

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.
 - 7. 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.
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. Backup “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.
- 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.
- 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 from face of curb, from the existing sidewalk near the intersection of Center Ave. and Morello Ave. Frontage improvements also include re-striping 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 from 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-striping 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.
- 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.
- 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 Bio retention 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

recording 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, and utilities.
- 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.