #SD058938: -- A request for approval to subdivide 29.2 acres into 370 residential lots. The lots range in size from 2,080 square feet minimum to 4,930 square feet maximum.
- C. Development Plan, County File #DP053024: -- A request for approval for a preliminary and final development plan to establish 370 residential units, of which 15% will be affordable units. The total 370 units are divided into three housing types: 120 – 2 story townhomes; 110 – 2 story cluster homes; and 140 condominiums (both 1 and 2 stories). Conditions of Approval permit delivery of affordable units on or off site, but within unincorporated North Richmond. A proposed parking plan that contains two parking spaces per unit and includes 142 on site guest parking spaces. A total of 6.7 acres of open space/park area is proposed.
- D. The project also includes an annexation into the West County Wastewater District for sanitary sewer service, and the Mello-Roos Public Works Maintenance Service Community Facilities District.

The subject property's address is 500 Pittsburg Avenue in the North Richmond area. The project is located on the east side of the Richmond Parkway between Pittsburg Avenue and Wildcat Creek.

(Zoning: P-1) (Zoning Atlas: J-4) (Census Tract: 3650.02) (Assessor Parcel Numbers: 408-170-072 & 408-180-010).

II. RECOMMENDATION

Adopt a motion:

- A. That on the basis of the record before it, including the Mitigated Negative Declaration/Initial Study prepared for the applications submitted for this project (County File #'s GP04-0008/ SD05898/ DP053024) and comments submitted, the County Planning Commission finds that there is no substantial evidence that the project with proposed mitigation measures will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the County's independent judgment and analysis.

The documents or other material that constitute the record of proceedings upon which the County Planning Commission's decision is based may be found at the Community Development Department, 651 Pine Street, 2nd Floor, North Wing, Martinez, CA under the custody of the project planner, David Brockbank (925) 335-7237.

- B. Adopt the Mitigated Negative Declaration for this project covering associated County File #'s GP04-0008/ SD05898/ DP053024 for the purposes of compliance with the California Environmental Quality Act and adopt the Mitigation Monitoring Program.
- C. Adopt the findings and approve the proposed Preliminary and Final Development Plan with conditions, as described in this report.
- D. Adopt the findings and approve the proposed Vesting Tentative Map with conditions, as described in this report.
- E. Recommend to the Board of Supervisors adoption of the proposed General Plan Amendment, County File# GP04-0008, to re-designate the subject property from Heavy Industry (HI) and Light Industry (LI) to Multiple Family Residential – Medium Density (MM).

III. GENERAL INFORMATION

- A. General Plan: The General Plan designation for the Nove property is Heavy Industry (HI) and Light Industry (LI). An amendment to the Land Use Element of the Contra Costa County General Plan (2005-2020) re-designating two parcels (APN #408-170-072 and #408-180-010) totaling 29.2 acres, from Heavy Industry and Light Industry to Multi Family Residential – Medium Density is being considered concurrently with the approval of the Development Plan and Vesting Tentative Map. The current and proposed General Plan land use designation maps for the subject site are attached to this report as Exhibits 3 and 4, respectively.
- B. Zoning: Planned Unit Development (P-1) District for North Richmond (Exhibit 5).

C. CEQA: In compliance with the California Environmental Quality Act (CEQA) an Initial Study and proposed Mitigated Negative Declaration covering applications for the project, which includes County File #'s GP04-0008/ SD05898/ DP053024, was prepared by the Community Development Department and posted at the County Clerk's Office on October 23, 2006 and concurrently mailed to the owners of adjoining properties. The public comment period extended to November 21, 2006. For a more complete discussion on the CEQA review see Section IX.

D. Regulatory Programs:

1. Flood Zone: The majority of the site is located within Flood Zone C of minimal flooding – Panel #230B. There is a portion at the southern end of the subject site that lies within Flood Zone A – one hundred year flood zone. There is no development proposed within Flood Zone A.
2. Active Fault Zone: The subject property is not located within the Alquist –Priolo earthquake fault zone.
3. 60dBA Noise Control: The subject property is located within the 60dBA noise control zone. The sources of noise in the project vicinity include traffic along the Richmond Parkway.

IV. SITE DESCRIPTION

The Nove property is located in the unincorporated area of North Richmond in Contra Costa County bounded by the Richmond Parkway on the west, Pittsburg Avenue on the north, and Wildcat Creek on the south. The subject site consists of 29.2 acres comprised of Assessor Parcel Numbers 408-170-072 and 408-180-010. Parcel maps of these properties are attached under Exhibit 1.

The Nove property has been used as part of a flower growing and staging operation by Color Spot, Inc. The property has been leased from Nove Investments to Color Spot, Inc. It is predominantly occupied by a combination of greenhouses and flower growing areas that contain plastic plant flats. The greenhouse areas are laid out in rectangular plots, with relatively wide, gravel covered roads between them. Several one-story, wood-framed buildings are located near the center of the site. An aerial photograph of the subject site is provided under Exhibit 2.

Topographically the property is a relatively flat area with a slight, though gentle slope from east to west. It contains clayey native soils and has a high groundwater table. Existing drainage on the property is over land and drains to an existing ditch along the westerly boundary that discharges to an existing 48 inch storm drain in Pittsburg Avenue, which itself drains in westerly direction crossing Richmond Parkway.

V. AREA DESCRIPTION

Land uses of various properties near the project site consist of an East Bay Municipal Utilities District Water Reclamation Facility, various recycling and auto dismantling operations, floricultural growing and distribution operations, and the West County Waste Authority Integrated Resource Recovery Facility. The adjacent properties consist of the following:

- North: Pittsburg Avenue comprises mainly of recycling operations
- East: The West County Integrated Resource Recovery Facility
- South: Wildcat Creek
- West: Richmond Parkway

VI. PROPOSED PROJECT

The applicant is proposing to develop a 370 residential unit subdivision consisting of three housing types: 120 two story townhomes, 140 condominiums, and 110 cluster homes on approximately 29.2 acres of land located at 500 Pittsburg Avenue (Nove property) in the North Richmond area. This area is within the North Richmond Redevelopment Project Area, which was formed in 1987 and the project site itself is also located within the North Richmond Shoreline Specific Plan area. Although the County General Plan currently designates this area as Heavy Industry and Light Industry, the applicant proposes a General Plan Amendment to re-designate the site to Multiple Family Residential – Medium Density in support of their development proposal. The project also includes provision for approximately 6.4 acres of park/open space area. The project features two access points on Pittsburg Avenue and clusters of homes with private courts.

Affordable Housing: The project proposal includes an affordable component in which not less than 56 units of housing will be affordable to moderate, low and very low income households. Due to the subject property being within the boundaries of the North Richmond Redevelopment Project Area, the Contra Costa County Redevelopment Agency (Agency) has determined that it is subject to the California Redevelopment Law (CRL) affordable housing production requirements set forth in Section 33413(b)(2) of the California Health and Safety Code. The CRL requires redevelopment agencies to provide affordable housing for very-low, lower, and moderate households at affordable costs. Qualifying household's income limits include

Very-Low Income: At or below 50 percent, area median income (AMI).

Lower-Income: Between 51 and 80 percent AMI.

Moderate Income: Between 81 and 120 percent AMI.

Redevelopment agencies must record covenants regarding long term affordability for a period, not less than 45 years for below market rate (for-sale) units and 55 years for rental units [Section 33413(b)(2)].

The CRL inclusionary housing obligation permits affordable units to be delivered on-site or off-site. Conditions of approval have been prepared which permit an on-site program, an off-site program, or a combination of the two programs. A minimum of fifteen percent (15%), of the new units are subject to affordability covenants. Not less than forty percent (40%) of the affordable units (six percent of the total units in the project) must be affordable to very-low income households. Up to sixty percent (60%) of the affordable units (nine percent of the total units in the project) may be affordable to low and moderate income households.

VII. PREVIOUSLY APPROVED PROJECTS

- A. LP#2044-74 on APN #'s 408-170-072 and 408-180-010 – This Land Use Permit was approved for a flower growing operation.
- B. LL#3-94: Lot Line Adjustment between APN #s 408-170-069 and 408-180-008.

VIII. AGENCY COMMENTS

- A. Health Services Department- Environmental Health: Memorandum dated April 8, 2005. No comments.
- B. California Historical Resources Information System (CHRIS): Letter dated April 13, 2005. The proposed project area has the possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended.

Review for possible historic structures was limited to the Northeast Information Center documents and should not be considered comprehensive. Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historic value, if the project area contains such properties it is recommended that they be evaluated by an architectural historian prior to commencement of project activities.

The guidelines for implementation of California Register of Historical Resources (Cal Register) criteria for evaluation of historical properties have been developed by the State Office of Historical Preservation. For the purposes of CEQA, all identified sites should be evaluated using the Cal Register criteria.

CHRIS recommends the applicant contact the local Native American tribe(s) regarding traditional, cultural and religious values.

A Cultural Resources Survey of the Nove property was prepared by the LSA in 2005. The study identified no cultural resources within or adjacent to the project location.

- C. California Department of Fish and Game (CDFG): Letter dated April 12, 2005. A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats, should be provided. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380). The assessment should identify any rare plants and rare natural communities, following CDFG's Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened and Endangered Plants and Natural Communities (revised May 8, 2000).
- D. East Bay Municipal Utility District (EBMUD): Letter dated April 12, 2005. EBMUD made the following comments: A main extension, at the project sponsor's expense, will be required to serve the proposed development. Off-site pipeline improvements, also at the project sponsor's expense, may be required depending on domestic water demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing pipelines to the project site. 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, off-site pipeline improvements, and services requires substantial lead time, which should be provided for in the project sponsor's development schedule. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.
- E. Public Works Department/Engineering Services: A series of memoranda were submitted in 2005 and 2006. Public Works comments have been incorporated into the staff report and conditions of approval.
- F. Building Inspection Department/Grading Division: Memorandum dated April 19, 2005. No grading shown at this time. Geotechnical Investigation Report required. NPDES requirements required for grading permit.
- G. Contra Costa County Fire Protection District: Memorandum dated April 18, and 2005. See attachment. Additional comments on the tentative map revision were received on September 1, 2005. The Fire District reviewed the revisions with the developer. The applicant revised hydrant locations. Access is approved and water supply requirements are the same.
- H. West County Wastewater District: Letter dated June 23, 2005. See letter under Exhibit 6: Agency Comments. The "Advisory Notes" section of the proposed permit explains that the applicant must comply with the requirements of the West Contra Costa Wastewater District.

IX. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Initial Study and proposed Mitigated Negative Declaration were prepared for this project in accordance with the requirements of CEQA. The Initial Study and proposed Mitigated Negative Declaration were posted on October 23, 2006 with the public comment period running through to November 21, 2006. A copy of the Initial Study/Mitigated Negative Declaration is provided under Exhibit 7: Initial Study attached to this report. Several interested parties submitted comments to the County regarding the Initial Study. These letters together with the County's response to these letters are provided under Exhibit 8. The following is a summary of potentially significant impacts identified in the Initial Study, and the Mitigation Monitoring and Reporting Program (MMRP), detailing the mitigation measures is attached under Exhibit 9.

A. AESTHETICS

Potential aesthetic impacts are related to development of a residential neighborhood on a site currently used for a flower growing operation. This would be a change in the visual character or quality of the area by changing the view from the Richmond Parkway from an industrial-agricultural setting to more residential urban setting. Although the change would not have significant adverse impact, the project does include a 12 foot tall soundwall that could have an impact. As such, the mitigation for potential aesthetic impact calls for landscape plan for a portion of the project fronting Richmond Parkway and Pittsburg Avenue.

For a detailed discussion of aesthetic impacts and proposed mitigations see page 7 to 8 in the Initial Study.

B. AIR QUALITY

A portion of the project is located adjacent to Richmond Parkway and Pittsburg Avenue, which carries truck traffic that emit diesel particulate matter. In 1998, the California Air Resources Board identified diesel particulate matter as a known carcinogen. Further studies initiated by this decision found that diesel particulate matter accounts for much of the adverse health risk in ambient air of urban environments. In 2000-2001, the California Air Resources Board developed methods to evaluate exposures from traffic. In 2005, the California Air Resources Board issued guidelines for locating new sensitive receptors, such as residential development, near sources of air pollution from freeways or transportation corridors (e.g. rail lines). Exposure of proposed new residences to diesel particulate matter emissions was evaluated as part of the project's air quality study. The analysis looked at the impacts of diesel particulate matter from trucks using the Richmond Parkway and Pittsburg Avenue intersection. Trucks accelerating at this intersection (due to the stop light) would result in high-localized emissions of diesel particulate matter causing a potentially significant health risk for any new homes near the northwest corner of the project. The air quality analysis identified the portion of the site, through dispersion modeling, where health risks based on 30-year and 70-year

exposures would be significant. Significance for this impact is defined as the risk of contracting cancer over lifetime exposure that equals or exceeds 10 in one million. The applicant redesigned the project in response to the study findings to avoid locating new homes where this significant impact would occur. With the redesigned plans, expected health risks for all proposed residences would be less than 10 in one million chances, which is less than significant. The significance criteria are based on guidance from Bay Area Air Quality Management District and California Air Resources Board.

For a detailed discussion of air quality impacts and proposed mitigations see page 10 to 20 in the Initial Study.

C. BIOLOGICAL RESOURCES

An arborist report and a biological reconnaissance survey were prepared for the Nove property by LSA in 2005 and 2006, respectively. These reports determined that the property contains no habitat for any rare, threatened, or endangered plants or animals.

In regards to sensitive habitats, LSA reports determined that no substantial interference with the movement of wildlife will be caused by the proposed development. Nor will it impede the use of any wildlife nurseries, or result in a substantial loss of wildlife habitat.

Bordering along the southern portion of the Nove property is the Wildcat Creek corridor. The creek corridor supports the only native habitat in the vicinity of the site. The north bank of the creek, which is directly adjacent to the site, is maintained for flood control purposes. The proposed project would be consistent with the relevant policies in the General Plan and would not conflict with any adopted Habitat Conservation Plan. Furthermore, the Nove property contains no areas subject to the jurisdiction of the U. S. Army Corps of Engineers (Section 404 Clean Water Act), Regional Water Quality Control Board (Section 401 Clean Water Act or Porter-Cologne), or California Department of Fish and Game (Section 1600 Fish and Game Code).

The tree survey prepared by counted 187 trees on the perimeter of the Nove Property. There are no trees within the interior of the property. Of the 187 trees surveyed, 121 are outside the project boundary. All the trees along Pittsburg Avenue are within the project boundary. The report identified two large specimen trees located west of the entrance gate. One of the trees is a red willow and the other is a blue gum eucalyptus. The applicant is proposing to remove a total of 64 trees which include 5 Monterey pines, 53 eucalyptus, 2 coast live oak, and 4 red willow. The applicant has provided a landscape plan that will replenish the lost vegetation.

A complete discussion on biological resources can be found at pages 21 to 23 in the Initial Study.

D. CULTURAL RESOURCES

The location is sensitive for prehistoric archeological sites and monitoring during the ground disturbing activities has been recommended. Conditions of Approval have been attached to the staff report.

A complete discussion on cultural resources can be found at pages 24 to 25 in the Initial Study.

E. GEOLOGY AND SOILS

Potential impacts involving geology and soils are related to the possibility of liquefaction, ground failure, and soil expansion. The applicant submitted geotechnical studies prepared by ENGEO, Inc. in 2005, which were subsequently peer reviewed by the County's Consulting Geologist, Darwin Myers. The ENGEO conclusions and recommendations can be summarized as follows:

- Groundwater. The water table is 1 to 6 feet below the surface.
- Liquefaction. ENGEO considers the sands to be liquefiable and recommends measures to mitigate liquefaction in the northwest portion of the site.
- Basin Deposits. The weak and highly compressible silty clays are subject to 12 to 14 inches of "primary" settlement due to the civil grading needed to elevate the project out of the floodplain and estimated residential building loads, causing damage to improvements. Secondary consolidation may begin at the end of the primary consolidation phase, and amount to ¼ to 1 inch over a 30 to 50 year period. To minimize after-construction settlement, ENGEO recommends a surcharge program consisting of fill placement (probably in combination with vertical wick drains). Placing temporary surcharge fills on the site is intended to result in a portion of the total settlement occurring before building construction and will minimize the after-construction settlement. Specific criteria are provided for the thickness of the surcharge fill and anticipated settlement as a function of the thickness of the soft clays.
- Additional Recommendations. ENGEO provides specific standards and criteria for use in design and construction of the project (site grading, drainage and foundation design).

A detailed discussion of geology and soils can be found on pages 26 to 30 in the Initial Study.

F. HAZARDS AND HAZARDOUS WASTE

The Nove property is not on any list of hazardous materials sites. However, there are underground storage tanks (UST's) on the site. Treadwell & Rollo has completed the planned Phase II ESA for the site. Since the property has been used as a flower growing and staging operation for many years, many common types of activities associated with this use are residual concentrations of pesticides, herbicides, and petroleum hydrocarbons in the shallow soil and/or groundwater was a concern. Treadwell & Rollo's investigation detected minor concentrations of several of these organic compounds in the soil and shallow groundwater. The applicant will be conditioned to provide evidence that prior to development that all the UST's have been closed, and no further analysis is required.

A detailed discussion on hazards and hazardous waste can be found on pages 31 to 33 in the Initial Study.

G. HYDROLOGY AND WATER QUALITY

Potential impacts involving water quality, alteration of drainage courses or increase runoff, and increased impervious surfaces were evaluated. Required mitigation measures include a Stormwater Control Plan prepared to the specifications of the County's Stormwater Management and Discharge Ordinance, the Stormwater C.3 Guidebook criteria, and the Regional Water Quality Control Board's requirements.

Although Wildcat Creek is located within a 100-year flood zone, this flood zone does not extend on to the Nove Property and the site will be raised between 3.5 and 1 foot. Additionally, because this section of Wildcat Creek is improved and can contain a 100 year flood, the County's creek setback requirements do not apply to the Nove property.

A detailed discussion of potential impacts related to hydrology and water quality and associated mitigation measures can be found on pages 34 to 39 in the Initial Study.

H. NOISE

Potential impacts involving noise relate to exposing residential units in the project site to exterior noise levels exceeding the "normally acceptable" noise and land use compatibility standards described in the Noise Element to the General Plan for single and family residential land uses. Interior noise levels would exceed acceptable levels at portions of the project site without the incorporation of noise insulation features into the project design. The mitigation measure for the exterior noise levels would involve construction of a 12 foot soundwall or noise barrier to achieve acceptable noise exposure to 60 DNL for the single family units and 65 DNL for the multi-family units. The mitigation for interior noise would require incorporation of sound insulation treatments in the building design including but not limited to sound rated windows, doors, exterior wall assemblies, acoustical caulking, etc. Specific

determination of sound insulation treatments for interior noise exposure will be determined prior to issuance of building permits.

A detailed discussion on potential noise impacts and mitigation measures can be found on pages 43 to 48 in the Initial Study.

I. RECREATION

The Initial Study determined that the project would not have an impact on existing neighborhood or regional park facilities or result in substantial deterioration of those facilities. However, an organization named Trails for Richmond Action Committee (TRAC) submitted a comment in August 2005 about the project's potential impact on nearby trails. As stated in the letter, the proposed project is located immediately adjacent to the East Bay Regional Park District's Wildcat Creek Regional Trail, which connects with the completed San Francisco Bay Trail on the west side of the Richmond Parkway. TRAC believes the proposed residential development on the Nove Property would increase trail usage and overburden the trail system. TRAC also asserts that the Wildcat Creek Trail west toward the Richmond Parkway is unusable during the periods of heavy rain in the winter and spring due flooding and siltation from Wildcat Creek. They believe this condition creates a traffic safety hazard causing trail users to cross Richmond Parkway, and they request a mitigation measure that requires the applicant to participate funding of a new trail overcrossing of the Wildcat Creek Trail over Richmond Parkway.

The County is not aware of any accidents or incidents associated with trail users illegally crossing Richmond Parkway and the TRAC comment did not provide evidence to substantiate the safety hazard claim. It is noted that the applicant has indicated to the East Bay Regional Park District their willingness to participate in a park district sponsored feasibility study to identify potential remedies for the occurrence of seasonal flooding on the Wildcat Creek Trail were it crosses the Richmond Parkway.

X. PUBLIC WORKS DEPARTMENT CONSIDERATIONS

The Public Works Department reviewed the revised Vesting Tentative Map received by the Community Development Department on September 7, 2006 and Stormwater Control Plan received on October 4, 2006 (dated September 29, 2006) and submitted the following for this report:

Traffic and Circulation:

Pittsburg Avenue has a current road width of approximately 24 to 28 feet within a 40-foot right of way. Pittsburg Avenue is considered an arterial with an ultimate planned road width of 82 feet within a 102-foot wide right of way. This ultimate road width is based on the amount of traffic anticipated at the intersection of Richmond Parkway and Pittsburg Avenue as the area develops over time. The applicant shall dedicate 52 feet of additional

right of way along the project frontage of Pittsburg Avenue. The applicant shall construct curb, 5-foot sidewalk (width measured from curb face to back of walk), necessary longitudinal and transverse drainage, pavement widening, transitions, and street lighting along the frontage of Pittsburg Avenue. The applicant shall construct face of curb 10 feet from the ultimate right of way line. Pavement widening and transitions shall provide for an 82-foot road width with left turn channelization and landscaped medians. The 82 foot wide roadway includes one 14-foot wide inside travel lane in each direction (adjacent to the median), one 12-foot wide travel lane in each direction, a 14-foot wide landscaped median, and two 8-foot wide shoulders. A minimum 12-foot wide left-turn pocket shall be provided for westbound left-turn movements onto Richmond Parkway, proposed Street A, and proposed Street B. The applicant shall provide protected signal phasing on the westbound and eastbound approaches of Pittsburg Avenue at Richmond Parkway.

The subject parcel also fronts on Richmond Parkway, a 4-lane divided arterial recently accepted for maintenance by the County. Dedication of additional right of way is not required along this frontage. There is curb, gutter, street lights, and a wide roadside swale currently in place along the project frontage of Richmond Parkway. Additional improvements are not required along Richmond Parkway.

All on-site internal roadways are proposed to remain private. The applicant shall construct all on-site private roads and courts per the typical sections shown on Sheet C-8 of the vesting tentative map in accordance with current County private road standards, subject to the review and approval of Public Works and the Fire District.

The applicant shall construct minimum 44-foot wide project entrance/exits for proposed Streets A and B to accommodate a minimum 18-foot wide inbound lane and two outbound lanes. The outbound lanes shall consist of one minimum 12-foot wide right-turn lane to access eastbound Pittsburg Avenue and one 14-foot wide left-turn lane to access westbound Pittsburg Avenue. Proposed Streets A and B shall gradually transition from a 44-foot width to a 36-foot width between the project entrance/exit and the northerly curb return of proposed Courts P and Q, respectively, parking and construction of any “bulb-outs” shall be prohibited along these sections. If Street A is restricted to a “right in, right out only” based on additional storage requirements for the left-turn lane(s) on Pittsburg Avenue and Richmond Parkway, the entrance width can be reduced to 32 feet in width (18 feet wide inbound lane and a 14 foot wide outbound lane).

Drainage:

Division 914 of the County Ordinance Code requires all storm water entering and/or originating on this property to be collected and conveyed without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to an adequate natural watercourse.

The applicant proposes to collect storm water throughout the site via a system of inlets, storm drains, and grassy swales and convey the drainage to a proposed detention/water

quality basin at the northwest corner of the property. The intent of the proposed detention basin is to allow pollutants to settle prior to entering the existing public storm drain systems at the northwest corner of the intersection of Richmond Parkway and Pittsburg Avenue (Line C of Drainage Area 19A). The DA 19A Hydrology Map of the area was based on an assumed ultimate density of 7 du/acre as opposed to the 13 du/acre proposed with this application. In order to determine the possible impacts to downstream facilities due to the higher volume of runoff generated by the increased density proposed, a hydrology study shall be submitted to Public Works and the Flood Control District for review and approval prior to recordation of the Final Map. The applicant shall verify the adequacy of the detention/water quality basin and demonstrate that the existing downstream drainage system(s) that receives storm water runoff from this project is adequate to convey the required design storm (based on the size and ultimate development density within the contributing watershed) and, if necessary, construct improvements to guarantee adequacy. The applicant shall obtain access rights to make any necessary improvements to off-site facilities.

The project site borders Wildcat Creek, a major Flood Control Channel owned and maintained by the Flood Control District. The applicant shall obtain a Flood Control Permit for any work, such as conform grading, done on District property.

Stormwater Management:

This project is required to be in full compliance with the County's Stormwater Management and Discharge Control Ordinance, the Stormwater "C.3" Guidebook (available at www.cccleanwater.org) and the requirements of the Regional Water Quality Control Board (RWQCB). A Stormwater Control Plan received on October 4, 2006 by the Public Works Department was reviewed and determined to be preliminarily complete. Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to revision based on changes made during the preparation of improvement plans, as necessary, to better address compliance with C.3 stormwater requirements. Revised maps reflecting the new preliminary Stormwater Control Plan is provided under Exhibit 11.

The applicant shall ensure that the proposed water quality basin is designed to sufficiently detain the necessary volume of water to achieve "maximum extent practicable" pollutant removal, including fine sediment and particulate matter, prior to discharge to a storm drain system. The applicant shall demonstrate that the proposed water quality basin will adequately remove pollutants through "settlement" due to the presence of impermeable soils, as opposed to direct or indirect infiltration to groundwater, to the extent required by Provision C.3 of the NPDES Permit, the Stormwater C.3 Guidebook, and the requirements of the RWQCB. The necessary volume of water shall be detained for the minimum "drawdown time" required by the Stormwater C.3 Guidebook, Chapter 5. The water quality volume of the proposed basin shall be determined using acceptable methods (i.e. WEF method or California BMP method) specified under the RWQCB permit. If the proposed water quality basin is not capable of meeting the minimum specified standards through "settlement" or direct

infiltration, the applicant shall provide alternative treatment BMPs/IMPs throughout the site, utilizing indirect infiltration to meet the minimum standards set forth in Provision C.3 of the NPDES Permit, the Stormwater C.3 Guidebook, and the requirements of the RWQCB.

XI. STAFF ANALYSIS / DISCUSSION

A. General Plan Amendment : This General Plan Amendment would convert the 29-acre Nove property from industrial use to residential use and has been evaluated under the following considerations:

- Impact On Demand for Industrial Land In North Richmond From Conversion To Residential Use
- Appropriateness of New Residential Use In Predominantly Industrial Area and Potential Environmental Effects
- Potential to Advance Goals and Policies of General Plan and North Richmond Redevelopment Plan

1. Impact On Demand for Industrial Land In North Richmond From Conversion To Residential Use: The General Plan has designated the Nove property as Heavy Industrial (HI) and Light Industrial (LI) for many years. The 29-acre property is part of approximately 500 acres of land in the North Richmond area between Wildcat Creek and Parr Boulevard mainly designated for industrial use. This nonresidential portion of North Richmond includes a range of uses generally falling under the light industrial, heavy industrial, and service commercial use types. Such uses reflect a long held County policy to bring new jobs to North Richmond. An important policy consideration with Signature Properties' proposal to develop the Nove property for residential use is whether conversion would have negative consequences in meeting current and future demand for industrial space. What are the implications that this proposal would have on the County's long standing policy to reserve land area in North Richmond for employment based development?

While many successful businesses thrive in this area of North Richmond and new ones have arrived, as a whole, the nonresidential portion of North Richmond could be characterized as significantly underutilized industrial land. Even though North Richmond is centrally located in the Bay Area, is linked by the Richmond Parkway and railroad lines, and has relatively affordable land in large contiguous tracts, these positive attributes have not been enough to induce significant industrial development. The limited success in attracting industrial development can be attributed to challenges associated with poor infrastructure and negative community image, but a primary reason that so much land is underutilized is that the overall demand for industrial space in western Contra Costa County and the East Bay is diminishing. The Contra Costa County Redevelopment Agency recently commissioned a study prepared by Economic & Planning Systems (EPS), in conjunction with Berryman & Henigar, to evaluate the infrastructure needs,

costs, and financing options for industrial development within the area. The purpose of this report was to provide a technical basis for the Redevelopment Agency to improve the area's infrastructure and help accelerate development and job opportunities. This study included a market analysis of the current and future demand for industrial space in North Richmond. A copy of the EPS report is provided under Exhibit 10 to this report.

The key findings from the EPS report can be summarized as follows:

- A. The existing northern, industrial portion of North Richmond area is currently underutilized. The active heavy and light industrial uses are scattered across the 500 acres and are often in the form of flower growing, storage, and recycling or salvage uses that do not typically generate high level of jobs. There is also industrial land that is sitting vacant.
- B. The northern, industrial portion of North Richmond has some competitive advantages that could spur more industrial development but the underlying infrastructure needs to be improved to attract the type of development that would create job opportunities.
- C. The demand for residential land, as opposed to industrial land, is much greater. Young families and first-time homebuyers residing in West County are expected to drive demand for residential development. The location, demographics, and type of residential development suggests that the existing northern, industrial portion of North Richmond could serve a particular market niche for new residential construction aimed at families just entering the housing market.
- D. An analysis of the industrial market indicates that North Richmond could capture up to 1.6 million square feet, or the equivalent of about 145 acres, of industrial development through year 2030. This compares to approximately 500 acres of available land now designated for industrial use. According to the analysis only about 29% of the area of land now designated for industrial use is needed through the year 2030.

The EPS report's findings provide substantial evidence that the conversion of 29 acres on the Nove property from industrial use to residential use, as proposed by Signature Properties, would not have negative consequences on the overall supply of land in North Richmond reserved for industrial use. There is at present more than adequate land ready and available in North Richmond to meet the current and future demand for industrial space over the next 25 years.

2. Appropriateness of New Residential Use in Predominantly Industrial Area:

Another important land use consideration that this proposal raises is whether the change to residential use will create an incompatibility or conflict with nearby,

existing industrial uses. The Nove property is bounded on two sides by active industrial uses: to the east is the West County Resource Recovery Center, a solid waste transfer and recycling facility; and to the north along Pittsburg Avenue are various industrial uses primarily engaged in recycling metal products and drums. Would the conversion of the Nove property to residential use inevitably result in a conflict with these ongoing industrial operations? ¹.

Traditionally, industrial districts were created to separate noxious industrial uses from residential areas. Heavy industrial uses are distinguished by the smoke, odors, noise, vibration, glare, and traffic that are an inherent feature of their operations. Light industrial use districts typically include warehousing and light assembly plants, which have little effect on surrounding uses other than truck traffic and visual impact. Industrial use districts were created to protect industries from potential complaints from residential neighbors, and protect residents from the environmental effects of industrial uses.

Most recently the vigorous enforcement of state and federal laws concerning air pollution and job safety, and the introduction of new air pollution/noise control technologies, have greatly reduced the output of smoke, odors, noise, and vibration associated with traditional “smokestack” industrial or manufacturing sites. An equally important change has been the growth of low-impact industries and of service and information industries leading to the development of the landscaped industrial park, which were commonly developed in the Bay Area during the 1970’s and 1980’s. The industrial park concept changed the approach to planning for industrial development, particularly in the Bay Area, by shifting the emphasis away from the large, single use “smokestack” industrial or manufacturing plant to reserving contiguous tracts of land for a more diverse range of light manufacturing, assembling, and warehousing uses.

It was the prototypical industrial park development that the General Plan envisioned when the 500-acre area between Wildcat Creek and Parr Boulevard in North Richmond was designated for industrial use. It was believed that this area would become attractive for industrial park development once regional access was improved via the construction of the Richmond Parkway. Since the completion of the Richmond Parkway, however, most of the recent industrial development in this area of North Richmond has been incremental and amounts to an accumulation of recycling related (light-industrial) uses that do not generate much employment. Several flower growing operations, predominantly Color Spot, have continued operations in North Richmond, but in the long term it is their intention to phase out and relocate these operations outside the Bay Area. Aside from the recycling operations, there is little in the way of actual manufacturing, fabrication,

¹ A firm that operates a drum recycling or reconditioning facility located across from the Nove Property at the northwest corner of Pittsburg Avenue and Central has commented on the Initial Study/Mitigated Negative Declaration in relation to potential conflict with their operations and the residential development proposed on the Nove property. See comment letter from Martin Lysons, attorney representing IMACC, and response to this comment under Exhibit 8: CEQA Response To Comments.

or other industrial processes which would typically characterize an area set aside for heavy industry, and, as noted in the EPS report, the prospects for significant industrial expansion in the future are diminishing.

The combination of reduced demand for industrial space, the nature and extent of existing industrial uses, and the overall improvements in air pollution/noise control technologies, have made it more feasible to consider the appropriateness of converting or recycling some of the underutilized industrial land in North Richmond to residential use.

In communities where proposals to convert or recycle underutilized industrial land to residential use have been considered the focus has been on the environmental effects from nearby, existing industrial operations on new residential development. The environmental effects from the industrial uses, namely smoke, odors, noise, vibration, glare, and traffic, on nearby residential development have been controlled for through site layout and architectural design of the new residential units. This is the approach proposed for the Nove property. As more fully described in the site plan, and in the proposed Mitigated Negative Declaration and the accompanying mitigation program, the layout and design for the residential units on the Nove property would control for the effects of nearest industrial properties by incorporating the following features:

- 12 ft. tall soundwalls on two sides of the Nove property facing nearby industrial properties (north, and west) would be constructed, and special building construction techniques (e.g. sound-rated windows and building façade treatments) will be used to further mitigate noise to acceptable levels for a residential project; and,
- There will be a significant buffer or setback of the residential units on the Nove property from the existing industrial uses on three sides of the property, particularly to the north of the property along Pittsburg Avenue where there is a concentration of recycling uses. For example, there is approximately 335 feet between the closest residential units within the Nove property and the drum recycling facility (IMACC) located on Pittsburg Avenue. This setback or buffer consists of 10 foot backyard, plus a 50 foot vegetated buffer/sound wall, plus a 75 foot street right-of-way for Pittsburg Avenue, and another 200 feet from the IMACC property line to the drum recycling facility.

3. Ability To Advance Goals and Policies of the General Plan and the North Richmond Redevelopment Plan

Taken as whole the General Plan encourages the recycling or conversion of underutilized industrial land where it can be demonstrated that a more productive or “higher and better” land use, such as residential development, would provide an opportunity for an appropriate infill development within an urbanized area.

Land Use Element Policy # 3-8 speaks most directly to this concept of infill development, it states that:

“Infilling of already developed area shall be encouraged. Proposals that would prematurely extend development into area lacking requisite services, facilities, and infrastructure shall be opposed. In accommodating new development, preference shall generally be given to vacant or under-used sites within urbanized area, which have necessary utilities installed with available remaining capacity, before undeveloped suburban lands are utilized.”

The Nove property clearly meets the test of an infill development site since it is an underutilized industrial property located within an already urbanized area that has public services and utilities with remaining capacity. The proposed conversion of the Nove property from industrial use to residential use would advance the General Plan goals and policies related to infill residential development.

Expanding housing opportunities are key goals of both the General Plan and the North Richmond Redevelopment Plan. Since the inception of the Redevelopment Plan in 1987 there have been concerted efforts by the Redevelopment Agency to increase the quantity and improve the quality of housing in North Richmond by providing financial assistance in the development of affordable housing for very low, low, and moderate income households. Prior to the proposal by Signature Properties for the Nove property, there have been two major residential developments in North Richmond along the Richmond Parkway between Gertrude Avenue and Wildcat Creek: Richmond Parkway Estates – 87 lot residential subdivision and Bella Vista – 173 lot residential subdivision. Neither of these residential developments required direct financial assistance from the Redevelopment Agency. Signature Properties proposal is a continuation of an emerging trend to develop housing in North Richmond along the Richmond Parkway without involving the direct financial assistance of the Redevelopment Agency. As proposed, this project would not only build new market rate units primarily aimed at the typical entry-level homebuyer in the West County area, but it also will participate in the Redevelopment Agency’s mandatory affordable housing program. The affordable housing program requires a minimum of 15% of the 370 units be affordable (56 units) with not less than 40% of the affordable units to be affordable to very low income households (6%, or, 23 of the 370 units) and up to 60% of the affordable units (9%, or 33 of the 370 units) to be affordable to low and moderate income households. The Redevelopment Agency has determined that it will consider either on-site and off-site options, or, a combination of both options, to meet the 15% affordable housing requirement. For more on the affordable housing requirement, see discussion on page S-4, and Conditions of Approval #34 through #39. If approved, this project would advance key housing production goals and objectives of both the General Plan and the

Redevelopment Plan by significantly expanding and diversifying the housing stock in North Richmond.

The proposal for residential development on the Nove property also has the potential to significantly advance goals and policies in the General Plan and the North Richmond Redevelopment Plan related to the provision of parks and recreation facilities. North Richmond is generally under served in terms of park and recreational facilities, and there is a particularly need to provide more recreational opportunities for at-risk youth. The nearest playfield to the Nove property is located next to the Verde Elementary School, which is approximately a ¼ of mile to east of the Nove property. The ball field and the adjoining playground on the elementary school campus are effectively the only public recreational facilities that serve the unincorporated North Richmond community. Consequently, these facilities are heavily used and are in need of regular maintenance.

The County's current park dedication (Quimby Act) fee for West County, including North Richmond, is set at \$2000.00 per residential unit. This fee has not been indexed to inflation and has not been updated since 1990. The payment of a park dedication fee per unit is in lieu of setting aside park land within a residential subdivision, and significantly, the fee can only be used by the County for park acquisition or capital improvements. As in other unincorporated communities, the County depends on the proceeds from the park dedication fee collected from new development and other funding sources (both public and private grants) to upgrade and improve the existing park facilities in North Richmond. There is no dedicated fund source for maintenance or to provide recreational programs. Recognizing the limitations in the County park fees program, the Board has directed the Community Development and Public Works departments to prepare a study aimed at updating the park dedication fees countywide to keep up with the rising costs for acquiring and developing park facilities. This study is still in progress and is likely to result in a significant increase in the County's park dedication fees if approved by the Board of Supervisors.

In recognition of the significant and unique park and recreation needs for the North Richmond community, Signature Properties has voluntarily agreed to pay a much higher park fee, including a park dedication (Quimby Act) fee at \$2,000.00 per unit and to pay an additional park enhancement fee at \$5,235.00 per unit.² This equates to a total payment of \$2,676,950.00 in park fees from this one project, and, if approved, this project would provide an important public benefit by making a substantial funding contribution toward improving park and recreational facilities and programs in North Richmond.

² It is advised that the funds from the additional park enhancement fee portion from this project could be set up as annuity fund to be used for park and recreational services, capital improvements, and/or maintenance in North Richmond.

- B. Site Plan Analysis: The applicant is proposing to subdivide 29.2 acres into 370 residential units, three designated park sites, several additional open space areas, and an internal private road system. The 370 residential units consist of three different housing types, which are divided into Townhomes, condominiums, and cluster homes. Lot A is a park sited adjacent to Wildcat Creek, Lot B is a centralized park with a walking trail, and Lot F is partially a stormwater detention facility as well as park site that is proposed to have several playing fields. There are two access points to the development, both on Pittsburg Avenue, and the internal private roads are mainly comprised of small courts. Further details regarding the architectural designs, parks, roads, and parking are provided below.

Architectural Design of the Nove Property Townhomes and Villa Condominiums

The architecture style of the proposed Nove Property Townhomes and Villa Condominiums has Craftsman style design elements. The design includes articulated gable ends, decks and covered entries. The exterior materials are stucco with shingles and horizontal siding.

Townhomes: The proposed townhomes will consist of 3 plans ranging in size from 1350 square feet to 1667 square feet and from 2 bedroom 2 baths to 3 bedroom 2 baths. The units include 2 car garages with tuck under parking, living area a ½ level up, and bedrooms on the second level. All units have private enclosed patios in front. Buildings will consist of 3 to 6 units per building arranged in a court yard or street frontage configuration. Open space is provided throughout the townhouse area for dog walking, relaxing and playing. Open space areas are overlooked by residential units to provide a sense of community and security. Streets within the townhouse area are private and designed to minimize traffic flow to the residents in that particular area. The Townhomes along the main circulation route face the street to provide a more residential feel and activate the street.

Condominiums: The Villa condominiums are attached Townhomes and flats with 2 car garages surrounding a motor court. They range in size from 1039 square feet to 1423 square feet and 2 bedrooms 2 bath to 3 bedroom 2 baths. Twenty of the flats are one story with direct garage access suitable for seniors. All of the homes have access to private open space either from a balcony or private patio. Guest parking and trash pickup is provided on the streets outside of the courtyards. The buildings are arranged around pedestrian-oriented open space drawing the buildings together in a meandering trail system.

Architectural Design of the Nove Court Homes

The architectural character of the Nove Court Homes is based on the regional “craftsman style” made popular in the Bay Area at the turn of the century. Features include cross-gabled roofs, hipped roofs and decorative braces under gables. Exterior features include balconies and planters.

Court Homes: The Court homes consist of 4 plans ranging in size from 1,361 square feet to 2,139 square feet. The floor plans will have 3 bedrooms 2 baths to 4 bedrooms 2 baths and most with family rooms and formal dining. The cluster homes are gathered around a private court. Each home will have a private yard and a 2 car garage. Each plan will have two elevations to provide varying architectural style.

Parks/Open Space: The new neighborhood would include 6.4 acres of parks/open space area featuring a central park with a meandering trail, a larger park in the northwestern corner, and a meandering park adjacent to Wildcat Creek. The park next to Wildcat creek will provide the residents with access to the trail that runs along the creek and ultimately to the Bay trail. These parks/open space areas will be maintained by the master homeowners association and will open to the public subject to hours of operation. The community is designed to be a walkable community with ample opportunity for exercise and relaxation.

Roads: There are two access points to the project site, both from Pittsburg Avenue, which then creates a central loop through the development. However, the internal road system consists primarily of small courts (cul-de-sacs) for all of the cluster housing. The roads within the development have been designed to meet the County standards for private roadways, as well as the requirements for the County Fire Protection District. This road network will be privately maintained by the future Home Owners Association.

Parking: The County Code requires two off-street spaces per dwelling unit (for the single family and 2 bedroom multi-family units proposed in the project). The project would provide 740 off-street parking spaces, two for each dwelling unit. A total of 213 on-street (all on site) parking spaces are proposed. The County Code also requires 65 visitor parking spaces (0.25) spaces/multi-family unit. Therefore, as required for guest parking per code, a total of 65 parking spaces are being proposed. Of the 740 enclosed parking spaces, 80 are tandem and the remainder are side by side.

- C. Growth Management Considerations: The project has been reviewed in the context of General Plan's Growth Management Element standards, including traffic, water, sewer, fire protection, police protection, parks and recreation, flood control and drainage. The project can meet all of these Growth Management standards, refer to findings on COAs.
- D. 65/35 Land Preservation Standard: The project has been reviewed in the context of the 65/35 Land Preservation Standard as contained in the Land Use Element to the General Plan. The approval of the General Plan Amendment to re-designate the Nove property from Heavy Industry and Light Industry to Multiple Family Residential – Medium Density would be inconsequential in terms of maintaining the land preservation standard.

XII. SUMMARY CONCLUSION

The proposed project substantially conforms to the goals and policies of the General Plan. Potentially significant environmental impacts can be mitigated through implementation of the attached Mitigation Monitoring Program. The General Plan Amendment would neither result in a violation of the 65/35 Land Preservation Standard, nor result in a violation of the Growth Management Standards. The Development Plan would conform to the standards of the P-1 District. The subdivision is consistent with the North Richmond P-1 Zoning District and the General Plan as it is proposed for amendment. Therefore, staff recommends that the Commission adopt the Mitigated Negative Declaration, approve the Preliminary and Final Development Plan, approve the Subdivision along with the Conditions of Approval, and recommend the Board adopt the General Plan Amendment.

Attachments:

Exhibit 1 – Parcel Maps

Exhibit 2 – Aerial Photographs

Exhibit 3 – Existing General Plan Map

Exhibit 4 – Proposed General Plan Map

Exhibit 5 – Zoning District Map

Exhibit 6 – Agency Comment Letters

Exhibit 7 – Mitigated Negative Declaration (Initial Study)

Exhibit 8 – CEQA Comment Letters and County Response to Comments

Exhibit 9 - Mitigation Monitoring and Reporting Program

Exhibit 10 – EPS Report

Exhibit 11 – 11/27/2006, Sheets C1-C8 VTM, Sheets D1-D5 Development Plan
(Public Works Revised Stormwater Control Plan Maps)

Exhibit 12 - 9/7/2006, Sheets C1-C8 VTM, Sheets D1-D5 Development Plan, Architecture
Elements

**FINDINGS AND CONDITIONS OF APPROVAL FOR VESTING TENTATIVE
MAP #SD058938 AND PRELIMINARY/FINAL DEVELOPMENT PLAN
#DP053024**

A. Growth Management Performance Standards

1. Traffic: The project will generate an estimated 370 additional AM and PM peak hour trips. Because the project would generate more than 100 peak period trips, the applicant was required to prepare a traffic report pursuant to the 1988 Measure C requirements.
2. Drainage and Flood Control: Conditions #96 and #97 require that the applicant collect and convey all storm waters entering or originating within the project to an adequate natural or manmade water course. The Final Map may not be filed until the collect and convey requirements and improvements have been met.
3. Water and Waste Disposal: The project site is within the East Bay Municipal Utility District and West County Wastewater Sanitary District service areas. The property is not within the West County Wastewater District boundary and must be annexed. The district has indicated that capacity exists to support the development.
4. Fire Protection: The nearest fire protection station is Station #70 located at 1392 San Pablo Dam Road, San Pablo, CA. Staff has determined that the project site is within 2.83 miles of this station.
5. Public Protection: The Growth Management Element Standard is 155 square feet of Sheriff Facility station per 1,000 population. The population increase associated with this project is 999 persons which is below the standard and considered not significant. Prior to approval of the Final Map, the applicant is required to establish a police services tax district to mitigate the impacts of the development on police services.
6. Parks & Recreation: The proposed project will result in an increase in the demand for park and recreation facilities. Therefore, the project shall increase the developed park area acreage or pay in-lieu park dedication fees. Payment of park dedication fees will be comprised of a Quimby Act fee and a North Richmond Park Enhancement fee amounting to a total of \$7,235.00 per residential unit to mitigate impacts.

B. Findings for approval of a Preliminary or Final Development Plan.

1. Required Finding: The applicant intends to start construction within two and one-half years from the effective date of the zoning change and plan approval.

Project Finding: The applicant has expressed a desire to begin construction immediately after required permits and approvals have been obtained.

2. Required Finding: The proposed planned unit development is consistent with the County General Plan.

Project Finding: An amendment to the Land Use Element of the County General Plan redesignating two parcels totaling 29.2 acres from Heavy and Light Industry to Multi-Family Residential – Medium Density. The Final Development Plan describes a development of 370 residential unit project: 120 – 2 story Townhomes; 110 – 2 story cluster homes; and 140 – 1 and 2 story condominiums. Of these, 56 units would be affordable units. All parking would be onsite. A total of 6.4 acres of open space/park is proposed.

3. Required Finding: In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.

Project Finding: An amendment to the Land Use Element of the Contra Costa County General Plan indicating changes to the Land Use Element and maps would be required. The General Plan Land Use Element would need to re-designate the parcel from Heavy Industry and Light Industry to Multiple-Family Residential - Medium Density and allow for the development of the 370 unit project. The re-designation and resulting development would continue the extension of residential development to the north. As this area is in redevelopment and in transition, this change in landscape can be seen as unifying the community, a less than significant impact.

The proposed project is introducing a new concept in development that is precedent. The applicant is promoting a unique architectural quality and subdivision pattern that will set a standard for future augmentation in the North Richmond area.

The desirability of the project lies in its aesthetic quality and its lot configuration. The project provides for a density level consistent with the proposed General Plan amendment to the Land Use Element redesignating the property from Heavy and Light Industry to Multiple-Family Residential – Medium Density that also produces single-family residences. The addition of landscaping will increase the visual and aesthetic characteristic of the project. This use of an underutilized property helps fulfill the goals and policies of the County Housing Element within General Plan.

C. Approval of Tentative Map

1. Required Finding: The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general and specific plans required by law.

Project Finding. The project is contingent with the Board of Supervisor's approval of the proposed General Plan Amendment to the Land Use Element redesignating the property from Heavy and Light Industry to Multi-Family Residential – Medium Density. With this amendment the proposed project would be consistent with the various elements of the General Plan. The proposed land use designation is MM, which allows for multiple and single-family medium-density development. The tentative map provides for 370 residential lots on 29.2-acres comprised of two parcels, which complies with the density requirement. The project is also consistent with the policies for North Richmond P-1 Zoning District.

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

Project Finding: Public Works requires that the project comply with collect and convey regulations, storm drainage facilities, and design standards for construction of private roads. The County Geologist stated that the site is suitable for construction from a geologic standpoint with the implementation of the geologic mitigations. Buildings must comply with the requirements of the California and Uniform Building Codes.

CONDITIONS OF APPROVAL

Administrative

1. This approval is based on the Preliminary and Final Development Plan and the Vesting Tentative Map dated September 7, 2006 and on the exhibits received by the Community Development Department listed as follows:
 - A. Exhibit A --- **Sheet D 1 of 5** – Title Sheet – Preliminary and Final Development Plan. Vesting Tentative Map dated September 7, 2006 by the Community Development Department for 370 lots and 56 affordable units on the 29.2 acre site.
 - B. Exhibit B --- **Sheet 2D of 5** – Preliminary and Final Development Plan.
 - C. Exhibit C --- **Sheet 3D of 5** – Lot Dimension Plan.

- D. Exhibit D --- **Sheet 4D of 5** – Preliminary Parking Layout Plan.
- E. Exhibit E --- **Sheet 5D of 5**—Typical Street Sections and Typical Setbacks.
- F. Exhibit F --- **Sheet 1C of 8** – Title Sheet – Vesting Tentative Map Subdivision 8938 – Nove Property.
- G. Exhibit G --- **Sheet 2C of 8** – Existing Condition and Boundary Map
- H. Exhibit H --- **Sheet 3C of 8** – Existing Tree Plan.
- I. Exhibit I --- **Sheet 4C of 8** – Geotechnical Condition Plan.
- J. Exhibit J --- **Sheet 5C of 8** – Lot Dimension Plan.
- K. Exhibit K --- **Sheet 6C of 8** – Grading Plan
- L. Exhibit L --- **Sheet 7C of 8** --Preliminary Utility Plan.
- M. Exhibit M --- **Sheet 8C of 8** – Typical Street Sections, Typical Setbacks & Townhome Fine Grading Detail.
- N. Exhibit K --- Motor Court Buildings Building Elevations. stamped received by the Community Development Department March 28, 2005. Single Family Homes. Building Elevations. stamped received by the Community Development Department March 24, 2005 Colored 5 Unit Townhouse Building Scheme 2 Conceptual Front Elevation stamped received by the Community Development Department on December 14, 2006.

This approval is also based upon the following reports:

- O. Cultural Resources Study prepared by LSA dated January 31, 2005.
- P. Phase II Environmental Site Assessment prepared by Treadwell and Rollo dated January 8, 2004.
- Q. Truck Route/Weight Limitations Survey for West Contra Costa County, prepared by Dowling Associates dated December, 2001.
- R. Residential Development Environmental Noise Study prepared by Charles M. Salter Associates, Inc, dated January, 2005.

- S. Nove Property Traffic Assessment prepared by Dowling Associates, Inc. dated on January, 2005.
- T. Arborist Report, Nove Site prepared by LSA dated July 16, 2005.
- U. Geotechnical Exploration prepared by Engeo dated March 30, 2005.
- V. Geological Peer Review prepared by Darwin Myers Associates dated April 26, 2005.
- W. Response to Peer Review prepared by Engeo dated July 11, 2005.
- X. Geological Peer Review prepared by Darwin Myers Associates dated July 11, 2005.
- Y. Preliminary Storm Water Control Plan prepared by Ruggeri-Jensen-Azar & Associates dated September 29, 2006.

The following conditions shall be met prior to issuance of a building permit unless otherwise specified.

- 2. ___ ___ The approval of the Preliminary and Final Development Plan DP053024 shall run concurrently with the time limits of subdivision file SD058938.
- 3. ___ ___ Except as specified in these conditions and the exhibits described in Condition #1 above, the guide for development shall be subject to the North Richmond P-1 Zoning District. Guide for minimum yard standards shall generally be as follows:
 - A. For the Townhomes, shown as lots 111 through 136 on **Sheet 2D of 5** – Preliminary and Final Development Plan.
 - Front: 8 feet from property line;
 - Side: zero feet (attached); total 22 Feet between buildings;
 - Side yards adjacent to Richmond Parkway shall be no less than 6.5 feet; side yards adjacent to a street shall be no less than 7 feet;
 - Rear: 8 feet.
 - B. For the Condominiums, shown as lots 137 though 145 on **Sheet 2D of 5** – Preliminary and Final Development Plan.
 - Front: 8 feet from property line;
 - Side: zero feet (attached); Building Side: 9 feet;
 - Total 29 Feet between buildings sides;
 - Total 33 Feet between buildings rears;
 - Side yards adjacent to a street shall be no less than 9 feet

C. For the Single-family Court Homes, lots 1 through 65, 71 through 100, and 104 through 108 on **Sheet 2D of 5** – Preliminary and Final Development Plan.

Front: 2 feet from property line;
Side: 3 feet; aggregate side 6 Feet;
Side yards adjacent to a street shall be no less than 6 feet.
Rear: 4 feet.

D. For the Single-family Homes, lots 66 through 70, 101, 102, 103, 109, and 110 on **Sheet 2D of 5** – Preliminary and Final Development Plan.

Front: 18 feet from property line;
Side: 3.5 feet; aggregate side 7 Feet;
Side yards adjacent to a street shall be no less than 10 feet.
Rear: 6 feet.

E. Prior to issuance of building permits, an overall plan shall be submitted for review and approval by the Zoning Administrator showing building locations and siting dimensions.

Zoning Administrator Review

4. ___ ___ The proposed buildings shall be similar to that shown on the submitted plans. Prior to the issuance of a building permit, elevations and architectural design of the building and building roofing material shall be submitted for final review and approval by the County Zoning Administrator. The roofs and exterior walls of the buildings shall be free of such objects as air conditioning or utility equipment, television aerials, etc, or screened from view.
5. ___ ___ Prior to issuance of any building permits, an overall plan for lot development shall be submitted for review and approval by the Zoning Administrator which demonstrates compliance with the conditions herein.

Minor Revision to Plans

6. ___ ___ Thirty days prior to submittal of any proposed revisions to the site plan or architecture to the Zoning Administrator, the North Richmond Municipal Advisory Council shall be provided an opportunity to review and comment on the revised plan.

Compliance Report

7. ___ ___ At least 45 days prior to filing a final map or issuance of grading permit, which ever occurs first, the applicant shall submit a report on compliance with the conditions of approval with this permit for the review and approval of the Zoning Administrator. The fee for this application is a deposit of \$1,000 that is subject to time and materials costs. Should staff costs exceed the deposit, additional fees will be required.
- A. Except for those conditions administered by the Public Works Department, the report shall list each condition followed by a description of what the applicant has provided as evidence of compliance with that condition. The report shall also indicate whether the applicant believes that he has done all the applicant is in a position to do to comply with the applicable condition. (A copy of the computer file containing the conditions of approval may be available; to obtain a copy, contact the Community Development Department at (925) 335-1210.
- B. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the condition of this report prior to filing the final map.

Applicant Indemnification of County

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

Archaeology

9. ___ ___ The applicant is required to provide a qualified archaeologist to monitor any ground disturbance below the imported fill. Archaeological monitors shall be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. This monitoring shall continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered.

If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 50 feet of the discovery shall be redirected until the archaeological monitor evaluates the situation and provides recommendations. If archaeological deposits cannot be avoided,

they should be evaluated for their significance in accordance with the California Register of Historical Resources. If the deposits are not eligible, further protection is not necessary. If the deposits are eligible, they will need to be avoided or significant effects on them must be mitigated. **M.M.V.a.– d.**

Child Care Conditions

10. __ __ Prior to filing the final map the applicant shall comply with the County Child Care Ordinance. (Ch.82-22, County Ordinance Code).

TDM Condition

11. __ __ At least 30 days prior to filing the Final Map, the applicant shall submit a Transportation Demand Management (TDM) information program in accord with the requirements of Ordinance No. 92-31 for review and approval of the Zoning Administrator. Applicant shall also comply with the County Growth Management Program and Bay Area Air Quality Management District regulations regarding transportation.

Bus Stop

12. __ __ A bus stop shall be developed on the site subject to the review and approval of the local transit agency. The bus stop, if developed, shall consist of a covered bench or other suitable structure subject to transit agency review and approval, and Zoning Administrator review and approval. If the local transit agency does not want a bus stop in this area this requirement can be waived.

Noise

13. __ __ Design and construct noise barriers to achieve acceptable noise exposures where reasonable and feasible (60 DNL or less single-family residential land uses and 65 DNL or less at multiple-family residential uses). The final detailed design of the heights and limits of proposed noise barriers shall be completed at the time that the final grading plan is submitted. **M.M.XI.a.**
14. __ __ The California Building Code and Contra Costa County require project specific acoustical analysis to achieve interior noise levels of 45 DNL or lower in residential units exposed to exterior noise levels greater than 60 provision of forced-air mechanical ventilation in noise environments exceeding 60 DNL, so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-related windows and building façade treatments) may be required where exterior noise levels exceed 65 DNL. These doors, sound rated exterior wall assemblies, acoustical caulking, etc. conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the

necessary noise control treatments, will be submitted along with the building plans and approved prior to issuance of a building permit. **M.M.XI.a.**

15. __ __ Concurrently with the recordation of the Final Map, record a statement to run with the deeds to the property notifying future occupants, of the project that they may experience noise due to their proximity to facilities that result in such noise. In addition, provide comparable notification in the CC&Rs for the project. Information regarding the sources of noise and actions that citizens can take (e.g., phone numbers for reporting complaints) shall be provided. **M.M.XI.a.2.**

Geological Conditions

16. __ __ The applicant shall comply with the specific standards and criteria for use in design and construction of the project (site grading, drainage and foundation design) as identified in the ENGEO Report. **MM VI.a.i., ii. and iii.**

17. __ __ At least 30 days prior to the issuance of building permits provide the following where possible under C-3 requirements and subject to mitigation measures set forth in the Adopted Mitigated Negative Declaration in Section VIII:

- Criteria and standards for rapid removal of surface water runoff foundation systems.
- All surface water should be collected and discharged into a storm drainage system, including rear yards (area drains).
- The use of catch basin inserts, vegetated swales or biofilters, roof runoff controls, or permeable parking areas shall be used to collect, filter, and reduce the amount of pollutants entering the stormwater system.
- CC&R's shall address the need to limit irrigation and include an appropriate landscape planting pallet. **M.M.VI.a.iii. and c.**

18. __ __ Subsequent to implement the proposed surcharge program, the applicant shall provide the following:

- Details of surcharge monitoring by ENGEO and materials (and technical data) in a grading completion report.
- Topographic survey map after placement of surcharge. **M.M.VI.d.**

Pedestrian Trails

19. __ __ The applicant shall record a public pedestrian trail easement through the project which shall be offered for dedication to the County, or other appropriate public agency. The location and size of easement shall be subject to the review and approval of the Zoning Administrator. If the easement is

not accepted within 10 years, the County may consider allowing abandonment of the offer.

Landscaping

20. ___ ___ A landscaping and irrigation plan for all areas shown on the plan, including front yards, shall be submitted for review and approval of the Zoning Administrator at least 60 days prior to the recording of the Final Map. A cost estimate shall be submitted with the landscaping program plan. The landscaping plan shall comply with the County Water Conservation Landscaping Ordinance 82-26 and shall be installed prior to approval of the final building permit. The plan shall be prepared by a licensed architect and shall be certified to be in compliance with the County Water Conservation Ordinance.
21. ___ ___ California native drought tolerant plant or tree shall be used as much as possible. All trees shall be a minimum of 15 gallon size; all shrubs shall be a minimum 1 gallon size except as otherwise noted.
22. ___ ___ Submit a street tree planting plan prior to recording the Final Map. A minimum of 15 gallon trees shall be planted along the streetscape.
23. ___ ___ All open space, median strip, and private lot landscaping shall consist of non-invasive, drought-tolerant, low-water use plant species.
24. ___ ___ Privately maintained open space shall be suitably landscaped with scattered California native plant materials. A landscaping plan for these areas shall be submitted for the review and approval of the Zoning Administrator. Landscaping in this area shall be installed prior to occupancy.
25. ___ ___ Prior to occupancy, an on-site inspection shall be made of privately owned lands by a licensed landscape professional to determine compliance with the approved landscape plan. A certification of completion shall be submitted to the Zoning Administrator for review and approval.
26. ___ ___ If occupancy is requested prior to the installation of the landscape and irrigation improvements, then either: (1) a cash deposit; (2) a bond; or (3) a letter of credit, shall be delivered to the County for 125 percent of the estimated cost of the uncompleted portion of the landscape and irrigation improvements. If compliance is not achieved after six months of occupancy as determined by the County Zoning Administrator, the County shall contract for the completion of the landscaping and irrigation improvements to be paid for by the held sum. The County shall return the unused portion within one year of receipt or at the completion of all work.

27. __ __ At least 60 days prior to the issuance of a building permit for the soundwall, the applicant shall develop a detailed Landscape Plan that is acceptable to the City of Richmond and reviewed and approved by the County Zoning Administrator. The applicant shall provide evidence to the County of the City of Richmond's acceptance. **MM I.c.**

Fencing

28. __ __ Prior to the recording of the Final Map, the applicant shall submit a fencing plan program. The approved program shall be attached to the CC&R's.

Signs/Walls/Lighting:

29. __ __ All signs shall be subject to the review and approval of the Zoning Administrator. No other outside displays are permitted.
30. __ __ The design, color and location of any project sign at the entrance to the property shall be reviewed and approved by the Zoning Administrator.
31. __ __ The details of the design, location, color and type of materials for masonry walls shall be submitted for the review and approval of the Zoning Administrator at least 30 days prior to recording the Final Map. The soundwalls shall be of high quality design in appearance and durability.
32. __ __ At least 30 days prior to issuance of building permits, an exterior lighting plan shall be submitted for review and approval of the Zoning Administrator. The plan shall include details of location and design of outside lighting fixtures, proposed screening and hours of operation of exterior lighting.

Affordable Housing –Redevelopment Agency Inclusionary Requirements

33. __ __ The Agency has determined that it will consider both on-site and off-site housing affordability options, or a combination of on and off-site options. As of the date of project approval no defined off-site alternative(s) have been identified and agreed to by the parties. Prior to recording a Final Map the Redevelopment Agency (Agency) and the developer shall agree to an affordable housing program which conforms to the following conditions. In the absence of an agreement the developer shall be obligated to provide the affordable units on-site.

Restrictions

34. ___ ___ For-sale Inclusionary units shall be deed restricted in order to ensure the continued affordability of these units for forty-five (45) years in accordance with California Health and Safety Code Section 33334.3 (Redevelopment Law).

Rental Inclusionary units shall be deed restricted in order to ensure the continued affordability of these units for fifty-five (55) years in accordance with Redevelopment Law.

For purposes of this condition, the following definitions shall apply:

- A. Moderate Income Households – Households earning up to 120 percent of the area median income for Contra Costa County as adjusted for family size as defined in Section 50093 of the California Health & Safety Code.
- B. Lower Income Households – Households earning up to 80 percent of the area median income (AMI) for Contra Costa County as adjusted for family size as defined in Section 50079.5 of the California Health & Safety Code.
- C. Very-Low Income Households – Households earning up to 50 percent AMI for Contra Costa County as adjusted for family size as defined in Section 50105 of the California Health & Safety Code.
- D. Affordable Sales Price – the maximum sales price for inclusionary units shown shall be set by the Deputy Director for Redevelopment as defined by Government Code Section 50025.5 and Health & Safety Code Section 33334.22.
- E. Affordable rent means a rent, including a reasonable utility allowance determined by the Community Development Director, that does not exceed the following calculations pursuant to Health and Safety Code section 50053:

Very-low income: 50 percent AMI, adjusted for assumed household size, multiplied by 30 percent and divided by 12.

Lower income: 60 percent AMI, adjusted for assumed household size, multiplied by 30 percent and divided by 12.

F. Sale price and rent calculations shall take into account unit size with the following assumptions:

Studio	=	1 person
One bedroom	=	2 persons
Two bedrooms	=	3 persons
Three bedrooms	=	4 persons
Four bedrooms	=	5 persons
Five bedrooms	=	6 persons

G. The sales price calculation shall also take into account Anticipated Financing so that Housing Costs do not exceed the limits in Paragraphs H and I below.

“Anticipated Financing” means private mortgage financing at current interest rates and terms. Anticipated Financing may include approved public agency down payment or second mortgage grants and loans.

“Housing Costs” include mortgage principal and interest, property insurance, property taxes, homeownership association dues, and expected utility costs.

Affordable Sales Price shall not exceed the market price maximum.

H. A minimum of forty (40%) percent of the inclusionary units (23 units) shall be sold or rented to Very-Low Income households at an Affordable Sales Price or Rent.

I. An additional sixty (60%) percent of the inclusionary units (33 units) shall be sold to Lower and Moderate-Income Households at an Affordable Sales Price. These units shall be split approximately 50/50 between Lower Income (16 units) and Moderate Income (17 units) units.

Term

35. ___ ___ Inclusionary units restricted pursuant to Paragraphs H and I above shall remain affordable to and occupied by the Target Population for a minimum of forty-five (45) years for for-sale units or fifty-five (55) years for rental units from the date of issuance of a certificate of occupancy for the project.

Locale

36. ___ ___ On-site inclusionary units shall be provided throughout the project, and placed throughout the development in a manner such that the size (including number of bedrooms) and quality of inclusionary units reflect the proportions in the total development, and that the inclusionary units be spatially dispersed. Prior to filing of a Final Map, the applicant shall submit to the Deputy Director for Redevelopment/Zoning Administrator a plan for review and approval designating the proposed location of inclusionary units.

Miscellaneous

37. ___ ___ A. The applicant shall enter into a Developer Sales Agreement (form to be approved by the County) with the County at least 90 days prior to issuance of building permits for the model homes, which ensures that the number of units equals to at least 56 of the approved units are affordable to and occupied by Very-Low, Lower, and Moderate Income Households.
- B. The owner hereby represents, warrants, and covenants that it will cause this Agreement to be recorded in the real property records of Contra Costa County, California, and in such other places as the County may reasonably request. The owner shall pay all fees and charges incurred in connection with any such recording
- C. The County will provide to the Applicant income certification forms to be completed by the purchasers. The income levels of all Very-Low, Lower, and Moderate Income Household applicants for units in the project shall be certified prior to initial occupancy by the Applicant and records shall be maintained by the Applicant for a minimum of seven (7) years.
- D. All units in the project shall be available for sale on a continuous basis to members of the general public who are income eligible. The Applicant shall not give preference to any particular class or group of persons in selling the units, except to the extent that the units are required to be sold to Very-Low and Moderate Income Households. There shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, religion, sex, sexual orientation, marital status, national origin, source of income (e.g., SSI), age (except for lawful senior housing), ancestry, or disability, in the sale of any unit in the Project nor shall the Owner or any person claiming under or through Owner, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of purchasers of any unit or in

connection with employment of persons for the construction of the project.

- E. Applicant shall work with a local non-profit housing agency (Non-Profit) to market the inclusionary units and to determine eligibility of the inclusionary unit buyers. Once a Nove inclusionary unit becomes available for sale, Applicant shall provide such agency with the following information regarding the unit: sales price, address of unit, unit size expressed in number of square feet, number of bedrooms and bathrooms, other property amenities, income restrictions, other special financing restrictions and photos of unit.

Applicant shall coordinate marketing activities of the Inclusionary units with Non-Profit. Special marketing attention shall be given to residents of North Richmond. Inclusionary units shall be marketed through local non-profit, social service, faith-based, and other organizations that have potential purchasers as clients or constituents. Current residents and Non-Profit program participants will be encouraged to spread the word of available inclusionary units to their family members, friends, and acquaintances. Applicant shall translate marketing materials into Spanish, Lao, Mien, and Chinese.

Marketing may also include publicity through local television and radio stations as well as local newspapers including the West County and Contra Costa Times, Oakland Tribune, Homeowner Resource, Classified Flea Market, El Mensajero, Thoi Bao Magazine, Berkeley/Richmond/San Francisco Posts, Korea Times, El Mundo, Hankook Il Bo, and the Sing Tao Daily.

- F. Upon violation of any of the provisions of this Agreement by the Owner, the County may give written notice to the Owner specifying the nature of the violation. If the violation is not corrected to the satisfaction of the County within a reasonable period of time, not longer than thirty (30) days after the date the notice is deemed received, or within such further time as the County determines is necessary to correct the violation, the County may declare a default under this agreement. Upon declaration of a default or if the County determines that the owner has made any misrepresentation in connection with receiving any benefits under this Agreement, the County may apply to a court of competent jurisdiction for such relief at law or in equity as may be appropriate.

Off-Site Alternative

- 38. __ __ The basic County requirement is that all inclusionary units are to be constructed on-site. However, the County may approve development of the inclusionary units at another site pursuant to the following requirements:

- A. The Contra Costa County Redevelopment Agency has agreed to an off-site alternative(s).
- B. The off-site alternative must be within the unincorporated North Richmond Redevelopment Project Area.
- C. The combination of location, unit size, unit type, tenure, pricing, and timing of availability of the proposed off-site inclusionary units would provide a greater benefit than would result from providing those inclusionary units on-site, as measured by a larger percent of affordable units, or a larger percent of very-low or low-income units. The Agency requires that at least fifty percent (50%), the off-site units be for-sale units.
- D. Any off-site inclusionary units must be constructed or rehabilitated prior to or concurrently with construction of the on-site residential development.
- E. The off-site development location must be appropriately zoned and all required entitlements issued for the off-site development alternative before the fifty-first (51st) building permit is issued for the on-site residential development.
- F. The County may consider any combination of on-site and off-site development.
- G. The Redevelopment Director may, at the request of the developer, extend the period of time for complying with these requirements with a finding that a good faith diligent effort has been made to identify and bring to a point of viability one or more off-site developments, and that it is reasonable to assume that additional time will permit the development of off-site alternatives.
- H. All other requirements of this section shall apply except as otherwise modified by the preceding.

Multi-Family Recycling Area

- 39. __ __ Development plans with multiple-family residential projects shall indicate a suitable enclosed area for the purpose of locating recycling bins for paper, glass and cans. This area will be included in the computation of the 25 percent of lot “open area” required for the development.
- 40. __ __ The refuse area shall be properly screened and gated. The Zoning Administrator shall review and approve the location and screening of the refuse area.

Construction Period Development Activity Restrictions

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

- A. The project sponsor shall require their contractor and subcontractors to fit all internal combustion engines with mufflers which are in good condition.
- B. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and areas of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the 24-hour emergency number, shall be expressly identified in the notice. The notice shall be re-issued with each phase of major grading and construction activity.
- A copy of the notice shall be concurrently transmitted to the Community Development Department. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.
- C. A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. 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.
- D. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits, the proposed roads serving this development shall be constructed to provide access to each lot. This shall include provision for an on-site area in which to park earth moving equipment.
- E. Transporting of heavy equipment and trucks shall be limited to weekdays between the hours of 7:00 A.M. and 6:00 P.M. and prohibited on Federal and State holidays.
- F. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- G. All construction activities shall be limited to the hours of 7:00 A.M. to 6:00 P.M., Monday through Friday, and shall be 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/Presidents' Day (State and Federal)
Lincoln's Birthday (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and 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 <http://www.opm.gov/fedhol/2006.asp>

California Holidays <http://www.edd.ca.gov/eddstholiday.htm>

- H. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
 - I. Prohibit unnecessary idling of internal combustion engines.
 - J. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - K. Locate stationary noise generating equipment as far as possible from noise sensitive receptors.
 - L. Designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.
- M.M.XI.d.**

42. ___ ___ The project shall comply with the dust control requirements of the Grading Ordinance including provisions pertaining to water conservation.

Water:

43. ___ ___ At least 30 days prior to recording the Final Map, the applicant shall provide proof that adequate water supply can be provided.

The Project Sponsors shall secure a “will serve” letter from EBMUD that addresses the ability to serve the site with adequate supply and pressure. If the water line requires upgrading then the project shall provide its fair share contribution toward the costs of that upgrade. **MM XVI.d.**

44. ___ ___ The applicant shall comply with the Contra Costa County Ordinance pertaining to water conservation. Compliance with the Water Conservation Ordinance shall be designed to encourage low-flow water devices and other interior and exterior water conservation techniques.

45. ___ ___ All toilets shall be low-flow units in accordance with Section 17921.3 of the Health and Safety Code; sinks and showers shall be water conserving units, in accordance with the California Energy Commission Standards for new residential buildings.

Police Service District

46. ___ ___ Election for Establishment of a Police Services District to Augment Police Services – The owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be the per parcel annual amount (with appropriate future CPI adjustment) then established at the time of voting by the Board of Supervisors. The election to provide for the tax shall be completed prior to filing the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time the election is requested by the owner. Allow a minimum of three to four months for processing.

Air Quality

Construction Related

47. ___ ___ The following is a list of feasible control measures that the BAAQMD CEQA Guidelines recommend for construction emissions of PM₁₀. These conditions shall be implemented for all areas (both on-site and off-site) where construction activities would occur and be documented on a monthly basis via a construction report.

1. Sprinkle water to all active construction areas at least twice daily and more often when conditions warrant.

2. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
3. Sweep daily all paved access roads, parking areas, and staging areas at construction sites.
4. Sweep streets daily if visible soil material is carried onto adjacent public streets.
5. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas.
6. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
7. Limit traffic speeds on unpaved roads to 15 miles per hour.
8. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
9. Replant vegetation in disturbed areas as quickly as possible.
10. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
11. Suspend grading activities when winds exceed 25 miles per hour (mph) and visible dust clouds cannot be prevented from extending beyond active construction areas.

MM III.a.1.

Construction Equipment

48. __ __ The following conditions should be implemented to reduce NO_x and diesel particulate emissions from on-site construction equipment. At a minimum, these measures shall apply to the grading portion of the project:

1. Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be prohibited from use on the site until repaired.

2. Properly tune and maintain equipment for low emissions.
3. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
4. Diesel equipment standing idle for more than two minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks onsite could keep engines running continuously

MM III.a.1.

Odors

49. ___ ___ Concurrently with the recordation of the Final Map, record a statement to run with the deeds to the property notifying future occupants, of the project that they may experience odors due to their proximity to facilities that result in such odors. In addition, provide comparable notification in the CC&Rs for the project. Information regarding the sources of odors and actions that citizens can take (e.g., phone numbers for reporting complaints) shall be provided. **MM III.e.**

CC&R's

50. ___ ___ Covenants, Conditions and Restrictions shall be submitted for review with the Final Map, and shall be subject to review and approval by the Zoning Administrator. This document shall provide for establishment, ownership and maintenance of the common open space and parking, fire protection, fencing, private streets and drainage maintenance, keeping of pets and establishment of signs.

The Covenants, Conditions and Restrictions (CC&R's) developed for this project shall include the following deed restrictions.

Recreational vehicles, boats, boat trailers or mobilehomes shall only be stored or parked in garages. Exterior materials and colors shall not vary from the palette approved for the original homes, without administrative approval of the Zoning Administrator.

51. ___ ___ Except as specified in these conditions and the exhibits described above, the North Richmond P-1 Zoning District shall be the guide for development, subject to the Zoning Administrator's review and approval at the time of issuance of building permits. Any request made subsequent to the approval of this project for modification of the standards of the project shall be made by recommendation of the homeowners association to the Zoning Administrator, prior to issuance of building permits.

Condominium Development

52. __ __ A Homeowners Association shall be formed for the maintenance of the private streets and common areas shown on the Vesting Tentative Map and Preliminary and Final Development Plan.

Street Names

53. __ __ At least 30 days prior to filing the Final Map, proposed street names public and private shall be submitted for review by the Community Development Department, Graphics Section (Phone #335-1270). Alternate street names should be submitted. The Final Map cannot be certified by the Community Development Department without the approved street names.

Underground Storage Tanks

54. __ __ Prior to the issuance of a grading permit, existing underground storage tanks, (UST) shall be properly closed and removed. Typically, USTs either have leaks or spills associated with their use. This current investigation tested soil and groundwater in the vicinity of known or suspected USTs, and detected only minor concentrations. However, Signature Properties shall anticipate some soil remediation (by over-excavation) will be required when closing the USTs. The appropriate method of disposal for that soil will depend on the Total Petroleum Hydrocarbons (TPH) concentrations measured at that time.

If the proposed site development plans require significant soil excavation and offsite disposal, additional soil sampling may be warranted to further characterize the soil for reuse or disposal. Should that occur, Treadwell & Rollo, or another equally qualified professional, shall be notified so that supplemental recommendations can be made. Recommendations shall be subject to the review of the County Health Services Department and the review and approval of the Zoning Administrator. All approved recommendations shall be implemented. The applicant shall advise any facilities which may receive soil excavated from this site during construction to confirm their compliance with County requirements. **MM VII.d.**

Stormwater Runoff

55. __ __ As the site is proposed to be a dense infill development, the following measures shall be incorporated to reduce impervious surfaces and to ensure adequate collection of stormwater runoff:

A. Water Quality

1. Provide a Stormwater Control Plan that addresses the specific requirements of the County's Stormwater Management and Discharge Ordinance, the Stormwater C.3 Guidebook criteria, and the Regional Water Quality Control Board's requirements.
2. Minimization of streets and roads.
3. Maximization of open space for landscaping and recreation.
4. Open space areas (throughout the site) shall serve as tot lots and/or landscaping.
5. Pervious pavers shall be utilized to the maximum extent feasible.
6. Disconnected downspouts shall positively drain from splash block to landscaped areas, wherever feasible.
7. The project shall verify the adequacy of the proposed detention/water quality basin and demonstrate that the existing downstream drainage system(s) that receives stormwater runoff from this project is adequate to convey the required design storm (based on the size and ultimate development density within the contributing watershed) and, if necessary, construct improvements including alternative methods such as grassy swales to guarantee adequacy. The project shall obtain access rights to make any necessary improvements to off-site facilities.
8. The DA 19A Hydrology Map (Drawing FD-12425 dated November 30, 1984) assumes an ultimate density of 7 du/acre as opposed to the 13 du/acre assumed by this project. In order to determine the possible impacts to downstream facilities due to a higher volume of runoff associated with the increased density, a hydrology study shall be submitted to the County and the District for review prior to approving the improvement plans. Alternatively, the project shall be required to mitigate flow rates down to the density levels anticipated in the DA 19A Hydrology Map.
9. The project shall be required to obtain a Flood Control Encroachment Permit.

10. The project shall ensure that the HOA or other entity, other than the County, shall be responsible for operations and maintenance of the stormwater facilities.
11. The Landscape Plan calls out a “Connection to Existing Trail.” This access point shall be approved by the Flood Control District and the EBRPD. **MM VIII.a.,c.,d.,e., and f.-1.**

B. Selection and Primary Design of Stormwater Treatment BMP.

1. Impervious areas on the site, including all roofs, parking areas, and driveways have been divided into district drainage areas as shown on the Stormwater Control Plan. Runoff from each of these areas is proposed to be conveyed via storm drains to the detention basin.

Grassy swales shall be located in the open space lots and paseo areas between the townhomes. All of the grassy swales shall feature a minimum 12” depth of sandy loam material (minimum infiltration rate specified to be 5 inches per hour).

Specific drainage areas and swales are shown in the Stormwater Control Plan and shall show the pervious and impervious area calculations.

The construction-related activities that could result in water quality impacts, will need to be mitigated by the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP). **MM VIII.a., c., d., e. and f.2**

2. The project shall conform to the Source Control Measures, BMP Measures and Construction Plan C.3 Checklist, a SWPPP, and other water quality control measures as determined by Contra Costa County. **MM VIII.a., c., d., e. and f.3**

First Source Hiring

56. ___ ___ The applicant shall enter into a first source hiring agreement with the Contra Costa County Redevelopment Agency and shall provide proof to the County Zoning Administrator prior to commencing any construction activity on site.

Community Facilities District

57. ___ ___ Applicant shall apply to Public Works for annexation to the Community Facilities District (CFD) No. 2006-1 (North Richmond Area Maintenance Services) for the future maintenance of area wide medians and landscaping.

The annexation of property into the CFD must be completed prior to filing of the Final Map and the applicant should be aware that the annexation process may take approximately 60 days.

Schools

58. ___ ___ A will-serve letter from the West Contra Costa Unified School District shall be submitted to the Zoning Administrator prior to recording the Final Map.

MM XIII.a.3.

Parks

59. ___ ___ The project shall increase the developed park area or pay in-lieu park dedication fees. The in-lieu fee is comprised of the Quimby Act Fee of \$2,000 per unit in addition to the North Richmond Park Enhancement Fee of \$5,235 per unit for a total \$7,235 per unit. **MM XIII.a.4.**

Payment of Any Supplemental Application Fees That Are Due

60. ___ ___ This application is subject to an initial application fee of (\$35,224.00), which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial fee. Any additional fee 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. The applicant may obtain current costs by contacting the project planner. If additional fees are owed, a bill will be sent to the applicant shortly after permit issuance.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR SUBDIVISION 05-8938

Applicant shall comply with the requirements of Title 8, Title 9, and Title 10 of the County Ordinance Code. Any exceptions must be stipulated in these conditions of approval. Conditions of Approval are based on the revised Vesting Tentative Map received by the Community Development Department on September 7, 2006 and Stormwater Control Plan received on October 4, 2006 (dated September 29, 2006).

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO RECORDATION OF THE FINAL MAP.

General Requirements:

61. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on

the Vesting Tentative Map received by the Community Development Department on September 7, 2006 and Stormwater Control Plan received on October 4, 2006.

62. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this Subdivision. These plans shall include any necessary traffic signage and striping plans for review by the Transportation Engineering Division.

Roadway Improvements (Pittsburg Avenue Frontage):

63. Applicant shall construct curb, 5-foot sidewalk (width measured from curb face to back of walk), necessary longitudinal and transverse drainage, pavement widening, transitions, curb ramps, and street lighting along the frontage of Pittsburg Avenue. The applicant shall construct face of curb 10 feet from the ultimate right of way line. Pavement widening and transitions shall provide for a minimum 82-foot wide road width (or wider if a dual left turn lane is required at the intersection of Pittsburg Avenue and Richmond Parkway) with left turn channelization and landscaped medians. The 82-foot wide roadway shall include, at a minimum, a 14-foot landscaped median, one 14-foot wide inside travel lane in each direction (adjacent to the median), one 12-foot wide travel lane in each direction, and two 8-foot wide shoulders. A minimum 12-foot wide left-turn pocket shall be provided for westbound left-turn movements onto Richmond Parkway and proposed Street B, as necessary. The applicant shall provide protected signal phasing on the westbound and eastbound approaches of Pittsburg Avenue at Richmond Parkway. **(MM-XV.b.)**
64. The applicant shall demonstrate that the storage lengths for each left-turn lane proposed on Pittsburg Avenue, as shown on the vesting tentative map, is adequate per Caltrans standards for peak commute hours and based on the ultimate build out of the surrounding area. If the storage lengths are inadequate, the applicant shall submit a redesigned layout that incorporates adequate left-turn lanes on Pittsburg Avenue and/or additional on-site roadways or provide additional intersection spacing to meet minimum Caltrans standards.
65. Proposed Street A shall be restricted to right outbound and right inbound access only. Street A shall have a minimum road width of 32 feet, with an 18 foot minimum inbound lane and a 14 foot minimum outbound lane. The applicant shall provide a sketch plan detailing the restricted movements from the intersection of proposed Street A and Pittsburg Avenue for the review and approval of the Public Works Department.
66. Applicant shall construct minimum 44-foot wide project entrance/exits for proposed Street B to accommodate a minimum 18-foot wide inbound lane and two outbound lanes. The outbound lanes shall consist of one minimum 12-foot

wide right-turn lane to access eastbound Pittsburg Avenue and one 14-foot wide left-turn lane to access westbound Pittsburg Avenue. Proposed Street B shall gradually transition from a 44-foot width to a 36-foot width between the project entrance/exit and the northerly curb return of proposed Court Q. Parking and construction of any “bulb-outs” shall be prohibited along these sections.

67. Applicant shall construct a street-type connection with minimum 20-foot radii curb returns at all intersections within the project as well as at the proposed Street A and Street B entrances.
68. Applicant shall install pedestrian ramps at all curb returns within the project and at the intersection of Richmond Parkway and Pittsburgh Avenue. Adequate right of way shall be dedicated at the curb returns along the project frontage of Pittsburgh Avenue to accommodate the returns and curb ramps. A detectable warning surface (e.g. truncated domes) shall be installed as part of all curb ramp construction.
69. The applicant shall install safety related improvements on all streets (including traffic signs and striping) as approved by Public Works.

Roadway Improvements (On-Site):

70. All internal roadways shall remain private. Applicant shall construct all on-site private roads and courts per the typical sections shown on Sheet C-8 of the vesting tentative map and in accordance with current County private road standards, subject to the review and approval of Public Works and the Fire District. The applicant shall install safety related improvements on all internal streets (including traffic signs and striping) as approved by Public Works.
71. All sidewalks shall be constructed in accordance with current County standards and shall have a minimum width of 4.5 feet.
72. Applicant shall construct a turnaround at the end of proposed Courts A, B, C, D, E, F, G, Street F, and Street K if required, subject to the review and approval of the Fire District.
73. Applicant shall install appropriate signage at the terminus of proposed Street P indicating that the roadway will be extended in the future. The applicant shall also record a deed notification to inform future property owners of proposed buildings 5-8 that Street P will be extended in the future.

Access to Adjoining Property:

Proof of Access

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

Encroachment Permit

75. Applicant shall obtain an encroachment permit from the County's Application and Permit Center for construction of driveways or other improvements within the right of way of Richmond Parkway and Pittsburg Avenue.

Site Access

76. Applicant shall relinquish abutter's rights of access along the Pittsburg Avenue frontage of this property, with the exception of the intersection of proposed Street A and Pittsburg Avenue and intersection of proposed Street B and Pittsburg Avenue, as approved by these conditions of approval.
77. Applicant shall relinquish abutter's rights of access along the Richmond Parkway frontage of this property, as approved by these conditions of approval.

Road Dedications:

78. Applicant shall convey to the County, by Offer of Dedication, 52 feet of right of way necessary for the planned width of 102 feet along the project frontage of Pittsburg Avenue. Additional right of way shall be dedicated to accommodate a dual left turn lane at the intersection of Pittsburg Avenue and Richmond Parkway that may be required to facilitate traffic circulation.

Sight Distance:

79. Applicant shall provide adequate sight distance at the intersection of proposed Street A and Pittsburg Avenue and the intersection of proposed Street B and Pittsburg Avenue for a through traffic design speed of 45 miles per hour in accordance with Chapter 82-18 of the County Ordinance Code and County corner sight distance standards. Landscaping, walls, fences, signs, or any other obstructions must be placed to maintain adequate sight distance.
80. Applicant shall provide sight distance at the intersection of Richmond Parkway and Pittsburg Avenue for a design speed of 60 miles per hour. Landscaping, walls, fences, signs, or other obstructions must be placed to maintain adequate sight distance.

81. Applicant shall provide adequate sight distance at all roadway intersections on-site for a through traffic design speed of 25 miles per hour in accordance with Chapter 82-18 of the County Ordinance Code and County corner sight distance standards. Landscaping, walls, fences, signs, or any other obstructions must be placed to maintain adequate sight distance.

Construction:

82. Applicant shall provide a pavement analysis for those roads along any proposed haul route or any alternate route(s) that are proposed to be utilized during hauling operations. This study shall analyze the existing pavement conditions and determine what impact the hauling operation will have over the life of the project. The study shall provide recommendations to mitigate identified impacts. The applicant shall construct any recommended repairs and execute a bonded road improvement agreement to ensure the roadways are repaired adequately prior to filing of the Final Map.

Maintenance of Facilities:

83. A homeowner's association (HOA) or other acceptable entity other than the County or the Flood Control District shall be formed to insure maintenance of all common and open space areas, private roadways, any private street lights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities. Neither the County nor Flood Control District will accept these facilities for maintenance.
84. Applicant shall develop and enter into a maintenance and plan of operation agreement that will insure that all common and open space areas, private roadways, any private street lights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities will be maintained, for the review and approval of the Public Works and Community Development Departments.
85. Applicant shall record a Statement of Obligation, in the form of a deed notification, to inform all future property owners of their legal obligation and specific responsibilities to maintain all common and open space areas, private roadways, any private street lights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities.

If any landscaping improvements are proposed within the public right of way, the applicant shall either;

1. Apply to Public Works for annexation to the County Landscaping District AD 1979-3 (LL-2) for the future maintenance of public landscaping and automatic irrigation facilities prior to filing of the Final Map. This may entail formation of a new zone;

OR

2. The Home Owners Association (HOA) created for this development shall enter into a license agreement with the County for the maintenance of any landscape improvements located within the public right of way.

86. Applicant shall apply to Public Works for annexation to the Community Facilities District (CFD) No. 2006-1 (North Richmond Area Maintenance Services) for the future maintenance of area wide medians and landscaping. The annexation of property into the CFD must be completed prior to filing of the Final Map and the applicant should be aware that the annexation process may take approximately 60 days.

Pedestrian Facilities:

87. Applicant shall submit a pedestrian circulation plan to the Public Works Department for evaluation of pedestrian circulation and safety throughout the project. The circulation plan shall detail all sidewalks, pedestrian paths, and ramps that indicate all pedestrian paths of travel and shall show where pedestrians may cross streets, preferably at the shortest distance available. The pedestrian circulation plan must be reviewed and approved by the Public Works Department prior to recordation of the Final Map.

88. Curb ramps 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.

89. The 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.

Parking:

90. Parking shall be prohibited on one side of any on-site private street where the curb-to-curb width is less than 36 feet and both sides of any on-site private street where the curb-to-curb width is less than 28 feet. "No Parking" signs and pavement markings shall be installed along these portions of the on-site roadway system, subject to the review and approval of Public Works.

Underground Utilities:

91. Applicant shall underground all new and existing utility distribution facilities, including those along the project frontages of Richmond Parkway and Pittsburg Avenue.

Street Lights:

92. Property owner shall apply for annexation to County Service Area L-100 Lighting District by submitting: a letter of request; a metes and bounds description; and, pay the current LAFCO fees, or apply for annexation to another street light financing mechanism approved by the Public Works Department. Annexation shall occur prior to Final Map. The applicant shall be aware that the process to annex to CSA L-100 must comply with State Proposition 218 requirements, which state that the property owner must hold a special election to approve the annexation. This process may take approximately 4-6 months to complete. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Noise Studies:

93. Any noise studies, which may be required, shall be based on ultimate road widening and ultimate traffic under the general plan. The applicant shall install any sound walls (including footings), which may be required, outside of the public road right of way.

Drainage Improvements:

Collect and Convey

94. Applicant shall collect and convey all storm water entering and/or originating on this property without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having a definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.
95. The DA 19A Hydrology Map was based on an assumed ultimate density of 7 du/acre at this location for ultimate build out, as opposed to the 13 du/acre proposed with this application. In order to determine the possible impacts to downstream facilities due to the higher volume of runoff generated by the increased density proposed, a hydrology study shall be submitted to Public Works and the Flood Control District for review and approval prior to recordation of the Final Map. **(MM-VIII)**
96. Applicant shall verify the adequacy of the detention/water quality basin and demonstrate that the existing downstream drainage system(s) that receives storm water runoff from this project is adequate to convey the required design storm (based on the size and ultimate development density within the contributing watershed) to the satisfaction of Public Works, Engineering Services Division, and the Flood Control District. If necessary, the applicant shall construct improvements to guarantee adequacy and obtain the necessary rights to construct off-site drainage improvements. **(MM-VIII)**

Detention Basin:

97. The detention/water quality basin shall be designed and constructed in conformance with Contra Costa County's "Detention Basin Guidelines" and shall be reviewed by the Flood Control District. All hydrologic calculations and hydraulic analysis shall conform to Flood Control District requirements.

Miscellaneous Drainage Requirements:

98. The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Design Standards.
99. Any surface or subsurface storm drain facility within the subdivision conveying runoff from private streets or more than one parcel shall be installed within a minimum 10-foot wide private storm drain easement.
100. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
101. Applicant shall prevent storm drainage from draining over the existing levee into Wildcat Creek.
102. DA 19A has inadequate maintenance funding. The construction of this development should not result in added costs or reduction of revenue for the County or Flood Control District. As one of the mitigation measures for the adverse drainage impacts of this development, the applicant shall annex into a County Maintenance Benefit Assessment District (MBAD) to provide a perpetual funding source for maintenance of the regional drainage area facilities. The County is in the process of forming this MBAD. If this MBAD is formed prior to final approval of this development, then the applicant shall annex into the MBAD.
103. Applicant shall obtain a Flood Control Permit for all work done on Flood Control District property including, but not limited to, conform grading along Wildcat Creek, a major Flood Control Channel.

Drainage Area Reimbursements:

104. Certain improvements required by the Conditions of Approval for this development or the County Subdivision Ordinance Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the Flood Control District to personally determine the extent of any credit or reimbursement for which he may be eligible. Any credit or reimbursements shall be determined prior to filing the final map, as approved by the Flood Control District.

Provision “C.3” of the NPDES Permit:

105. This project shall fully comply with the County’s Stormwater Management and Discharge Control Ordinance, the Stormwater C.3 Guidebook, and the requirements of the Regional Water Quality Control Board (RWQCB). As part of these requirements, the applicant shall incorporate Best Management Practices (BMPs) to the maximum extent practicable into the design of this project, implement them and provide for perpetual operation and maintenance for all treatment BMPs.
106. A Stormwater Control Plan received on October 4, 2006 by the Public Works Department was reviewed and determined to be preliminarily complete. Although the Stormwater Control Plan has been determined to be preliminarily complete, it is subject to revision during the preparation of improvement plans, as necessary to bring it into full compliance with C.3 stormwater requirements. The applicant shall submit to the Public Works Department a final approved Stormwater Control Plan that has been certified and stamped by a licensed, professional Civil Engineer, Architect, or Landscape Architect. **(MM VIII)**
107. All construction plans (including but not limited to: site, improvement, structural, mechanical, architectural, building, grading and landscaping plans) shall comply with the preliminarily approved Stormwater Control Plan (SWCP) or any subsequently revised SWCP, the County’s Stormwater Management and Discharge Control Ordinance, the “Stormwater C.3 Guidebook” and the requirements of the Regional Water Quality Control Board. All construction plans shall include details and specifications necessary to implement all measures of the SWCP, subject to the review and approval of the County. To insure conformance with the SWCP, the applicant shall submit a completed “Construction Plan C.3 Checklist” indicating the location on the construction plans of all elements of the SWCP as described in the “Stormwater C.3 Guidebook.”
108. Applicant shall ensure that the proposed water quality basin is designed to sufficiently detain the necessary volume of water to achieve “maximum extent practicable” pollutant removal, including fine sediment and particulate matter, prior to discharge to a storm drain system. The applicant shall demonstrate that the proposed water quality basin will adequately remove pollutants through “settlement” due to the presence of impermeable soils, as opposed to direct or indirect infiltration to groundwater, to the extent required by Provision C.3 of the NPDES Permit, the Stormwater C.3 Guidebook, and the requirements of the RWQCB. The necessary volume of water shall be detained for the minimum “drawdown time” required by the Stormwater C.3 Guidebook, Chapter 5. The water quality volume of the proposed basin shall be determined using acceptable methods (i.e. WEF method or California BMP method) specified under the RWQCB permit. If the proposed water quality basin is not capable of meeting the minimum specified standards through “settlement” or direct infiltration, the applicant shall provide alternative treatment BMPs/IMPs throughout the site, utilizing indirect infiltration to meet the minimum standards set forth in Provision

C.3 of the NPDES Permit, the Stormwater C.3 Guidebook, and the requirements of the RWQCB.

109. Any non-self-retaining pervious/landscaped areas within the project shall be factored into Table 2 of the Treatment BMP Sizing Worksheet, based on the appropriate runoff factor, to determine the required size of each treatment BMP/IMP.
110. All water quality features shall be located within public utility easements to allow County access for any future inspection and/or maintenance purposes.
111. Any water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.
112. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall provide an Operation and Maintenance (O&M) plan and execute any agreements identified in the SWCP, which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs/IMPs.
113. Applicant shall provide cost estimates for the complete financing and perpetual maintenance of the water quality features proposed with this application for the review and approval of the Public Works Department. This estimate shall include all long term costs associated with these water quality features including, but not limited to, Operation and Maintenance, financing, inflation indexing, and replacement costs.
114. Applicant shall cooperate fully in the formation of financing mechanisms (e.g. Benefit Assessment District) to insure that all costs associated with the perpetual Operation & Maintenance, administration and reporting of these water quality features (including costs associated with all required County administration and reporting) are paid for by the property owners that are or will be benefiting from this development.
115. Applicant shall grant “development rights” to the County, by grant deed, over proposed Lot F to prevent construction of any impervious surfaces that may generate polluted runoff and adversely impact downstream storm drain systems and/or natural watercourses.
116. All treatment BMPs/IMPs constructed within each Phase of the proposed subdivision shall be sized per C.3 requirements to treat, at a minimum, all storm water runoff generated by each Phase.

Storm Water Pollution Prevention Plan:

117. Prior to ground disturbance, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) to mitigate construction related impacts and submit it to the Regional Water Quality Control Board. The SWPPP shall be kept on-site at all times and shall be amended whenever there is a change in construction or operations which may affect the discharge of significant quantities of pollutants to surface waters, ground waters, or a municipal separate storm sewer system. (MM-VIII)

National Pollutant Discharge Elimination System (NPDES):

118. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (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 or Central Valley Region).

Compliance will include developing long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate some or all of the following long term BMP's in accordance with the Contra Costa County Clean Water Program for the site's storm water drainage.

- Stencil advisory warnings on all catch basins.
- Minimize the amount of directly connected impervious surface area.
- Slope pavements to direct runoff to landscaped/pervious areas, where feasible.
- Shallow roadside and on-site swales.
- Provide educational materials regarding the Clean Water Program to new homebuyers.
- Prohibit or discourage direct connection of roof and area drains to storm drain systems.
- Other alternatives, equivalent to the above, as approved by the Public Works Department.

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 ninety (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 Department within 90 days of the approval date of this permit.

- B. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination Systems (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 or Central Valley Region).
- C. Comply with the requirements of the West Contra Costa Wastewater District.
- D. Comply with the requirements of the EBMUD.
- E. Comply with the requirements of the Contra Costa Consolidated Fire Protection District.
- F. Comply with the requirements of the County Office of the Sheriff.
- G. Comply with the requirements of the Building Inspection Department. Permits are required prior to grading and construction.
- H. The project is subject to the development fees in effect as of April 10, 2006, the date the vesting tentative map application was accepted as complete by the Community Development Department. These fees are in addition to any other development fees which may be specified in the condition of approval.

The fees include but are not limited to the following:

Park Dedication	\$7,235 per residence
-----------------	-----------------------

An estimate of the fee charges for each approved lot may be obtained by contacting the Building Inspection Department at 335-1196.

- I. Police Service District Costs and Necessary Processing Time—The applicant is advised that the tax for the police services district is currently set by the Board of Supervisors at \$200 per parcel annually (with appropriate future Consumer Price Index (CPI) adjustments). The annual fee is subject to modification by the Board

of Supervisors in the future. The current fee for holding the election is \$800 and is also subject to modification in the future. The applicable tax and fee amounts will be those established by the Board at the time of voting. *The applicant is advised that the election process takes from 3 to 4 months and must be completed prior to recording the Final Map.*

- J. Vesting Tentative Map Rights—The approval of this vesting tentative map confers a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect as of April 10, 2006, the date the vesting tentative map application was accepted as complete by the Community Development Department. The vested rights also apply to development fees, which the County has adopted by ordinance. These fees are in addition to any other development fees, which may be specified in the conditions of approval.
- K. Comply with the Bridge/Thoroughfare Fee Ordinance requirements for the North Richmond Area of Benefit and WCCTAC (STMP) Area of Benefit as adopted by the Board of Supervisors. These fees must be paid prior to issuance of a building permit.
- L. Comply with the Drainage Fee Ordinance requirements for Drainage Area 19A as adopted by the Board of Supervisors. This fee must be paid prior to filing the Final Map.
- M. If it is found that the preliminarily approved SWCP is incomplete, inadequate, or not in full compliance with the “C.3” regulations subsequent to the public hearing, it will need to be revised to bring it into full compliance. Revision of the SWCP may result in a substantial change to the County approval and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant’s costs associated with approval of the application.
- N. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- O. 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.
- P. Applicant shall comply with County Child Care Ordinance. (Ch. 82-22). The applicant is advised to begin the compliance process at least six months prior to recording the Final Map in order to allow sufficient time for the study’s preparation and review.
- Q. Applicant to comply with the County Water Conservation Ordinance. (Ch 82-26)