



STAFF REPORT

TO: PLANNING COMMISSION

PREPARED BY: Dina Tasini, Planning Manager

GENERAL INFORMATION

OWNER/APPLICANT: DeNova Homes

LOCATION: 451 Vine Hill Way

GENERAL PLAN (Hidden Lakes Specific Area Plan): **Existing:** OS/R-Open Space and Recreation, Permanent
Proposed: R-0-6- Residential

ZONING: **Existing:** M-OS/RF (Mixed Use Open Space/ Recreational Facilities)
Proposed: R 7.5/PUD (Residential, 7,500 sq. ft. site area per unit/Planned Unit Development Overlay)

ENVIRONMENTAL REVIEW: The attached initial study evaluating this project's environmental impact was prepared and circulated as required by the California Environmental Quality Act (CEQA). The initial study found the project would not have a significant impact, with the proposed mitigation measures, and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared.

A 30 day public review period for the Mitigated Negative Declaration/ Initial Study commenced on March 14, 2014. Subsequently, revisions have been made to the Initial Study to correct the sanitary sewer service provider and the school district that would serve the proposed project. Based on the revisions to the Mitigated Negative Declaration/Initial Study, the document was recirculated on March 21, 2014 for a 30-day public review period ending on April 21, 2014.

PROPOSAL: The proposed project is General Plan Amendments, Rezone, and a Vesting Tentative Map (Figure 3) that would permit the development of 99 single family residential units on

approximately 25.9 acres at the intersection of Center Avenue and Vine Hill Way. The proposed project would also require a tree removal permit to remove 47 trees protected under the City of Martinez Tree Protection Ordinance. The project applicant has submitted a preliminary landscape plan, preliminary grading and drainage plan, preliminary utility plan, preliminary stormwater control plan, and a preliminary tree removal and demolition plan. These preliminary documents are contained in Attachment A.

The 25.9-acre project site (APN 162-020-019) is located within the City of Martinez and currently has an OS (Open Space & Recreation, Permanent) General Plan Land Use Designation and M-OS/RF (Mixed Use-Open Space/Recreation Facilities) Zoning Designation.

The proposed project would require a General Plan Amendment to change the land use designation from OS to R 0-6. The proposed project would require a rezone from M-OS/RF to R-7.5.

The proposed project contemplates lot sizes that range from 5,800 square feet to 13,046 square feet with an average of 7,100 square feet. The overall site density is one dwelling unit per 11,282 square feet. Special consideration has been taken to create a visual buffer and open space amenity between the subdivision and the existing neighborhood. Along Center Avenue and Vine Hill Way, the preliminary landscape plan includes a meandering walking trail surrounded by landscaping.

The applicant has also proposed General Plan text amendments to two policies, one within the General Plan Land Use Element, and one within the Hidden Lakes Specific Area Plan. The proposed text changes are as follows:

General Plan Land Use Element

□ 21.21 Land to remain for open uses is designated Public Permanent Open Space or Open Space/Conservation Use Land. These designations shall apply where the following conditions are prevalent: natural conditions such as steep or potentially unstable slope, hazardous geologic conditions, watershed stability and floods hazard, seismic hazard, and fire hazard, which constitute major constraints to development or threats to life and property, where soils, land forms, vegetation, watersheds, creekways, and water bodies combine to provide either a significant habitat for wildlife or agricultural resource

and where land forms, vegetation, waterways and surfaces constitute a major scenic and recreational resource which should be preserved either for purposes of public use or protection and shaping of the scenic setting of the community. This designation shall not apply to the private golf course.

Hidden Lakes Specific Area Plan

~~32.32 The existing golf course is an appropriate use within the Plan area.~~

The proposed project would connect to existing City infrastructure to provide water, and storm drainage utilities. The Mountain View (MVSD) would provide wastewater collection, treatment, and disposal services. Police protection service would be provided by the City of Martinez. Contra Costa County Fire Protection District (CCCFPD) would provide fire protection service. School services would be provided by the Mt. Diablo Unified School District. The project site currently has gas and electricity provided by Pacific Gas & Electric, which will continue to provide these services to the future residences.

The recommendations that the Planning Commission is making to the Martinez City Council relate to the following actions:

- a) Adoption of a Negative Declaration pursuant to CEQA;
- b) Adoption of amendments to the Martinez General Plan Land Use Map to amend the existing land use map designation of "Open Space and Recreation, Permanent" to "Residential: 0-6 Units/Gross Acre";
- c) Adoption of an amendment to the Hidden Lakes Specific Area Plan to delete Section 32.32 "~~The existing golf course is an appropriate use with the area.~~"
- d) Adoption of an amendment to the General Plan Land Use Element Section 21.21 to include the following: This designation shall not apply to the private golf course.
- e) Rezoning to R-7.5/PUD Overlay (Family Residential, minimum 7,500 square feet of site area per dwelling unit/Planned Unit Development Overlay);
- f) Approval of a PUD Plan, allowing exceptions to the normally required lot size, density, minimum yard requirements and maximum height and site coverage limitations R/7.5 Zoning District.
- g) Approval of a Vesting Tentative Map for a 99-unit Major Subdivision.

PROJECT DESCRIPTION

The project site, which consists of a golf course, pro shop and restaurant, is located on the southwest corner of the intersection between Vine Hill Way and Rolling Hill Way. The project site totals approximately 25.9 acres and is improved with a single-story building totaling approximately 2,634 square feet. The project site is currently occupied by Pine Meadow's Golf Course. On-site operations include golfing, golf course maintenance, retail, and food service activities. In addition to the single-story building, the project site is improved with several storage units and maintenance sheds, a pond, asphalt-paved parking areas and associated landscaping.

The proposed project requires the approval of two General Plan Amendments, Rezoning, and a Vesting Tentative Map that would allow for the development of 99 single family residential units on approximately 25.9 acres at the intersection of Center Avenue and Vine Hill Way. The proposed project would also require a tree removal permit to remove 47 trees protected under the City of Martinez Tree Protection Ordinance. The project applicant has submitted a preliminary landscape plan, preliminary grading and drainage plan, preliminary utility plan, preliminary stormwater control plan, and a preliminary tree removal and demolition plan. These preliminary plans are attached as Exhibits.

The project site currently has an OS (Open Space & Recreation, Permanent) General Plan Land Use Designation and M-OS/RF (Mixed Use-Open Space/Recreation Facilities) Zoning Designation. The proposed project would require a General Plan Amendment to change the land use designation from OS to R 0-6. The proposed project would also require a rezone from M-OS/RF to R-7.5.

The proposed project contemplates lot sizes that range from 5,700 square feet to 14,000 square feet with an average of 7,100 square feet. The overall site density is one dwelling unit per 11,282 square feet. Special consideration has been taken to create a visual buffer and open space amenity between the subdivision and the existing neighborhood. Along Center Avenue and Vine Hill Way, the preliminary landscape plan includes a meandering walking trail surrounded by landscaping.

GENERAL PLAN AMENDMENTS

The proposed application includes General Plan text amendments to two policies, one within the General Plan Land Use Element, and one within the Hidden Lakes Specific Area Plan. The proposed text changes are as follows:

General Plan Land Use Element

- 21.21 Land to remain for open uses is designated Public Permanent Open Space or Open Space/Conservation Use Land. These designations shall apply where the following conditions are prevalent: natural conditions such as steep or potentially unstable slope, hazardous geologic conditions, watershed stability and floods hazard, seismic hazard, and fire hazard, which constitute major constraints to

development or threats to life and property, where soils, land forms, vegetation, watersheds, creekways, and water bodies combine to provide either a significant habitat for wildlife or agricultural resource and where land forms, vegetation, waterways and surfaces constitute a major scenic and recreational resource which should be preserved either for purposes of public use or protection and shaping of the scenic setting of the community. This designation shall apply to the private golf course.

Hidden Lakes Specific Area Plan

- ~~32.32 The existing golf course is an appropriate use within the Plan area.~~

The proposed project would connect to existing City infrastructure to provide water, and storm drainage utilities. The Mt View (MVSD) would provide wastewater collection, treatment, and disposal services. Police protection service would be provided by the City of Martinez. Contra Costa County Fire Protection District (CCCFPD) would provide fire protection service. School services would be provided by the Mt. Diablo Unified School District. The project site currently has gas and electricity provided by Pacific Gas & Electric, which will continue to provide these services to the future residences.

OPEN SPACE

Parcels within General Plan and zoning designations of open space can be publicly or private owned. But, Open Space properties precluded from development are not always zoned Open Space. There are several tools used to distinguish open space from other uses such as land ownership (City, private non-profit organizations, East Bay Regional Park District or a Home Owner's Association). Permanent Open Spaces created independent of the development process are usually acquired by public agencies or non-profit entities to eliminate the potential of future development, with the goal of securing existing conditions in perpetuity. Some examples include the City's Parks and EBRPD's holdings in the Franklin Hills, and the US Park Service's Mt Wanda unit of the John Muir Historic Site. These areas are usually zoned Open Space or Recreational Facility.

Occasionally, private lands are designated Open Space to simply document the current land use of a parcel, and where future and ultimate developed potential has not been determined by public purchase or granting of easements. The Pine Meadows Golf Course parcel may be the only intentional example of land in Martinez where an Open Space designation was imposed over 30 years ago, but the private property interest has never ceded to the City to preclude other land uses for this parcel.

BACKGROUND AND HISTORY OF THE PROJECT SITE

Pine Meadow Golf Course was privately built as a public golf course in the 1960's. The property was annexed into the City in 1970 with properties (Hidden Lakes Area) which were later developed into single family homes. The area is predominately residential and the golf course is still owned and operated by the original property owner's family.

During the General Plan Amendment process in 1973 the property was designated Open Space/Recreation, Permanent as part of the Hidden Lakes Study Area. There have been no changes to the site's land use designation since 1973.

GENERAL PLAN TASK FORCE

In 2010, a 19 member task force was created to assist in the drafting of the General Plan. The task force was comprised of residents and representing a wide breadth of knowledge. The task force considered several areas for potential change. The Pine Meadows Golf Course was one of those areas and early in the review it was determined to be one of the areas of potential change. The task force was asked to consider if the options for reuse of the property if the operator of the property wished to cease operation. During these discussions most of the task force members opined that if the golf course was developed that single family residential was appropriate but that the development should include buffers along the edges, opportunities for aging in place (one story single family residences) and agreed that if the golf course is no longer viable or profitable the owners could be permitted to develop the property to the residential development similar to that which around the existing development but consider a planned unit development and perhaps some clustering with a mix of housing types.

SITE and CONTEXT DESCRIPTION

The project site is located within a residential area that is fully developed except this parcel. The majority of the developments in the area were completed in the 1970's and 80's. Some of the existing lots are larger in particular the homes immediately to the South on Center Avenue and Vine Hill Way south of Center Avenue.

In addition to the standards and criteria provided by the Hidden Lakes Specific Area Plan, and the familiar sections of the City's Zoning and Subdivision Regulations, the proposed project will be subject to the City's recently revised "Planned Unit Development (PUD)" regulations, which were adopted by the City Council in September 2010. The most significant changes from the previous Planned Unit Development (PUD) review processes are:

- The PUD is now an "overlay zoning district," to be either approved or denied by the City Council, after receiving a recommendation from the Planning Commission. (Previously, the PUD was approved by the Planning Commission as a Use Permit).
- All actions linked to the PUD, including but not limited to the General Plan amendment, rezoning of the underlying "base" zoning district (e.g. rezoning from Open Space to R/7.5) – as well as the Vesting Tentative Map – are also to be either approved or denied by the City Council, after receiving a recommendation from the Planning Commission.
- Design Review Approval of architectural finishes may be differed to separate Planning Commission action subsequent to PUD approval. This option was created, and the applicant has chosen this approach - as a means of focusing PUD review on the larger question of site planning, which includes but is not limited to: on-site circulation, building placement, building massing (e.g. height, width as would normally be determined by conventional zoning regulations) and provision open

space/recreation space.

STAFF ANALYSIS

The applicant has worked well with staff to resolve many of the site plan issues including review of the comment letters submitted in response to the Initial Study Mitigated Negative Declaration. The comment letters and responses are provided as Attachment B. The applicant has also, through the initial study process, agreed to a number of mitigation measures that will change setbacks along the northern portion of the property. As stated above, the applicant will return to Design Review Committee and Planning Commission for Design Review approval in the future. Specific areas of concern are discussed below:

TOPIC ONE – CHANGE IN GENERAL PLAN LAND USE DESIGNATION FROM OPEN SPACE TO RESIDENTIAL - AND CONSISTENCY WITH THE GENERAL PLAN

Staff provides the following, which is again more fully illustrated in the *Initial Study* provided:

The Martinez General Plan currently designates the site as Open Space and recreation, Permanent. The project is located within the Hidden Lakes Specific Plan Area. The Hidden Lakes Specific Plan area consisted of 565 acres of undeveloped pasture lands surrounded by residential subdivisions. The intent of the Specific Plan was to preserve the natural knolls and ridges. The project site has been a private golf course, the facility is not considered park land or preserve, the project site is not a significant knoll or ridge. The use of the property of the golf course for the past 50 years with its manicured greenways, building and parking areas enforces the concept that this property is not open space and its redesignation to residential will not impact the natural knolls and ridges. Instead the proposed redesignation and development of the property with single family homes is consistent with surrounding uses.

Amending the Hidden Lakes Specific Plan as proposed by the applicant pertains only to the golf course property and no other Open Space parcels in the area.

TOPIC TWO: ENVIRONMENTAL REVIEW

An Initial Study was conducted and circulated for review and comment. The City received thirty-two (32) comment letters on the Initial Study and Proposed Mitigated Negative Declaration (MND) dated March 2014 during the public comment period. All comments and responses will be considered by the City in their review of the proposed project

The California Environmental Quality Act (CEQA) does not require a lead agency to provide written responses to comments on a mitigated negative declaration. Nevertheless, the City, acting as the Lead Agency chose to prepare responses to

written comments received during the public review period for the March 2014 MND. Responses to comments received during the comment period do not involve any new significant impacts or significant new information.

TOPIC THREE- ZONING DESIGNATIONS AND PUD

The site's current zoning designation, is M-OS/RF (Mixed Use Open Space/Recreation Facilities) is consistent with the existing General Plan. The proposed designation of R 7.5/PUD overlay (Family Residential, 7,500 sq. ft. site area per unit) is consistent with adjacent subdivisions and the majority of residential subdivisions with the Hidden Lakes Specific Plan Area. The proposed site plan is generally consistent with the development standards of the R-7.5 District (including maximum density and minimum yards). The flexible standards of the PUD overlay are primarily needed for setbacks, lot sizes. During future Design Review discussions the Design Review Committee will propose design solutions and provide the Planning Commission the opportunity to approve the Final Design Review package.

The proposed project has some lot sizes and setbacks smaller than those permitted in the R 7.5 Zoning District, which allows a tighter grouping of lots in the center of the project site. In contrast, a project adhering to the conventional R 7.5 standards could have residences facing Vine Hill Way as opposed to the common landscape buffer being proposed along the exterior perimeter of the project site. The lot sizes range from 5077 square feet to 13,046 square feet and a combination of one and two story residences to add variety and interest to the streetscape. In addition, the homes (lots 1-23) along "A" Street will be located at a minimum of 10 feet from front property line to provide sufficient lot area for an increased rear yard of 30 feet and provide a street frontage that is not static. In addition, the application includes a generous landscape buffer at the entrance on Morello Avenue and preserves the slope and landscaping adjacent to lots 47-49 and 55.

In response to concern regarding the requested General Plan Amendment and Zone Change, staff reviewed the open space areas in the area and residential uses. Staff found that the majority of the single family residential developments in the area are similar and originally the golf course was created by the property owner with the thought he would run the facility for a long period of time and receive a tax benefit. The property was annexed into the City and during the General Plan process in the 1970's the public wished to preserve the majority of the hills and ridges as open space as a way to balance the proposed development of the area. The property owner of the project site saw the designation as a place holder and one that could be changed in the future.

One of the potentially significant conflicts is the development of new single family residences along the northern portion of the site immediately adjacent to the existing residential development. The proposed residence will be two stories however they will be setback 30 feet from the rear property line to provide an additional 10 feet of landscape buffer for the existing residences located below. Fortunately, the topography of the site can, in most cases, accommodate the second story along the property lines if the homes are set back an additional 10 feet and no balconies and or porches will be

place at the second story to insure limited privacy and noise impacts. But as previously discussed future design review discussions will provide more information regarding the stepping down of two buildings, at least, along the ridge to lessen visual impacts. Once the design has been developed staff will be better able to determine if the additional setback requirement solves the privacy issues raised by adjacent residents.

TOPIC FOUR– RELATIONSHIP TO NEIGHBORING USES

Adjacent properties are single family residential. The project site has been used as a golf course for the past 50 years. The existing single-family residences located to the north of the site along the property line will be impacted by the proposed of residences. However, as part of the required mitigation measures found in the Initial Study to set the residences back 30 feet from the rear property line and the existence of slope separating the existing homes from the property to the south, there will be no adverse impacts. During the future design review process staff will discuss the screening and visual aspects of the design of the rear yards and installation of fences along the property line will provide privacy for the existing and new residences.

The existing residences to the south along Vine Hill Way and Center Avenue will be buffered by a pedestrian walkway and enhanced landscaping. The rear yards facing both Vine Hill Way and Center Ave will be set back 20 feet from the property line and at least 60 feet from the sidewalk along the street frontage. In addition a 6 foot fence will be erected along the property line. However, as previously stated staff will be working with the applicant and the Design Review Committee to design structures that are properly screened and insure the existence of ample landscaping to buffer the street and limit visibility of the residences along the street.

ATTACHMENTS

- A. Initial Study October 2014 and attachments
- B. Responses to Comment Letters for Mitigated Negative Declaration March 2014
- C. Annexation Background
- D. Letter from Claudia Gallup received October 10, 2014

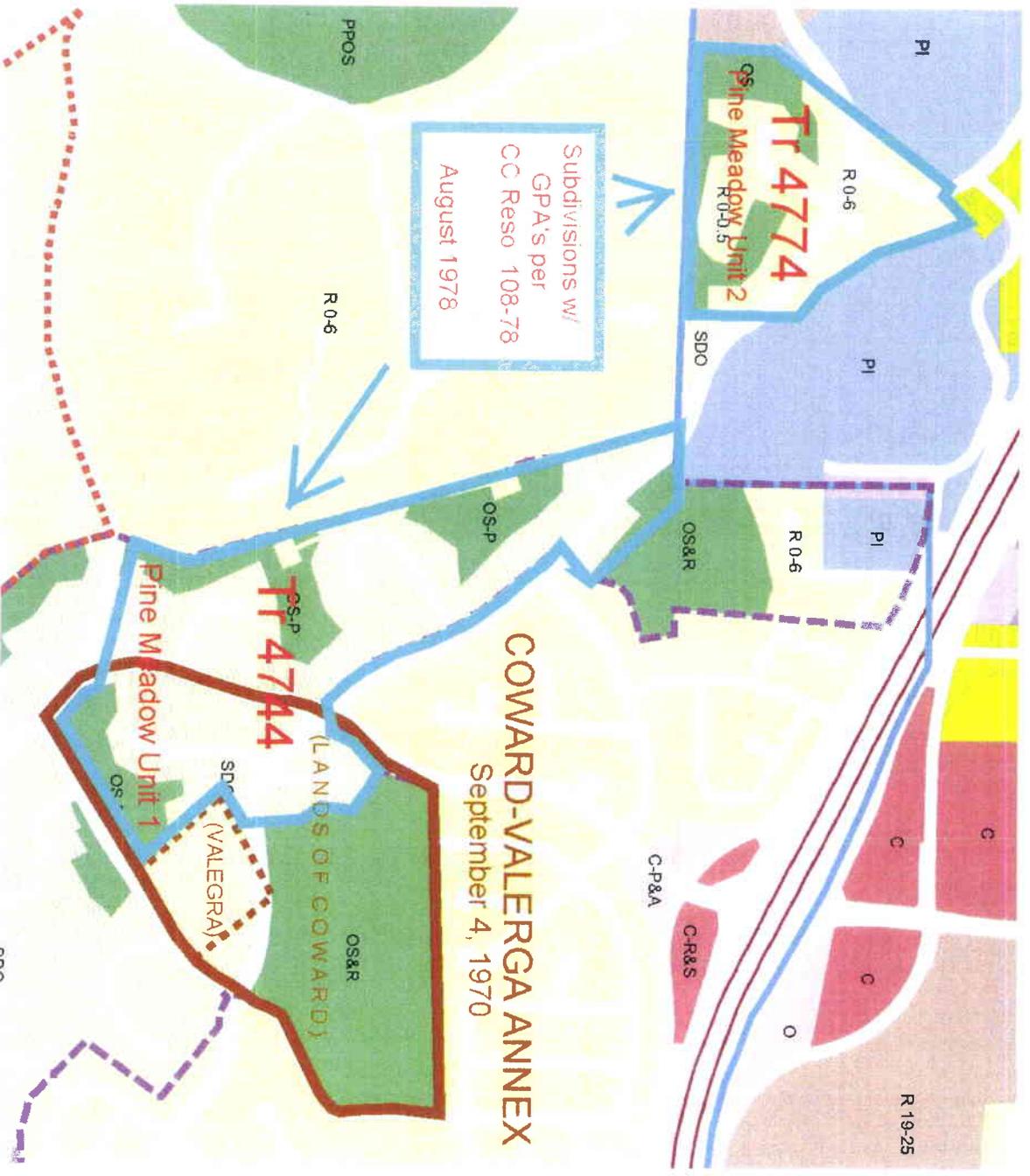
EXHIBITS

- Vesting Tentative Map (dated as received, June 16, 2014)
- Landscape Plan prepared by VTA Associates

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PINE MEADOW GOLF COURSE APPLICATIONS – BACKGROUND EXHIBIT
COWARD VALEGRA ANNEXATION (1970)
&

PINE MEADOWS SUBDIVISIONS (SECURITY OWNERS CORPORATION) 1976



Attachment

D

Planning Commission
525 Henrietta St
Martinez, CA 94553



Dear Commission Members;

This letter is in response to the proposed zoning changes to Pine Meadow Golf Course.

I am asking you to please be considerate of MY environment. Your studies always address the environment of wildlife or some rare insect, etc. This open space is a precious part of my environment, which is about to be destroyed. Don't citizens count?

Building 99 homes means there will soon be over 200 more vehicles traversing city streets. Vine Hill Way is like a freeway right now and the thought of more vehicle noise, dust and death to the area wildlife makes me want to cry. There are times I have to close all of my windows due to the traffic noise with existing traffic.

I am asking you to please consider lowering the number of houses allowed. I ask this because I know that no matter what the public/neighbors want, this subdivision will happen. That's just the way things are in life. Greed and money always take precedence over environment and open space. So, with this in mind, can you please consider only 50 houses or less? Make them quality houses with some yards and open space around them? The thought of another high density ghetto like the one at Center Ave and Glacier, that took over the old grocery store lot is horrifying not to mention downright ugly.

At the very least, if you are convinced that nothing can stop this destruction of a wonderful golf course and open space, can you at least consider a request to make NO street entry/exit on either Vine Hill Way or Center Ave? Keep all traffic to the Morello side so that the Vine Hill section between Morello and Center Ave doesn't become even more congested with cars. Again, please consider my environment.

I am very saddened to see this little gem of a golf course destroyed. I have played there often and will mourn the loss of space and recreation in our neighborhood.

I beg you to reconsider the number of houses since I'm sure this is going to happen unless someone with more money intercedes to stop it. And we all know that'll never happen.

Thanks -

Claudia J. Gallup
1533-D Ashwood Dr.
Martinez, CA 94553

cgallup@yahoo.com



MEMORANDUM

DATE: November 12, 2014

TO: PLANNING COMMISSION

FROM: Dina Tasini, Planning Manager

RE: Pine Meadow (“The Meadows”) – Subdivision 9358
The proposed project is General Plan Amendments, Rezone, and a Vesting Tentative Map (Figure 3) that would permit the development of 99 single family residential units on approximately 25.9 acres at the intersection of Center Avenue and Vine Hill Way.

Background

On November 28, 2014 the Planning Commission held a public hearing, took testimony and requested that staff provide additional information related to parks and open space, tree removals and provide a brief discussion regarding any negotiations the City of Martinez had with respect to purchase of the property for public use.

Discussion

1. Land Use Context and Density

Per General Plan 32.4231 within the Hidden Lakes Specific Area Plan, comprised of 565 acres, development was permitted as a density of one dwelling unit per 7,500 square feet. There are approximately 1229 units within the Plan Area; the overall permitted density based on the SAP would be 3,277 units. The proposal of an additional 99 units could easily be accommodated dated within the permitted density.

2. Parks/Open Space

Staff further analyzed the existing land patterns within the Hidden Lakes Specific Plan Area to better understand the location and size of the existing open space areas. The areas analyzed included passive open space, active City parks and private recreation areas such as part of the Vine Hill Townhome development. The attached Map (Exhibit A) shows the existing open space areas. There are approximately 190 acres of open space areas within the 565 acre Hidden Lake Specific Plan Area.

Staff has provided the following chart depicting the existing park properties:

LIST OF PARKS MAINTAINED BY CITY	
Name	acreage
Alhambra Park	0.55
Cappy Ricks Park	1.9
Ferry Point Picnic Area	3.8
Foothills Park	2.3
Golden Hills	9.6
Highland Avenue Park	0.25
Hidden Lakes Park	24
Hidden Valley Park	17
Hidden Valley Linear Park	2.3
Holiday Highlands Park	2
John Muir	7.4
John Muir Memorial Park	0.42
Main Street Plaza	0.45
Martinez Marina	60.0
Morello Park	7.1
Mountain View Park	4.5
Nancy Boyd Park	7.3
Plaza Ignacio Martinez	1
Rankin Park	42
Susana Street Park	1.2
Steam Train Display	0.25
Waterfront Park	31
Veterans Memorial Park	<u>0.2</u>
TOTAL ACREAGE	226.52

The City's Public Works Department oversees 169 acres of *developed* park space within the City. Since the 1980s the City established General Plan and resident ratio has been established as 5 acres of park space for every 1,000 residents. The City's population has been relatively unchanged over the past three decades, and remains approximately 36,000. Martinez residents currently enjoy 6.22 acres of park space per every 1,000 residents.

In addition, Martinez residents have access to over 410 additional acres of publicly accessible Open Space areas, such as the *Hidden Lake Open Space* properties. These natural areas are maintained by either by the City, East Bay Regional Parks District, and/or Muir Heritage Land Trust and provide local and regional trails that support hiking, biking, and horseback riding. There is no standard for required allocation of passive open space, as opposed to improved recreation areas (ie.parks).

3. Trees

The applicant proposes the removal of 38 trees. An arborist report was conducted in 2011 and provided background on the removal of 47 trees (arborist packet was provided as part of the November 22, 2014 Planning Commission meeting). The applicant provided an exhibit and table depicting the removal of trees in red with an associated tree number (attachment B). The largest concentration of trees to be removed is along Vine Hill Way and at the entrance to the project site. It may be possible for the applicant to save some of the trees (1302-1305) along Vine Hill Way closest to the entrance, by meandering or located the walkway greater distance from the drip line of the tree, but a site survey has yet to occur and therefore they are indicated on the tree survey exhibit as being removed. The largest oak tree slated for removal is tree #1338 which is a Valley Oak and measures 34.2 inches in circumference. The removal is necessary as part of road improvements. It may be possible for the applicant to save some of the trees by either changing configuration of the pedestrian pathway located along the perimeter of the site or through grading within the site and working carefully along the drip lines of some of the trees.

4. City Interest

The property owner and City discussed the purchase of the property as an informal discussion with staff. Staff has not been directed by the City Council to negotiate a purchase price with the property owner. We have no record of informal or formal discussions.

5. Recommendation

The public hearing was closed at the end of public testimony on November 12, 2014, the Planning Commission may open the public hearing to allow for additional public testimony because of the new information provided on the open space, parks and trees or chose to keep the public hearing closed receive a brief staff report summarizing any actions staff has taken and discuss the project, and make a recommendation regarding the General Plan Amendment, Rezoning and Planned Development as was provided on November 12, 2014.

Attachments:

1. Draft Resolution & Conditions of Approval

Exhibits

- A. Open Space Map
- B. Tree Exhibit (2 Pages)



EXISTING TREE SURVEY EXHIBIT
VINE HILL

CITY OF MARIETTA, GEORGIA
 COUNTY OF COCONA, CALIFORNIA

California Register
 & Contractors, Inc.
 155-130-011

SCALE: NOT TO SCALE DATE: NOVEMBER 3, 2014

NOTES:

1. TREE INFORMATION PROVIDED ON THIS EXHIBIT IS PER THE PRELIMINARY ARBORIST EVALUATION PREPARED BY BAEFSKY & ASSOCIATES DATED OCTOBER 27, 2011.
2. TREE NUMBERS & DATA WITH LINES THROUGH THEM WERE ORIGINALLY IDENTIFIED AS PROTECTED, BUT THEIR SMALL DIAMETERS DISQUALIFIED THEM FOR THIS STUDY, AND SO ARE NOT LISTED AS PROTECTED TREES ON THIS SITE.
3. TREE LOCATIONS ARE APPROXIMATE AND HAVE NOT BEEN FIELD VERIFIED.

LEGEND:

- 1300 • TREES TO BE PRESERVED
- 1300 • TREES TO BE REMOVED

PRELIMINARY TREE SURVEY

TREE #	COMMON NAME	DIAMETER (IN)	CONDITION	ACTION
1301	COAST LIVE OAK	11.1"	POOR	REMOVE
1302	COAST LIVE OAK	13.7"	FAIR/POOR	REMOVE
1303	COAST LIVE OAK	11.6"	GOOD/FAIR	REMOVE
1304	COAST LIVE OAK	17.2"	FAIR	REMOVE
1305	COAST LIVE OAK	9.9"	FAIR	REMOVE
1306	CA BLACK WALNUT	5.3", 4.3", 2.3", 2.8", 5"	VERY POOR	REMOVE
1307*	CA BLACK WALNUT	4.5", 3.8", 3.8"	VERY POOR	REMOVE
1308	COAST LIVE OAK	4", 4"	VERY POOR	REMOVE
1309	COAST LIVE OAK	6.1", 7.9", 5", 6", 12"	EXCELLENT/GOOD	REMOVE
1310	BLUE OAK	7.8", 5", 5.3"	GOOD/FAIR	REMOVE
1311	BLUE OAK	7.2"	FAIR	REMOVE
1312	VALLEY OAK	6.2"	FAIR	REMOVE
1313	BLUE OAK	3.1", 3.5"	FAIR	REMOVE
1314	COAST REDWOOD	7.6"	POOR/FAIR	REMOVE
1315	COAST REDWOOD	7.4"	FAIR	REMOVE
1316	COAST REDWOOD	11.6"	FAIR/GOOD	REMOVE
1317	COAST REDWOOD	20.8"	GOOD	REMOVE
1318	COAST REDWOOD	12.5"	FAIR/GOOD	REMOVE
1319	COAST REDWOOD	17.7"	GOOD	REMOVE
1320	COAST REDWOOD	19.3"	GOOD	REMOVE
1321	COAST REDWOOD	22.4"	GOOD	REMOVE
1322	COAST LIVE OAK	14", 11", 9"	GOOD/FAIR	REMOVE
1323	VALLEY OAK	11", 15", 7"	GOOD	REMOVE
1324	COAST REDWOOD	26.7"	GOOD	REMOVE
1325	COAST REDWOOD	9.4"	GOOD	REMOVE
1326	COAST REDWOOD	11.2"	FAIR	REMOVE
1327	COAST REDWOOD	12"	FAIR/POOR	REMOVE
1328	COAST LIVE OAK	6.4", 4.5", 2.8"	GOOD/FAIR	REMOVE
1329	VALLEY OAK	11.6"	GOOD/EXCELLENT	PRESERVE
1330	VALLEY OAK	9.7", 5.6"	GOOD/FAIR	PRESERVE
1331	VALLEY OAK	14.7"	GOOD	PRESERVE
1332	VALLEY OAK	11.8"	FAIR	PRESERVE
1333	VALLEY OAK	13.1"	FAIR	PRESERVE
1334	VALLEY OAK	16.2", 10", 17", 13.5"	GOOD	PRESERVE
1335	VALLEY OAK	18.4", 17.2"	FAIR	REMOVE
1336	COAST REDWOOD	12.5"	FAIR/GOOD	REMOVE
1337	COAST REDWOOD	11.2"	GOOD	REMOVE
1338	VALLEY OAK	34.2"	GOOD	REMOVE
1339	COAST LIVE OAK	13", 7"	EXCELLENT/FAIR	REMOVE
1340	COAST REDWOOD	6.4"	POOR	REMOVE
1341	VALLEY OAK	12.5"	GOOD/FAIR	REMOVE
1342	COAST LIVE OAK	10.2"	GOOD/FAIR	PRESERVE
1343	COAST LIVE OAK	8", 3.5", 5.8"	FAIR	REMOVE
1344	COAST LIVE OAK	9.3"	FAIR/POOR	REMOVE
1345	BLUE OAK	10.6", 10.5"	FAIR/POOR	PRESERVE
1346	COAST REDWOOD	9.5"	GOOD	PRESERVE
1347	VALLEY OAK	7.6", 12.8", 8.5"	FAIR	REMOVE
1348	VALLEY OAK	8", 5"	FAIR	REMOVE
1349	BLUE OAK	7.1", 7.7", 5.2"	GOOD	REMOVE
1350	BLUE OAK	9.7"	GOOD/FAIR	REMOVE

NOTES:

- TREE INFORMATION PROVIDED ON THIS EXHIBIT IS PER THE PRELIMINARY ARBORIST EVALUATION PREPARED BY BAFFSKY & ASSOCIATES DATED OCTOBER 27, 2011.
- TREE NUMBERS & DATA WITH LINES THROUGH THEM WERE ORIGINALLY IDENTIFIED AS PROTECTED, BUT THEIR SMALL DIAMETERS DISQUALIFIED THEM FOR THIS STUDY, AND SO ARE NOT LISTED AS PROTECTED TREES ON THIS SITE.
- TREE LOCATIONS ARE APPROXIMATE AND HAVE NOT BEEN FIELD VERIFIED.



* SEE NOTE 2 THIS SHEET.



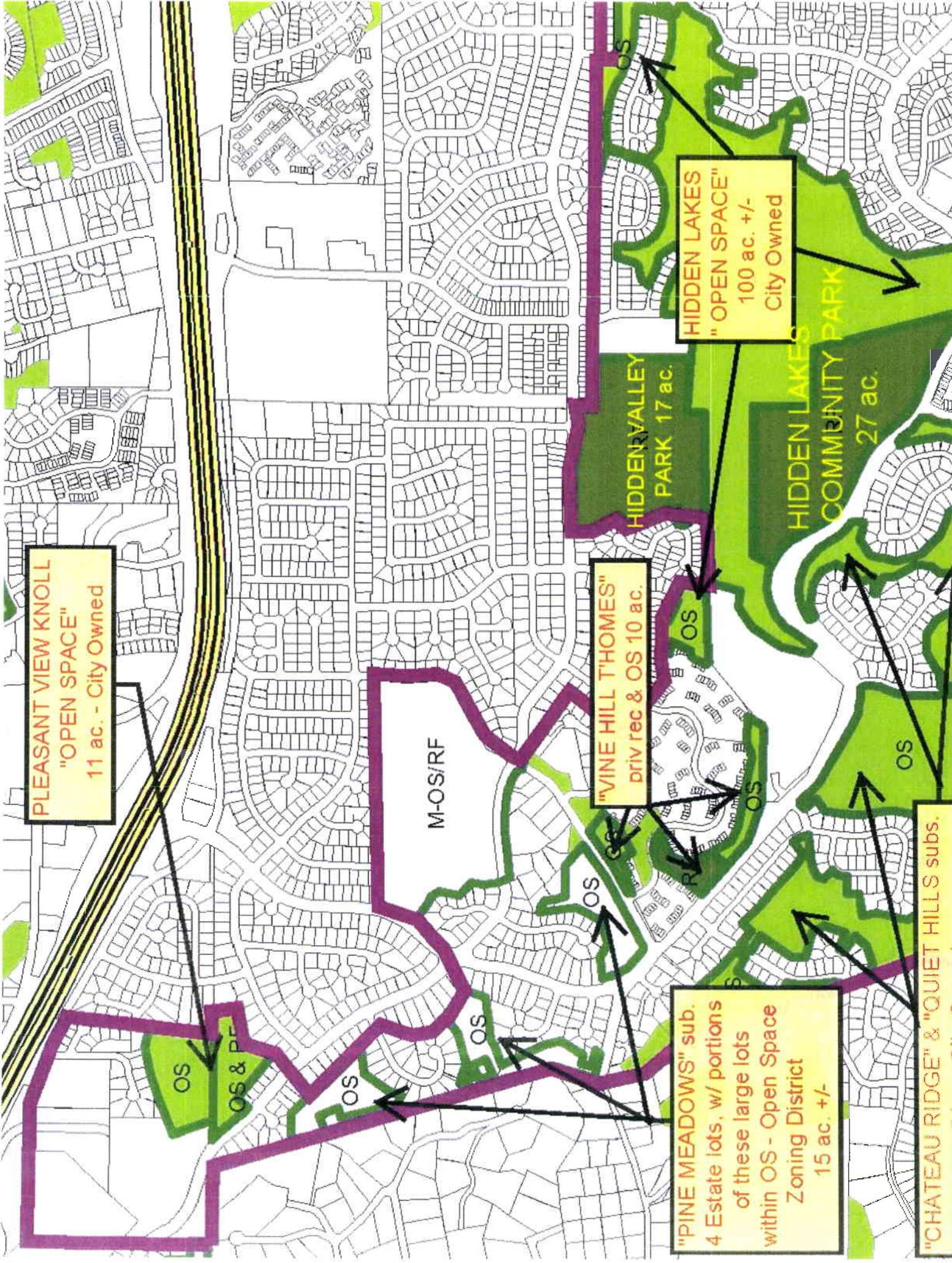
PLEASANT VIEW KNOLL
"OPEN SPACE"
11 ac. - City Owned

HIDDEN LAKES
"OPEN SPACE"
100 ac. +/-
City Owned

"VINE HILL T'HOMES"
priv rec & OS 10 ac.

"PINE MEADOWS" sub.
4 Estate lots, w/ portions
of these large lots
within OS - Open Space
Zoning District
15 ac. +/-

"CHATEAU RIDGE" & "QUIET HILLS subs.



M-OS/RF

HIDDEN VALLEY
PARK 17 ac.

HIDDEN LAKES
COMMUNITY PARK
27 ac.

OS

OS & PF

OS

OS

OS

OS

OS

OS

RESOLUTION NO. PC 14-04

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ,
RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A MITIGATED
NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA), AN AMENDMENT TO THE GENERAL PLAN AND ZONING
MAP, ADOPTION OF A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY
DISTRICT, AND APPROVAL OF A PUD PLAN AND VESTING TENTATIVE MAP
FOR THE DEVELOPMENT OF UP TO 99 SINGLE FAMILY HOMES PLANNED UNIT
DEVELOPMENT ("PINE MEADOWS") ON 25.9 ACRE, PARCEL LOCATED AT 451
VINE HILL WAY
(APN: 162-020-019)
13PLN -0028, SUB#9358**

WHEREAS, the City of Martinez has received a request for a General Plan Amendment for approximately 25.9 acres of the project site from designation of "Open Space and Recreation, Permanent" to "Residential: 0-6 Units/Gross Acre"; and to rezone the entire 25.9 acre site from M-OS/RF; (Mixed Use Open Space Recreation), to R-7.5/PUD overly (Family Residential, minimum 7,500 square feet per dwelling unit) Planned Unit Development Overlay; and PUD plan/Vesting Tentative Map for the construction of up to 99 single family homes;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) the City has conducted an Initial Study (Exhibit "A"), to address the project's potential impacts on the environment; and

WHEREAS, on the basis of said initial study a mitigated negative declaration has been prepared that states the proposal will not have a significant effect on the environment; and

WHEREAS, the Planning Commission of the City of Martinez held a duly noted public hearing on October 28, 2014, and listened to testimony from the public and continued the item to a specially scheduled Planning Commission meeting on November 12, 2014.

NOW, THEREFORE, the Planning Commission of the City of Martinez resolves as follows:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based.
2. That the Planning Commission hereby finds that on the basis of the whole record before it, including the Initial Study and any comments received, that there is no substantial evidence that the proposed project will have a significant effect on the environment, and that the proposed mitigated negative declaration reflects the City's independent analysis and judgment. Furthermore, the Mitigated Negative Declaration, and proposed mitigation measures for said project is found to be complete and in compliance with CEQA and applicable CEQA guidelines and is

hereby recommended to the City Council for approval.

3. Consistency with General Plan

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters deemed relevant prior to adopting this resolution.

B. The Planning Commission does, based thereon hereby find that the Project and its design and improvements are consistent with the General Plan and adopts the findings set forth in Exhibit B, attached hereto and incorporated herein by reference.

Consistency with the Hidden Lakes Specific Area Plan

A. The Planning Commission has reviewed and considered the information contained in the Record, including but not limited to, all staff reports, all oral and written testimony presented at, or prior to, the hearing on the Project and all other matters deemed relevant prior to adopting this resolution.

B. The Planning Commission does, based thereon hereby find that the Project and its design and improvements are consistent with the Hidden Lakes Specific Area Plan and adopts the findings set forth in Exhibit B, attached hereto and incorporated herein by reference.

4. That the Planning Commission finds that proposed rezoning is recommended for approval to the City Council because it is necessary to establish and maintain consistency with the existing neighborhoods of R7.5.

5. That in order to recommend approval of the Planned Unit Development (PUD) Overlay District and PUD plan, with the requested exceptions to the R-7.5 Zoning District that are being proposed with Subdivision #9358, the Planning Commission must make the following findings, which it hereby does:

a. **The proposed PUD Plan development is in conformance with the applicable goals and policies of the general plan and any applicable specific plan;**

The project is in conformance to the Housing policies of the Hidden Lakes Specific Plan in particular Section 32.411 Essential open space masses and vital elements of the terrain should be protected while still allowing development densities reasonably consistent with the patterns established on adjoining properties. Furthermore, Section 32.421 of the Hidden Lakes Specific Plan states that development shall be consistent with the trends in the adjoining lands, as well as with the Martinez General Plan, the housing units should be single family sale units to the extent feasible.

- b. **The proposed PUD Plan development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities;**

The proposed plan development is immediately adjacent to existing residential developments and established routes to commercial centers both walking, private transportation. In addition the area is largely developed except for this site, and fully serviced by utilities.

- c. **Streets and pedestrian facilities adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development;**

The existing streets are improved to carry vehicular traffic from this site. The proposed landscape buffer and meandering pathway on Vine Hill Way and Center Avenue provides a connection between neighborhoods and a trail to walk safely.

- d. **The proposed PUD Plan development concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood and the site is physically suitable for the type and density/intensity of development being proposed, adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this title;**

The site is a 25.9 acre site and is well suited for development of this type. The property is has been used as a golf course for 50 years and is vacant of structures except for a clubhouse and storage sheds. All proposed development can be accommodated on the site.

- e. **The proposed PUD Plan would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than might otherwise occur from more traditional development applications;**

The requested exceptions to front yard will allow the applicant to increase the rear yard setback and provide a buffer for the adjacent property owners to the north. The reduced setback is only necessary for lots 1-23 where the proposed development abuts an existing subdivision and in order to mitigate any visual impacts an additional 10 feet of rear yard setback is required. The density at this site is appropriate since it is an infill site adjacent to existing residential development and existing roadways allowing housing opportunities for single, elderly and first time homeowners to locate in Martinez.

- f. **The location, access, density/building intensity, size and type of uses proposed in the PUD Plan are compatible with the existing and future land uses in the surrounding neighborhood.**

This is an infill site one that lends itself to the proposed type and density of development. It is compatible with existing development in the area because it will provide a housing opportunity site in an area that is largely built out and desirable. The area is easily served by existing roadway network and in close proximity to freeways.

6. Notwithstanding exceptions to the aforementioned zoning regulations, for which the above Planned Unit Development findings were made, the Planning Commission finds the proposal substantially conforms to the requested R-7.5 Zoning District, the State Subdivision Map Act, and Title 21 ("Subdivisions") of the Martinez Municipal Code, and hereby recommends that the City Council approve the Vesting Tentative Map for Major Subdivision #9358.
7. All the findings contained above are part and parcel of this Resolution and are incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on its independent judgment, does hereby find and resolve as follows:

NOW, BE IT FURTHER RESOLVED that the Planning Commission recommends to the City Council the Adoption of the proposed Mitigated Negative Declaration and Mitigation Monitoring Report and Reporting Program Exhibit C, and approval of a text amendment to the General Plan and an amendment to the General Plan Map and Zoning Map, adoption of a Planned Unit Development (PUD) overlay district, and approval of a PUD plan and vesting tentative map for the development of a up to 99 single family, with the attached conditions of approval, incorporated herein by this reference

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 12th day of November 2014:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY: _____
Dina Tasini, Planning Manager

CONDITIONS OF APPROVAL

DRAFT

AS REVIEWED BY PLANNING COMMISSION
AND RECOMMENDED TO CITY COUNCIL

Project Name: "Vine Hill (Sub. 9358)

Site Location: Pine Meadows APN 162-020-0019

I. Description of Permit

These conditions apply to and constitute the approval of:

- A. The Planned Development consisting of up to 99 single-family homes on a 25.9 acre site, the Planned Development overlay allows for exceptions to development standards normally set forth in the R-7.5 Zoning District. The following exceptions to normal the R-7.5 Zoning District development standards are allowed by this permit:
1. Front yard setback of not less than 10 feet measured from the front of the residence and or front porch to the front property line on Lots 1-23. The remaining lots shall have a front yard setback of not less than 18 feet from the garage door.
 2. Rear yard minimum of 15 feet except as previously required for Lots 1-23.
 3. Backyard setbacks to the first story of a building on Lots 1-23 shall not be less than 30 feet from the backyard property line.
 4. Backyard setbacks to the second story of a two-story building on Lots 1-23 shall be not less than 35 feet from the backyard property line. This setback requirement does not prohibit the construction of a single-story building in accordance with the first story setback of 30 feet for lots 1-23.
 5. Side yards- Minimum of 5 feet; when side yard is sloped the side yard shall be measured from the toe of the slope and shall not have a measurement of less than 5 feet from the toe of the slope to the building footprint.
 6. Height-Maximum height of 30 feet.
 7. Maximum coverage of 40 percent.

- B. These conditions apply to and constitute the approval of Vesting Tentative Map Subdivision Map No. 9358 consisting of up to 99 residential lots, and common landscape, drainage and access parcels and/or easements

II. Exhibits and Environmental Documentation

The following exhibits are incorporated as conditions of approval, except where specifically modified by these conditions:

EXHIBIT	DATE RECEIVED	PREPARED BY	PAGES
Vesting Tentative Map/ Development Plan Sub 9358	June 16, 2014	Carlson, Barbee & Gibson Inc.	6
Landscape Plans	June 13, 2014	VTA	1
Preliminary Development Plan	August 27, 2014	Carlson, Barbee & Gibson Inc	1

All construction plans, including but not limited to the final map, improvement/grading plans and construction plans for the individual units shall conform to these exhibits, except as modified by these conditions, and shall incorporate all mitigation measures identified in the adopted Initial Study and Mitigated Negative Declaration. Where a plan or further information is required by these conditions, it is subject to review and approval by the Planning Division, Engineering Division and/or Building Department, or as noted.

III. Special Requirements for Final Approval and Recordation of Subdivision 9358

A. **REQUIRED SITE PLAN CHANGES:**

The final map, improvement plans, design review approval and/or final building permit plans shall incorporate the following modifications to the plans otherwise hereby approved:

1. To reduce impact on the existing residences to the north directly behind the proposed development the rear setbacks have been increased as well as second story setbacks as follows:
2. Backyard setbacks to the first story of a building on Lots 1-23 shall not be less than 30 feet from the backyard property line.
3. Backyard setbacks to the second story of a two-story building on Lots 1-23 shall be not less than 35 feet from the backyard property line. This setback requirement does not prohibit the construction of a single-story building in accordance with the first story setback of 30 feet for lots 1-23.

Air Quality

1. Prior to approval of improvement plans the project applicant shall submit an Air Quality Impact Assessment to the BAAQMD for an Indirect Source Review. The submittal shall be subject to the BAAQMD fees. The project applicant shall consider opportunities for incorporating renewable energy sources into buildings as an emissions offset option.
2. Building plans shall include only natural gas burning fireplaces, low volatile organic compound paint shall be used on the project site, installation of high efficiency appliances, low flow faucets, toilets and showers and a water efficient irrigation system and a planting scheme that includes a majority of drought tolerant plant species.
3. Project applicant shall reduce construction related emissions and implement the following:
 - a. Water all active construction at least twice a day.
 - b. Cover all trucks hauling soil, san and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Pave, apply water three times a day, or apply (non-toxic) soli stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

Bird Nesting and Bat Roosting

1. If project construction activities, including vegetation clearing, are to occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately March 1- August 31) the project applicant shall retain a qualified biologist to perform preconstruction surveys for protected birds, including nesting raptors, on the project site and in the immediate vicinity. At least two surveys shall be conducted no more than 15 days prior to the initiation of construction activities, including vegetation clearing. If protected birds, including nesting raptors, are found on the project site, off site improvement corridors, or the immediate vicinity the applicant shall locate and map the locations of the nest site and notify the City and California Department of Fish and Wildlife within in two working days. The applicant shall establish a no-disturbance buffer of 250 feet, continue weekly surveys until such time as a qualified biologist has confirmed the birds have fledged.

2. Applicant shall conduct a preconstruction survey for bat roosting 15 days prior to construction. The survey shall be conducted by a qualified biologist with known experience surveying for bats. If a maternity colony is found the applicant shall consult with California Department of Fish and Wildlife. No eviction or exclusion is permitted during maternity season typically between April 15 and Jul 30. Activity should be avoided at that site until such time as the bats have reached independence.
3. No reproductive bats found require a consult with California Department of Fish and Wildlife and they shall only be evicted by a qualified biologist prior to work activities and during a suitable timeframe (February 20 to April 14 and July 30 to October 15).

Cultural Resources

1. If cultural resources are discovered all work shall be stopped within 50 meters of the discovery, the City of Martinez shall be notified and a qualified archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to determine the significance of the discovery. The City shall consider the options determine which options are feasible and appropriate and the applicant shall undertake those measures.

IV. Site Plan

A. Lighting

1. Building plans and landscaping plans shall show all exterior lighting: walkways, driveway areas, recreational areas, etc. Height and style shall be shown.
2. All exterior lighting shall be directed such that lights create as little off-site glare and nuisance as is feasible. All fixtures shall be glare-shielded.
3. Energy-saving fixtures shall be used.
 - a) Outdoor lighting at the residential lots, including building and landscape lighting, shall be designed so that it is not directed of the site (ie. Adjacent lots or into the public right of way) and the light source is shielded downward from overhead viewing and from direct off-site viewing. Light spill or glare shall not exceed 0.1 foot candle on adjacent properties or the public right of way. These requirements shall be shown

- on the plot plans for each single family unit.
- b) Street light fixtures shall use LED or other similar lighting fixtures approved by the City of Martinez and shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane of the light source. High intensity discharge lamps shall be prohibited. Street lighting plans shall be submitted with project improvement plans for City review and approval.
- c) Building plans shall incorporate materials that minimize glare to the extent feasible. Metal siding for roofing shall be prohibited, unless paint or other non-glare materials are applied to the material to minimize the glare. Building plans shall be submitted to the City for review and approval.

V. Landscaping, Walls and Fences

- A. Final landscape plans shall be prepared by a licensed landscape architect, on the grading plan as a base map and shall be submitted for review and approval by the City at the same time grading and improvement plans are submitted. Final plans must receive City approval prior to filing of the Final Map or issuance of building or grading permits, whichever comes first. All exterior and roof mounted utility and meter boxes, and mechanical equipment shall be screened from public view. Equipment and screening shall be shown on final construction plans and subject to staff review and approval.
 - 1. Permanent project/neighborhood identification signage may be placed at the entryway and shall be subject to Design Review approval.
 - 2. Landscape plans shall be prepared in accordance with the City's adopted water conservation and landscaping ordinance (Martinez Municipal Code Chapter 22.35).
 - 3. Specify shrubs of minimum 5-gallon size
 - 4. Provide either lawn or a continuous ground cover with complete coverage within 3 years.
 - 5. Show all non-plant features areas paths, etc.
 - 6. Include an irrigation plan.

Fences

- a. All fencing, retaining walls, barriers, etc., shall be installed by the developer, and shall be shown on the site and landscape plan.
- b. The maximum height for all walls, fences and/or fences on retaining walls shall be 6 feet unless as otherwise shown on approved plans. Fences off-set from retaining walls 18 inches or greater shall be considered separate structures with a maximum height of 6 foot each.

B. Tree Preservation

1. All trees to be preserved shall be clearly indicated on the grading plan, site plan, composite plans and landscape plans. As indicated on the existing Tree Survey Exhibit- Vine Hill prepared by CBG Engineers dated November 5, 2014.
2. All trees to be saved shall be fenced at the drip line with three-strand barbed wire or other approved fencing prior to grading and construction activities. Prior to grading or construction, the developer's contractor shall request City inspection of fencing.
3. Dead wood shall be pruned from existing trees.
4. If during construction, the developer wished to remove the trees, Planning staff shall approve a modified landscape plan with replacement trees prior to tree's removal.

VI. Noise Control, Dust and Conditions for Construction Activity

- A. All construction activities shall conform to the City's Noise Control Ordinance, Chapter 8.34 of the Municipal Code: Construction activities including delineation and stating/warning of vehicles are limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday; and 9:00 a.m. to 5 p.m. Saturday and Sunday. **Lane closures shall be limited to 9:00 a.m. to 4:00 p.m. Monday through Friday on Center Avenue and Morello Avenue.** The permittee shall post a sign on the site notifying all workers of these restrictions.
- B. The site shall be fenced with locked gates at 7 p.m. The gates shall remain locked until 7:00 am. Contractors shall not arrive at the site prior to the opening of the gates.

- C. Based on the site-specific sound mitigation study conducted for this project, sound levels shall be reduced to meet the following criteria for year 2000 noise contours:
 - 1. Indoor noise levels not to exceed 45 d_{BA} CNEL.
 - 2. Private outdoor noise levels not to exceed 65 d_{BA} CNEL.
- D. All construction equipment utilizing combustion engines shall be equipped with "critical" grade (rather than "stock" grade) noise mufflers or silencers that are in good condition. Back up "beepers" shall be tuned to insure lowest possible noise levels while also serving the safety purpose of the backup sound indicator.
- E. Stationary noise sources shall be located at least 300 feet from any occupied residential dwellings unless noise-reducing engine housing enclosures or other appropriate noise screens are provided.
- F. Speeds of construction equipment shall be limited to **10** miles per hour. This includes equipment traveling on local streets to and from the site.
- G. Access shall be maintained to all driveways at all times.
- H. There shall be no parking of construction equipment or construction worker's cars on residential streets at any time.
- I. Truck routes for the import or export of cut/fill material shall be identified and approved by the City Engineer prior to the issuance of any permits. Developer shall be responsible for the repair of any damage to city streets (private and public) caused by the import or export of soils materials necessary for the project.
- J. Prior to construction, contractor shall contact city inspector for a pre-construction meeting. Haul route shall be submitted for review and approval by the building and engineering departments for approval.
- K. All construction activities must be designed to minimize potential spills, from equipment and to provide a planned response in the event an accidental spill occurs. The applicant shall maintain spill equipment on site, if refueling takes place on site there shall be a designated area. Ensure all construction personnel are trained in proper material handling, cleanup and disposal procedures.
- L. All demolition activities shall be performed in accordance with the Bay Area Air Quality Management District Regulation 11 Hazardous Pollutants,

Rule 2 Asbestos Demolition, Renovation, and Manufacturing. The purpose of this Rule is to control emissions of asbestos to the atmosphere during demolition, renovation, milling and manufacturing and establish appropriate waste disposal procedures. These requirements specify the appropriate methods for survey, demolition/removal, and disposal of asbestos materials to control emissions and prevent hazardous conditions. Specifications developed for the demolition activities shall include the proper packaging, manifesting, and transport of demolition wastes by trained workers to a permitted facility for disposal, in accordance with local, State, and federal requirements.

- M. Prior to demolition or renovation activities that may disturb suspect lead-based paint (LBP), actual material samples shall be collected or an XRF survey performed in order to determine if LBP is present. It should be noted that construction activities that disturb materials or paints containing any amount of lead are subject to certain requirements of the Occupational Safety and Health Administration (OSHA) lead standard contained in 29 CFR 1910.1025 and 1926.62. If lead-based paint is identified, the paint shall be removed by a qualified lead abatement contractor. Specifications developed for the demolition activities shall include the proper packaging, manifesting, and transport of demolition wastes by trained workers to a permitted facility for disposal, in accordance with local, State, and federal requirements.
- N. Prior to grading, mechanical excavation and disposal of the diesel and oil range petroleum hydrocarbons release (area of the petroleum product storage shed) shall be completed by a qualified contractor. Specifications developed for the excavation and disposal activities shall include the proper packaging, manifesting, and transport of demolition wastes by trained workers to a permitted facility for disposal, in accordance with local, State, and federal requirements. Confirmation soil samples following excavation shall be performed to confirm that the release has been effectively removed.

VII. Agreements, Fees and Bonds

- A. All improvement agreements required in connection with said plans shall be submitted to and approved by City and other agencies having jurisdiction prior to City approval of the Final Map or issuance of the Building, Encroachment, Grading or Site development permit, whichever comes first.
- B. All required faithful performance bonds and labor materials bonds in penal amount equal to 100 percent of the approved estimates of construction costs of improvements shall be submitted to and approved by City and other agencies having jurisdiction prior to City approval of the Final Map or

issuance of the Building, Encroachment, Grading, or Site Development permit, whichever comes first.

- C. Prior to approval of the plans and issuance of permits, applicant shall pay all applicable fees, deposits as required by the Community Development Director/or his or her designee in accordance with the City's fee schedule, the City's Municipal Code, and these conditions of the project's approval. The fees include: Plan check and inspection fees, drainage fees, transportation facilities fees, park (in lieu of land dedication) fees, park and recreation facilities fees, cultural facilities fees, and police facilities fees. The final amount shall be determined in accordance with the fee schedule in effect of time of payment.
- D. All fees and deposits required by other agencies having jurisdiction shall be paid prior to City approval of the Final Map or issuance of the Building, Encroachment, Grading or Site Development Permit, whichever comes first.

VIII. Grading

- A. All grading shall require a grading and drainage plan prepared by a registered Civil Engineer, a soils report prepared by a registered Geotechnical Engineer and a Grading Permit approved by the City Engineer. The grading plans and soils report shall require review by the City's geotechnical consultant with all costs to be borne by the applicant.
- B. All recommendations made in the Soil Engineers report, (unless amended through the City's review) and all recommendations made by the City's geotechnical consultant shall be incorporated into the design and construction of the project.
- C. Contour grading techniques with spot elevations shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading.
- D. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements.
- E. Erosion control measures shall be implemented per plans approved by the City Engineer for all grading work not completed before October 1. At the time of approval of the improvement and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer.

- F. All graded slopes in excess of 5 ft. in height shall be hydroseeded no later than September 15 and irrigated (if necessary) to ensure establishment prior to the onset of the rainy season.
- G. The applicant's engineer shall certify the actual pad elevation for the lot in accordance with City standards prior to issuance of Building Permit.
- H. All front yard landscaping or alternate erosion control measures shall be installed prior to release for occupancy to mitigate erosion problems on each lot.
- I. The finished grading shall be inspected and certified by the developer's engineer that it is in conformance with the approved Grading Plan and Soils Report pursuant to the provisions of Title 15 of the Martinez Municipal Code.
- J. All existing trees shall be clearly indicated on the grading plan. Refer to Section V Landscaping for tree preservation requirements.
- K. Any grading on adjacent properties will require written approval of those property owners affected.
- L. If cultural resources are discovered during subsurface excavations, the Contractor shall cease construction and a qualified archeologist shall be contacted to make recommendations for mitigation.
- M. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.

IX. Drainage

- A. The storm drain system shall be designed per City and County Flood Control District Standards to carry at least a 10-year storm. Furthermore, the system shall be designed to ensure that local streets remain passable during a 100-year storm. Passable is defined as one 10-ft. travel lane in each direction, pavement free of water runoff. The developer shall install a drainage system to ensure passability. Should the runoff due to the proposed development contribute incrementally to an existing flooding problem, then the developer may be required to contribute funds for his proportional share of future drainage system costs as required by the City Engineer. The developer shall comply with Contra Costa County Flood Control requirement.
- B. Collect and convey the storm drain runoff from the site to existing adequate drainage facilities. Submit drainage study and hydraulic calculations for the existing downstream drainage facilities to demonstrate

the adequacy of the existing system to the satisfaction of the City Engineer. If the existing facilities are not adequate to handle the additional runoff, the developer shall construct all necessary upgrades and improvements to existing systems to the satisfaction of the City Engineer.

- C. If the existing downstream facilities are inadequate to handle the runoff, the developer may mitigate the increase of the runoff peak flows from the proposed development by constructing a detention basin(s) onsite. The runoff peak flows from the developed conditions shall not exceed that of the existing conditions for the 10 years, 25, 50 and 100 years design storms. The 100 year stormwater level shall be contained within the basin(s).

Should the proposed C.3 bio-retention basin(s) be used for water treatment as well as a detention basin(s) for the mitigation of the increase of peak flows, the developer engineer shall submit calculations to determine the required size and configuration of the basin(s) to active both design objectives. Adjustment to basin(s) size and/or omission of lot(s) may be necessary to achieve the design objectives.

The C.3 facilities shall meet the requirements of the CCCWP, C.3 Guidebook. The bio- retention basin side slope of the basin shall not be steeper than 3H:1V.

Detention basin(s) design and the calculations shall be in accordance with Contra Costa County Floods Control guidelines, design criteria and parameters. The size of the basin shall be determined using flood hydrograph routing through the proposed basin(s) for said design storms, unless alternative method is approved by the City Engineer. The required hydrologic study and calculations shall be prepared and submitted to the City Engineer and Contra Costa County Flood Control District, when required by the City Engineer, for review and approval.

- D. All concentrated runoff shall be collected and conveyed to an approved storm drainage system. Existing slopes that have no additional discharge directed onto them or are not substantially re-graded can remain as natural runoff.
- E. Applicant shall not increase storm water runoff to adjacent downhill lots unless either, (1) a Drainage Release is signed by the property owner(s) of affected downhill lots and recorded in the office of the County Recorder; or (2) site drainage is collected and conveyed in approved drainage facilities within a private drainage easement through a downhill property. This condition may require collection of on-site runoff and construction of an off-site storm drainage system. All required releases and/or easements shall be obtained prior to filing of Final Map or issuance of the

Building, Encroachment, Grading or Site Development Permit, whichever comes first.

- F. Streets and on-site drainage shall be collected and conveyed to an approved storm drainage facility. When approved by the City Engineer, drainage may be conveyed under the sidewalk and discharged through the curb in accordance with City standards. Drainage shall be directed to a concrete curb and gutter whenever practical.
- G. All public drainage facilities, which cross private lots and to be maintained by the City, shall require a 10-ft. minimum width storm drain easement. Private storm drain facilities to be maintained by an Association of Homeowners or by individual lot owners shall be contained within 10-ft. private drainage reserves. Said easements and/or reserves shall be delineated on the Final Map or recorded by separate document prior to City approval of the Final Map or issuance of Building Permit, whichever comes first.
- H. Concentrated drainage flows shall not be permitted to cross sidewalks or driveways.
- I. Fifteen (15) inch minimum RCP (reinforced concrete pipe) shall be used for all public storm drain lines and 12-inch minimum pipe shall be used for laterals and for private storm drain lines.

X. NPDES Requirements

- A. Efficient irrigation, appropriate landscape design and proper maintenance shall be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize use of fertilizers, herbicides, and pesticides.
- B. To the maximum extent practicable, as determined by the City Engineer, drainage from paved surfaces shall be routed through grassy swales, buffer strips or sand filters prior to discharge into the storm drain system.
- C. All storm drain inlets (catch basins) shall be imprinted with the sign "No Dumping, Flows to Creek" as per City Standard #SD-1. Where required by the City Engineer, trash capture devices shall be installed at storm drain inlet.
- D. All areas used for washing, steam cleaning, maintenance, and repair or processing shall have impermeable surfaces and containment berms, roof covers, recycled water wash facilities, and shall discharge into the sanitary sewer, as approved by the City Engineer.

- E. A sweeping program, as approved by the City Engineer, shall be implemented which at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
- F. For projects one (1) acre or larger, developer shall comply with the State Construction General Permit requirements. The Developer shall be responsible preparing the SWPPP with all required documents, and obtaining coverage by filing a Notice of Intent (NOI) with State Water Resource Control Board (SWRQB). A copy of the SWPPP and the Notice of Intent (WDID) shall be submitted to the City prior to issuing permits for construction. The SWPPP and the WDID shall be kept at the job site during construction.
- G. Developer shall comply with the requirements of Provision C.3 of the Municipal Regional Permit (MRP) of the State Regional Water Resources Control Board NPDES Permit as applicable to this project. This project shall comply with provision C.3 of the MRP for flow-control and treatment measures in accordance with the current edition of the Contra Costa Clean Water Program's Stormwater C.3 Guidebook.
- H. Construction improvement plans, calculations, and specifications for the C.3 stormwater control facilities shall be submitted to the City for review and approval. The plans and specifications shall include, but not limited to, grading plan, drainage watershed maps, landscaping plans, and detail drawings for the proposed facilities. The proposed improvements shall be reviewed and approved by the project soil engineer and the City's geotechnical consultant (if deemed necessary by the City Engineer) prior to City approval of the plans.
- I. Prior to the issuance of building, grading, or site development permits, the applicant shall submit a complete set of stormwater control plan with the operation and maintenance plan for review and approval by the City Engineer. All required documents and agreements shall be submitted and executed prior to issuing permits for construction.
- J. The owner(s)/HOA, in perpetuity, shall be responsible for the ongoing operation and maintenance of the C.3 storm water control facilities. Prior to City approval of the plans and issuance of permits, the owner(s) shall execute an operation and maintenance agreement to insure proper operation and maintenance of the facilities. The agreement to be similar to the model O&M agreement prepared by the CCCWP.
- K. Stormwater control plan and the operation and maintenance plan shall be included as a part of the CC&R (or other approved document) for this development.

- L. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit as built drawings of the stormwater control facilities, including any updates. All required agreements must be executed and recorded.
- M. Development shall include adequate accessible and convenient areas for collecting and loading recyclable materials, to the satisfaction of the City Engineer, in conformance with the California Integrated Waste Management Board Recycling Ordinance.

XI. Street Improvements

- A. General Frontage Improvement Requirements: Pursuant to Chapter 12.30 of the Martinez Municipal Code sidewalks, curb, gutter, and street pavement shall be constructed and/or replaced along the entire property frontage. The developer shall install new (or replace existing damaged) sidewalk, curb and gutter, relocate existing driveways, and construct and dedicate to the City the improvements within the City's right-of-way, including concrete curb, gutter, sidewalk, paving, drainage system, street lights, and street trees, all to the satisfaction of the City Engineer. Existing street structural section shall be removed and replaced along the frontage of the property to the centerline of the street if the existing structural section is cracked or damaged in any way (regardless if it is damaged by construction or not), or if the street structural section is determined by the City Engineer to be inadequate for the intended traffic. All improvement shall be designed and constructed to the satisfaction of the City Engineer. Improvements shall be maintained by the Homeowners Association if not accepted by the City.
- B. All streets shall be paved and improved after utilities are installed in accordance with City of Martinez Standard Drawings and Design Guidelines and the Approved plans.
- C. Interior Streets: All interior street shall be public streets as follows: Street pavement section design and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.'s) approved by the City Engineer. The street section design shall utilize a T.I. of 5.5 with a minimum 0.25 ft. AC pavement depth over a minimum of 0.50 ft. Class 2 aggregate base. The minimum pavement width shall be 36 ft., as measured from face of curb to face of curb, within a 56 feet wide right of way. Where required by the City Engineer, an additional 5 feet wide public utility easement shall be provided on both sides of the right of way. The maximum street grade shall 15 percent unless otherwise approved by the City Engineer. All Streets shall also provide for approved provisions for the turning around of Police Department and Fire Department apparatus. Driveway profile shall conform to Contra Costa County standard details to allow for a minimum of 4 feet wide ADA access across the driveways. All required right of way and/or public access easement

shall be dedicated on the final map, maintained by the Homeowners Association if not accepted by the City.

- D. Center Ave: Frontage improvement includes, but not limited to, installing new curb, gutter, 5.5 feet wide sidewalk, as measured from face of curb, and widening the existing street pavement section so that face of curb is located 7 feet from the property line. The frontage improvement also include re-stripping the street, installing street lights and street trees and signs to the satisfaction of the City Engineer. Pavement section design and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.'s) approved by the City Engineer. The street section design shall utilize a T.I. of 8.5 with a minimum 0.50 ft. AC pavement depth over a minimum 0.50 ft. Class 2 aggregate base.
- E. Morello Ave: Frontage improvement includes, but not limited to, installing new 5.5 feet wide sidewalk, as measured form face of curb, from the existing sidewalk near the intersection of Center Ave. and Morello Ave. Frontage improvements also include re-stripping the street, installing street light(s) at the entry to the subdivision, street trees and signs to the satisfaction of the City Engineer. Pavement section design and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.'s) approved by the City Engineer. The street section design shall utilize a T.I. of 8.5 with a minimum 0.50 ft. AC pavement depth over a minimum 0.50 ft. Class 2 aggregate base.
- F. Vine Hill Way: Frontage improvement includes, but not limited to, removing existing ac berm, installing new concrete curb, gutter, 5.5 feet wide sidewalk, as measured form face of curb, widening the existing street pavement section to provide 40 feet wide as measured from face of curb to face of curb, and base repair and repave existing damaged pavement section to centerline of the street. The frontage improvement shall also include re-stripping the street, undergrounding existing overhead utilities, installing street lights and street trees and signage to the satisfaction of the City Engineer. Pavement section design and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.'s) approved by the City Engineer. The street section design shall utilize a T.I. of 7.0 with a minimum 0.33 ft. AC pavement depth over a minimum 0.50 ft. Class 2 aggregate base.
- G. Valley gutters shall not be used to provide drainage across any through street or intersection, unless otherwise approved by the City Engineer.
- H. Access ramp shall be installed at all curb returns per Caltrans standard details.
- I. All new utility distribution services on-site and off-site shall be installed

underground.

- J. Sidewalk pipe drains shall be installed on either side of the driveway and shall conform to City Standard No. S-13.
- K. A City Encroachment Permit is required for any work within the City Right-of-Way.
- L. All traffic control devices, including Stop signs, No Parking signs, legends and striping shall be installed in accordance with plans approved by the City Engineer.
- M. Street names for public and private streets are subject to the approval by the Community Development Department and the Fire District.
- N. Street lights shall be installed at Developer's expense in accordance with plans approved by the City Engineer. Developer shall bear full costs of energizing and monthly utility charges until acceptance of improvements by the City Council. Street lights shall be installed along Center Ave, Morello Ave and Vine Hill Way as well as in the new interior streets. All street lights fixture shall be LED. Street lights shall be maintained by the Homeowners Association if not accepted by the City.
- O. Street trees shall be planted in accordance with City standards. The species of tree shall be approved by the Parks Superintendent.
- P. All required street right of way shall be dedicate to the City, if right of way is not accepted then maintenance of the street is the responsibility of the Homeowners Association.
- Q. The developer shall keep the adjoining streets free and clean of project dirt, mud, materials and debris during the construction period as is found necessary by the City Engineer.

XII. Water System

- A. Water system facilities shall be designed to meet the requirements of the City of Martinez Water Department and the fire flow requirements of the Contra Costa County Consolidated Fire Protection District. All requirements of the responsible agency shall be guaranteed prior to approval of the improvement plans. Any required offsite easements shall be obtained at the developer own expense.
- B. The interior water system for the subdivision shall be connected to the exiting water system at the intersection of Vine Hill Way and Center Ave via a minimum of an 8" diameter pipe along Center Ave to the Entry Road

and looped to the existing water main on Morello Ave unless otherwise approved by the City Engineer.

- C. Water system connection, including installation of the water meter, shall be made in accordance with the Water Department standards. Prior to obtaining water service, fees shall be paid in accordance with the water fee schedule in effect at time of payment.
- D. Backflow prevention, required as part of the water service installation, must be completed before occupancy of the building, and appropriately screened with suitable material.

XIII. Sanitary Sewer System

- A. Sewer system connections and plans for sanitary sewer facilities shall be approved by the Mt. View Sanitary District. All requirements of that District, including constructing offsite improvement and upgrading existing sanitary sewer mains offsite downstream of the project, shall be met before the City approval of the improvement plans. All required easements and right of way shall be dedicated to the sewer district.
- B. Streets A,B,C,D and E require an 8" sewer main.
- C. The entire subdivision shall direct sewer to Vine Hill Way through an easement over private residential properties between Vine Hill Way and McMillian Court. That connection was never intended to be developed in that manner therefore; the applicant is encouraged to route the sewer through the Biorentention Basin Parcel and to Vine Hill Way and out the northeasterly to the existing manhole on Rolling Hill Way. The length of this offsite sewer in the public street would be approximately 300 feet, and no modifications to the existing easement would be required.

XIV. Other Requirements

- A. Construction shall comply with all applicable City and State building codes and requirements including handicapped and energy conservation requirements, grading and erosion control ordinances.
- B. Design of all public improvements shall conform to the City of Martinez Design Guidelines, Standard Special Provisions, and Standard Drawings. Prior to preparation of improvement plans, the developer or his representative should contact the City's Engineering Development Review section of the Community Development Department.
- C. Complete grading, site and improvement plans, specifications and calculations shall be submitted to and approved by the City Engineer,

Community Development Director, and/or other agencies having jurisdiction for all improvements within the proposed development prior to filing of the Final Map or issuance of a Building, Site, Grading or Encroachment Permit whichever comes first. Approved plans shall become the property of the City of Martinez upon being signed by the City Engineer and Community Development Director.

- D. Prior to City approval of the Final Map, all fees, bonds, and deposits shall be paid and posted; all agreements shall be executed and all grading and improvement plans shall be approved by the City Engineer and Community Development Director. No construction shall take place until recordation of the Final Map and issuance of the appropriate Encroachment, Site, Grading and/or Building Permits.
- E. If more than one unit is to be recorded on the area of the Tentative Map, master plans for the water mains, sanitary sewers, and storm sewers must be approved prior to the submittal of an improvement plan. The master plans are subject to review with any requested time extension of approval of the Tentative Map.
- F. The developer shall comply with all the mitigation measures listed in the CEQA environment documents prepared for this project. The Community Development Director shall interpret the mitigation measures and furnish the developer with specific improvements to be installed.
- G. Prior to issuance of the first building permit, the access to building sites shall be graded and improved to at least an all-weather surface condition, and operating fire hydrants shall be in place.
- H. Prior to issuance of the first certificate of occupancy, the public improvements including streets, sewers, storm drains, street lights, and traffic signs required for access to the sites of that phase of the project shall be completed. All public improvements shall be completed and accepted by the City prior to issuance of certificate of occupancy on final dwelling unit in the project.
- I. Prior to acceptance of improvements, offers of dedication, and release of bonds and deposits by the City, the City's record copies of the grading, site, and improvement plans shall be updated to show "As Built" conditions of the project. Said plans shall be prepared by the responsible Civil Engineer of work and shall reflect all changes made during the course of project construction. Grading and improvement plans shall be 24" x 36" in size. The as built plans and final map shall be provided in 4 mil photo mylars and in the form of electronic files compatible with AutoCAD.

- J. All on-site improvements not covered by the building permit including sidewalks, driveways, paving, sewers, drainage, curbs and gutters must be constructed in accordance with approved plans and/or standards and a Site Development Permit approved by the City Engineer.
- K. Building permits for retaining walls shall be obtained as follows:
 - 1. For major walls to be constructed during the mass-grading phase, obtain permit prior to issuance of the Grading Permit.
 - 2. For all other walls, obtain permit prior to issuance of Permits for structures on the respective lot.
- L. Any existing water wells on the property shall be filled and sealed off or otherwise disposed of as directed by the City Engineer.
- M. All required offsite easements that are necessary to complete the improvement of this project shall be obtained by the developer, at his own sole expense, and submitted to the City prior to approval of the Final Map.
- N. Where existing onsite utility easements and facilities are to be removed, located or abandoned, the developer shall be responsible for securing all necessary approvals from the owner(s) of the easements and facilities prior to approval of the Final Map.
- O. Approval by the applicant's Soils Engineer, the City's Soils Consultant, the Fire District, Sewage District, water agency, and State Department of Fish & Game of all improvements and buildings is required prior to City approval of the grading and improvement plans, and the issuance of any permits.
- P. Final Map and/or CC & R's clearly showing lot numbers and property lines shall be submitted with building permit applications. Final Map shall be 18" x 26" in size.
- Q. The developer shall establish a Homeowners' Association (hereinafter referred to as the "HOA") for the purpose that includes but is not limited to the maintenance of the access and landscape easements and/or parcels as described on the Vesting Tentative Map. The HOA shall be responsible for all exterior maintenance, including repainting of buildings, inspection and maintenance of private improvements such as: private storm drain system, landscaping and irrigation system; private access roads, sidewalks, parks, sewer, signs, lighting, utilities and unaccepted streets and or parcels. Maintenance of Parcels A, B, C, D, E and F shall be the responsibility of the Homeowners Association.

- R. The HOA shall also be responsible for inspection, operation and maintenance of stormwater control facilities (C.3 facilities), including reporting as required. All required documents and agreement shall be executed prior to issuance of permits. The CC&R shall clearly note the maintenance responsibility. Final wording of the implementing CC & R's shall be subject to approval of the City Attorney, and the City Engineer.

- S. Project CC & R's shall be submitted for City review and approval with the final map and improvement plans. The CC & R's shall contain a clause giving the City the right, but not the duty, to enforce the CC & R's. The CC & R's shall include the following restrictions on the uses of garages:
 - 1. Garages shall be kept sufficiently clear so as to permit the parking of 2 motor vehicles in addition to any incidental household storage.
 - 2. Residents shall use their assigned garages to capacity before using guest or on-street parking.

- T. As required by Map Act, Final Subdivision Map shall be prepared by licensed Land Surveyor or qualified Civil Engineer. Regardless of whether any discrepancies between the boundary locations and/or site area as shown on tentative and final maps, the developer is required to maintain the maximum permitted density, all required minimum setbacks, bio retention areas, site amenities (etc.) as shown on the Tentative Map/PUD plan. If necessary, units may be deleted to preserve consistency with the PUD plan, as required by Planning staff and City engineer.

XV. Validity of Permit and Approval

- A. The tentative map, and Planned Unit Development approvals integral to the map, shall expire on _____ (24 months from Planning Commission or City Council approval date, whichever is later.) unless:
 - 1. The final map, the Improvement plans and all required documents are filed with City Engineer prior to the expiration date;
 - 2. Or if an application for extension with all required fees are received prior to the expiration date as state in item B below.

- B. Extension of the tentative map approval: Extension(s) shall be in accordance with the City's Municipal Code and Subdivision Map Act requirements. Tentative map extension can be considered upon receiving an application with required fee prior to the expiration date of the approved Tentative Map. If the tentative map is expired a new application is required. A public hearing will be required for all extension applications. Extensions are not automatically approved: Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require or permit denial.

- C. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Martinez, or other public agency having jurisdiction.
- D. The permittee, DeNova Homes, shall defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the Planning Commission's decision to recommend approval PUD 09-01, Major Subdivision 9358, and any environmental document approved in connection therewith. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorneys' fees, and other costs and expenses incurred in connection with such action whether incurred by DeNova Homes, the City, and/or the parties initiating or bringing such action.
- E. DeNova Homes shall defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation of, or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as the Negative Declaration), if made necessary by said legal action and if DeNova Homes desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents, in a form and under conditions approved by the City Attorney.
- F. In the event that a claim, action or proceeding described in Subsection E, above, is brought, the City shall promptly notify DeNova Homes of the existence of the claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action or proceeding. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that DeNova Homes is required to defend the City in connection with any said claim, action, or proceeding, the City shall retain the right to (i) approve the counsel to so defend the City, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with DeNova Homes in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding where DeNova Homes has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that the fees and expenses of the City Attorney shall be paid by the applicant.

- G. DeNova Homes shall indemnify the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- H. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirement, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.