



## MEMORANDUM

**TO:** PLANNING COMMISSION

**FROM:** Corey Simon, Senior Planner

**DATE:** July 22, 2008

**RE:** **CASCARA CANYON; 21 UNIT PLANNED DEVELOPMENT, SHELL AVENUE;**  
Consider a request for a two year extension of a previously approved Major Subdivision for the following actions to allow the development of 20 new attached single-family homes (i.e. townhomes) on an approximate 1½ acre area adjacent to Shell Avenue, and one 4¼ acre custom home parcel (with a 10,000 sq. ft. building site and the balance to be within an open space easement): a) approval of a variance to the Hillside Development Regulations' maximum density limitations and prohibition of development on areas with a natural grade exceeding 30% slope ; b) approval of a 21-unit Major Subdivision; and c) Approval of Use Permit and Design Review for a Planned Unit Development. This project is located on Shell Avenue - vacant 5.6 acre parcel located between La Salle Manor Apartments and Alhambra Terrace (Housing Authority) Apartments; **FILES: Sub 9132, PUD #06-04, VAR #06-19 and DR# 06-25.**

### RECOMMENDATION:

Pursuant to the California Subdivision Map Act, and Martinez Municipal Code, grant a two-year extension of approval for subdivision 9132, and related entitlements for The Planned Unit Development: PUD #06-04, Variance #06-19 and Design Review #06-25, subject to the conditions of approval as per the Planning Commission's approval of this project on August 8, 2006. With the grant of the extension, approvals will expire on August 8, 2010, by which time the applicant must either: a) record the final subdivision map, obtain building permits and commence construction, or b) apply for an additional one year extension, or these approvals will expire.

### BACKGROUND and DISCUSSION:

On August 8, 2006, the Planning Commission approved the proposed 21 unit subdivision and the architectural/landscape designs for the 20 townhome project. The applicant has submitted for final plan, subdivision improvement (i.e. engineering infrastructure), and was also given a grading permit to stockpile fill on the site and begin site improvement work. The developer's \$25,000 deposit will be used to assure an appropriate "buttoning up" of the site, as work has ceased and the developer has now requested extensions of the subdivision approvals due to the weakening economy. As per the attached correspondence to Tim Tucker, City Engineer, the developer will complete certain work (e.g. complete sidewalk along Shell Avenue and relocate fence) and generally "clean up" the site. As there has been no change to the regulations governing the project, or circumstances in the neighborhood, staff recommends granting the extension.

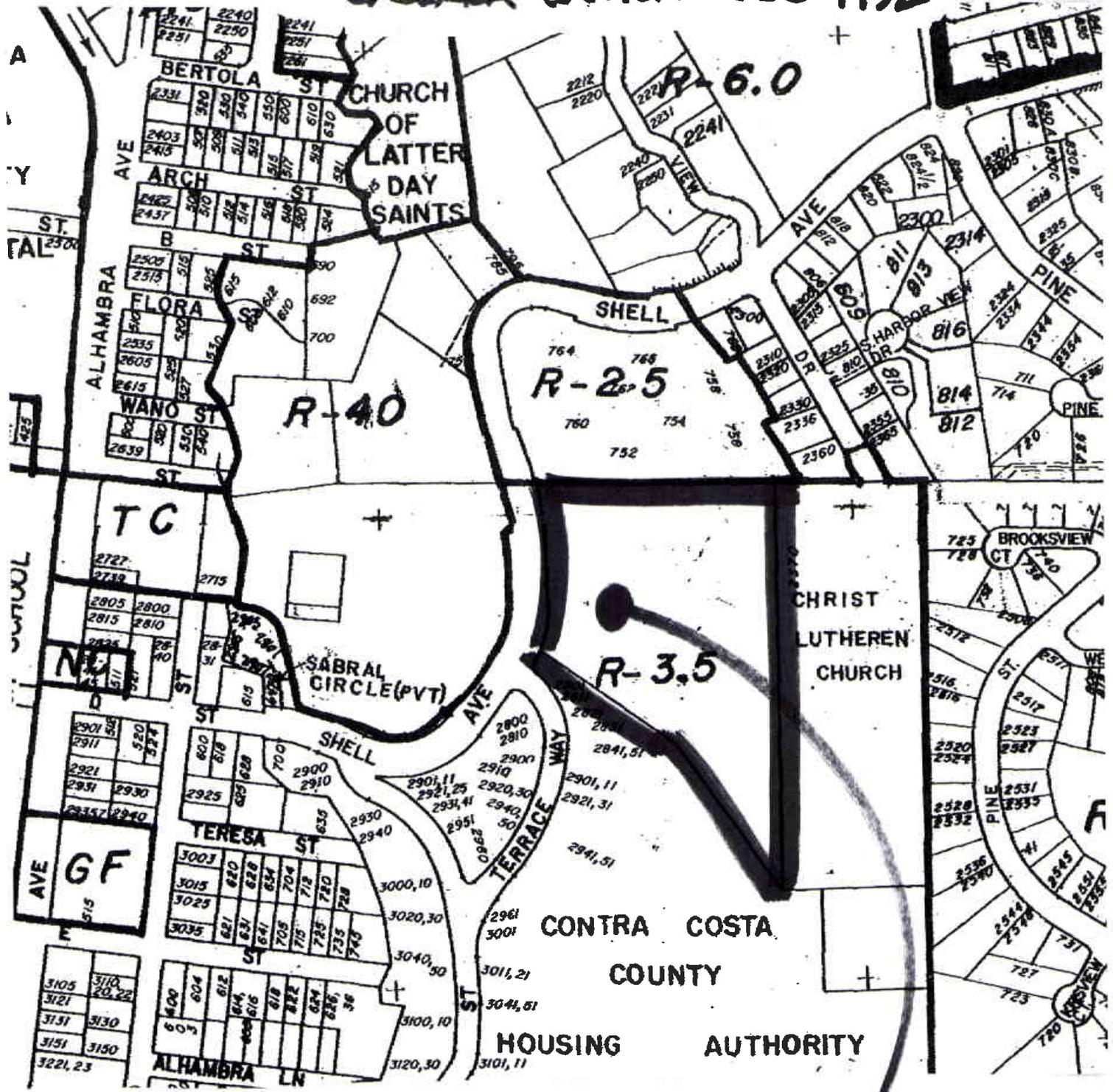
### ATTACHMENTS

- Letter from applicant requesting extension, and correspondence regarding site clean up
- Site Context Map
- Approved plans (excerpts - reduced)
- Conditions of Approval (DRAFT-with extension)

# ATTACHMENT A

## SITE CONTEXT MAP

### "CASCARA CANYON" SUB 9132



# SITE



**SITE**



July 3, 2008

Planning Commission  
City of Martinez  
525 Henrietta Street  
Martinez, CA 94553

RE: Cascara Canyon  
Subdivision No. 9132  
Martinez, CA

Commissioners:

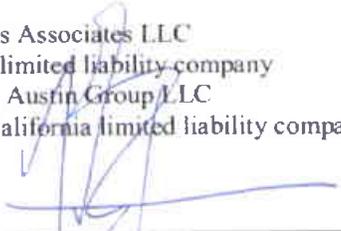
Given current residential market conditions, we are formally requesting a two-year extension of our tentative map for the above referenced subdivision. It our belief the current market 'disruption' caused by the subprime financing and credit collapse will correct itself by 2009-2010. This extension will allow the partnership to get past this market downturn and put us in position to build a successful project on this site in the near future. In addition, we have worked with City of Martinez staff to get the finished lots into an acceptable physical condition.

Cascara Canyon was formally approved on Tuesday, August 8, 2006 with a 10-day appeal period ending August 18, 2006. This extension is being requested pursuant to the provisions of Paragraph XVI B. of the Conditions of Approval dated August 8, 2006.

We look forward to receiving the extension. Please feel free to call me if you have any questions.

Sincerely,

Shell Heights Associates LLC  
a California limited liability company  
BY: The Austin Group LLC  
a California limited liability company



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William F. Schrader, Jr.  
Managing Member



July 3, 2008

Mr. Tim Tucker  
City Engineer  
City of Martinez  
525 Henrietta Street  
Martinez, CA 94553

RE: Cascara Canyon  
Subdivision No. 9132  
Martinez, CA

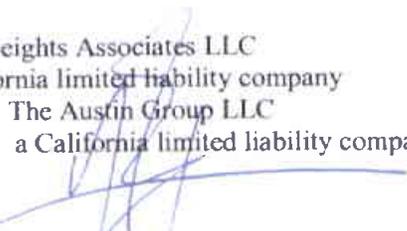
Tim:

Pursuant to our discussions with you and Don Salts on Tuesday, July 1, 2008, please find attached a letter from Patrick MacIntyre, President of IMX, Inc. regarding the completion of certain improvements for the above referenced subdivision on Shell Avenue in Martinez. This correspondence shall authorized the City of Martinez to utilize twenty-five thousand (\$25,000) of Shell Heights Associates LLC deposited funds to pay IMX, Inc. upon completion of the work.

If you have any questions please free to contact me.

Sincerely,

Shell Heights Associates LLC  
a California limited liability company  
BY: The Austin Group LLC  
a California limited liability company

  
\_\_\_\_\_  
William F. Schrader, Jr.  
Managing Member

cc: Don Salts/ City of Martinez, Martinez, CA

**IMX Inc**  
**General Engineering Contractors**  
**CA License #537261 A,B, Haz**  
**4200 Park Blvd PMB 253**  
**Oakland CA 94602**  
**(510) 530-9368 Fax (510) 530-7891**



July 3, 2008

Shell Heights Associates LLC  
3000F Danville Boulevard #410  
Alamo, CA 94507

RE: Cascara Canyon  
Martinez, CA

We propose to provide labor and materials as outlined below per meeting with City of Martinez representatives, Tim Tucker and Don Salt, on 7-1-08 to secure and clean up the above referenced property.

1. Construct asphalt side walk to connect existing concrete side walks. Patch asphalt from existing concrete to existing asphalt, remove and Grade as needed to 5% max side slope. Construct manhole top around sewer per CCSD spec, patch asphalt to conform.
2. Place and compact on site dirt in 1' lifts to stabilize all vertical retaining wall cut slopes as needed to a 2 to 1 max fill slope.
3. Install erosion control measures to direct water to on site catch basin. Protect all catch basins and V-ditches with sit fence. Install straw wattle check dams to slow run off.

As was agreed to by Shell Heights Associates LLC and the City of Martinez, payment for this work will be from owners' deposited funds (\$25,000) with the City of Martinez. Upon completion of the work, the Shell Heights Associates LLC has authorized the City of Martinez to release these funds directly to IMX, Inc.

Sincerely,

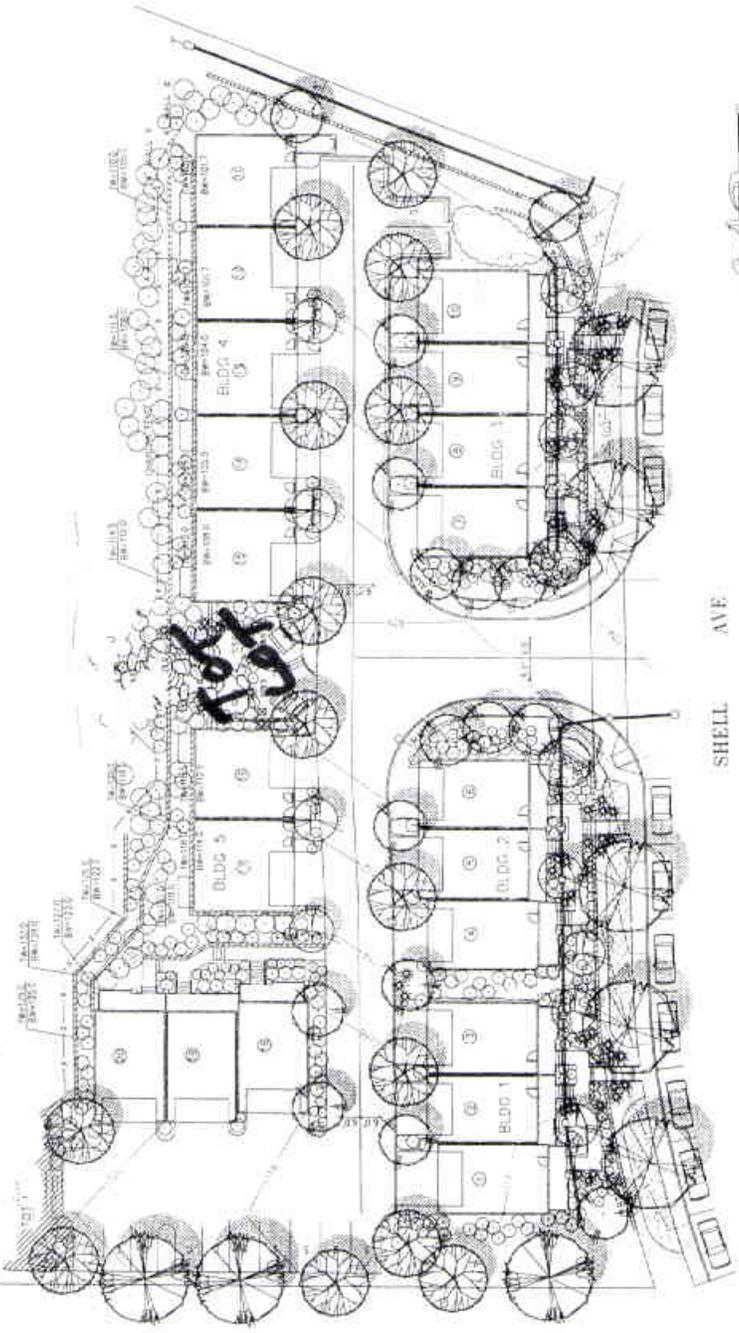


Patrick MacIntyre, President



8/11/9

RECEIVED  
MAY 29 2006  
COMMUNITY DEPT.



SHELL RIDGE MARTINEZ, CALIFORNIA THE AUSTIN COMPANY				SHELL AVE
				SHELL AVE

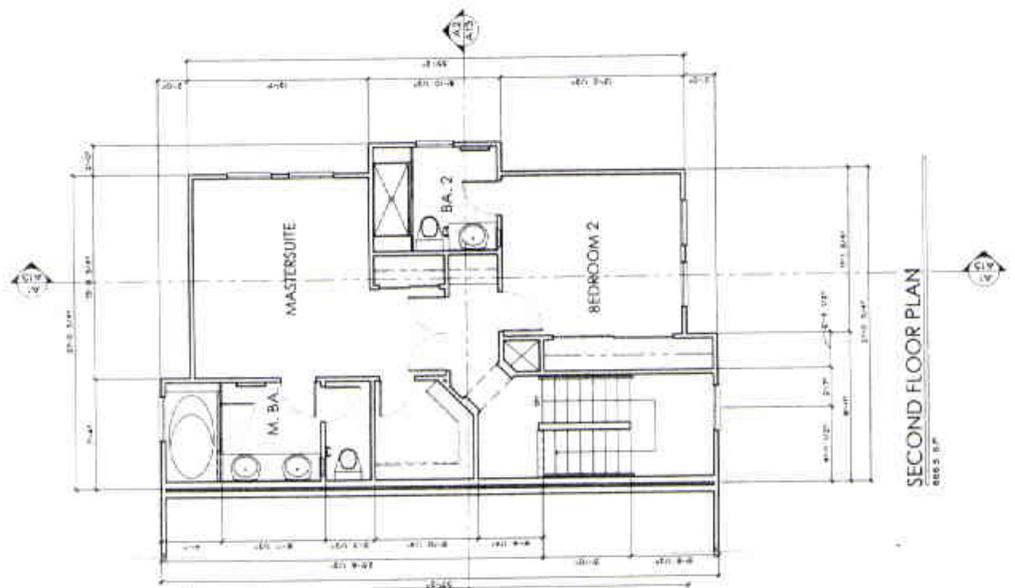
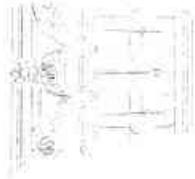


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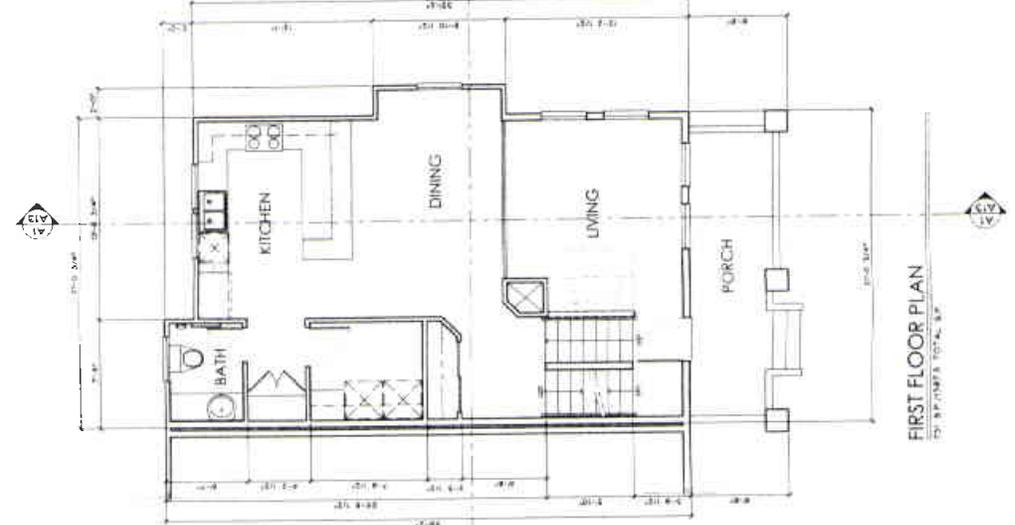
arete, inc.  
CONSTRUCTION  
100 S. GARDEN STREET, SUITE 100, ANAHEIM, CALIFORNIA 92805  
TEL: 714.944.1000 FAX: 714.944.1001  
FOR SCHEDULE, SPECIFICATIONS, AND GENERAL NOTES  
SEE DRAWING SHEET 0000000 GENERAL NOTES  
BY: JAMES W. WILSON, ARCHITECT  
DATE: 04.11.08  
JOB: 2046 M 27

SHELL HEIGHTS ASSOCIATES, LLC  
SHELL RIDGE TOWNHOMES  
SCALE: 1/4"=1'-0"  
PLAN A - END UNIT  
FLOORPLANS

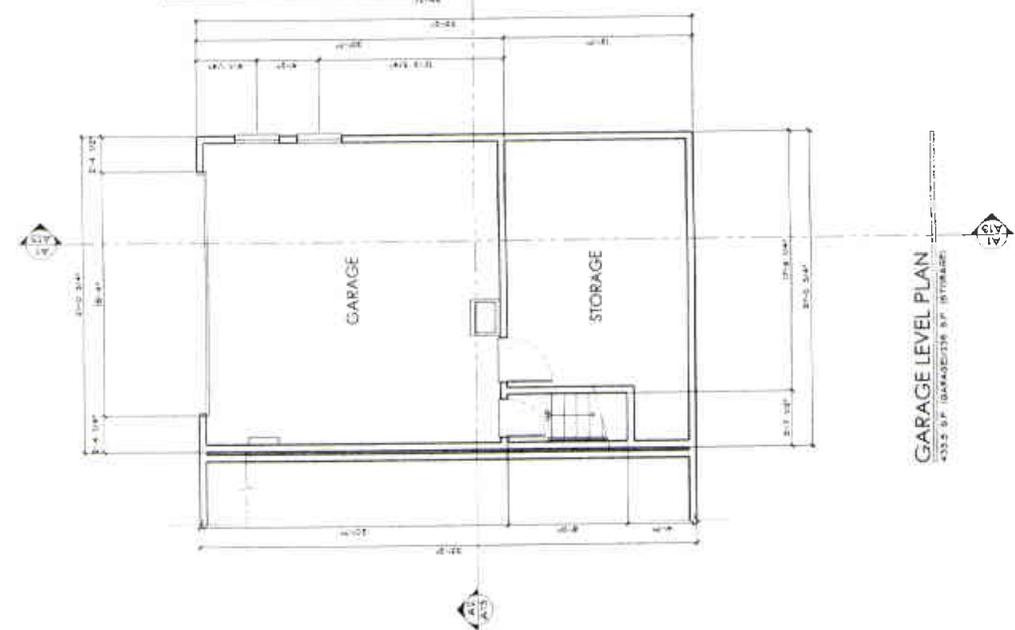
A1



SECOND FLOOR PLAN  
688 S.F.

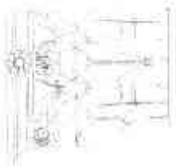


FIRST FLOOR PLAN  
727 S.F. (TOTAL S.F.)

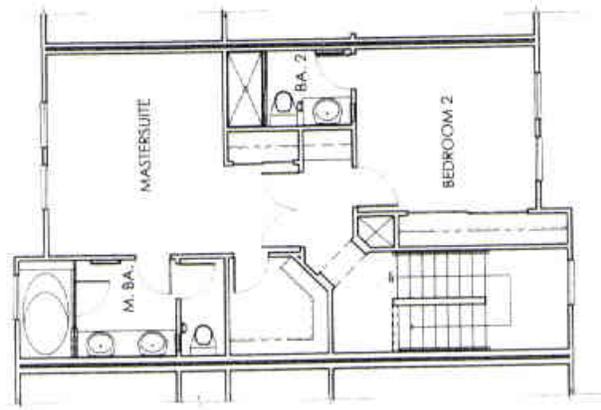


GARAGE LEVEL PLAN  
433 S.F. (GARAGE/216 S.F. STORAGE)

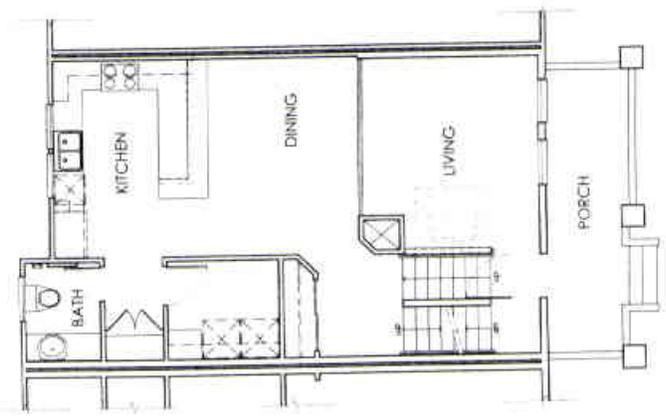
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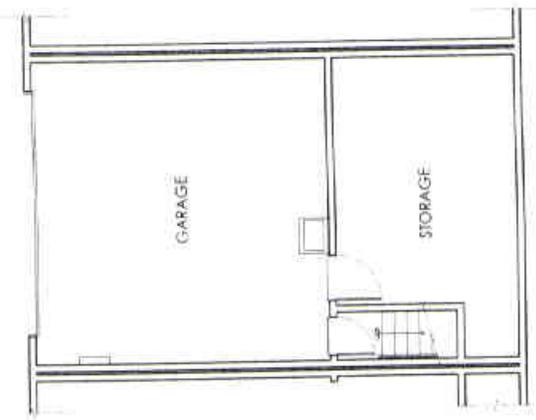
A2



SECOND FLOOR PLAN  
1043 S.F.



FIRST FLOOR PLAN  
1033 S.F. OVER TOTAL S.F.



GARAGE LEVEL PLAN  
1033 S.F. OVER TOTAL S.F. STORAGE

2/19

2K

crete, inc.

THE AUSTIN GROUP

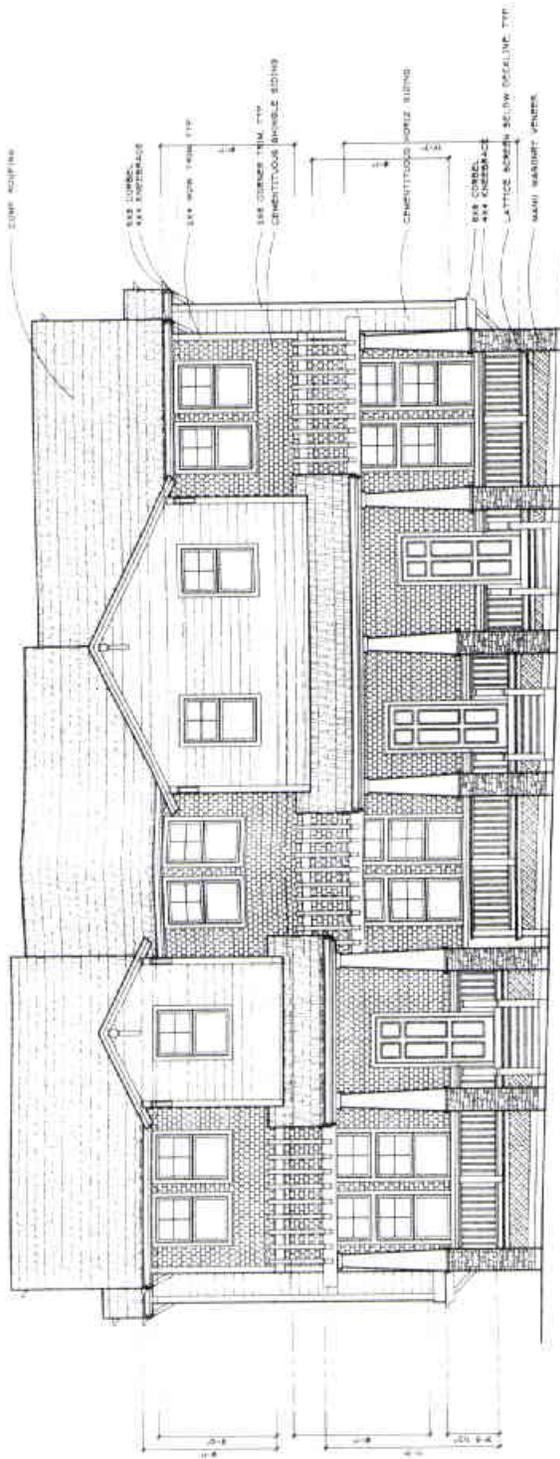
SHELL RIDGE  
MARTINEZ, CA

BLDG TYPE 1 (1.26)  
EXT. ELEV. - A

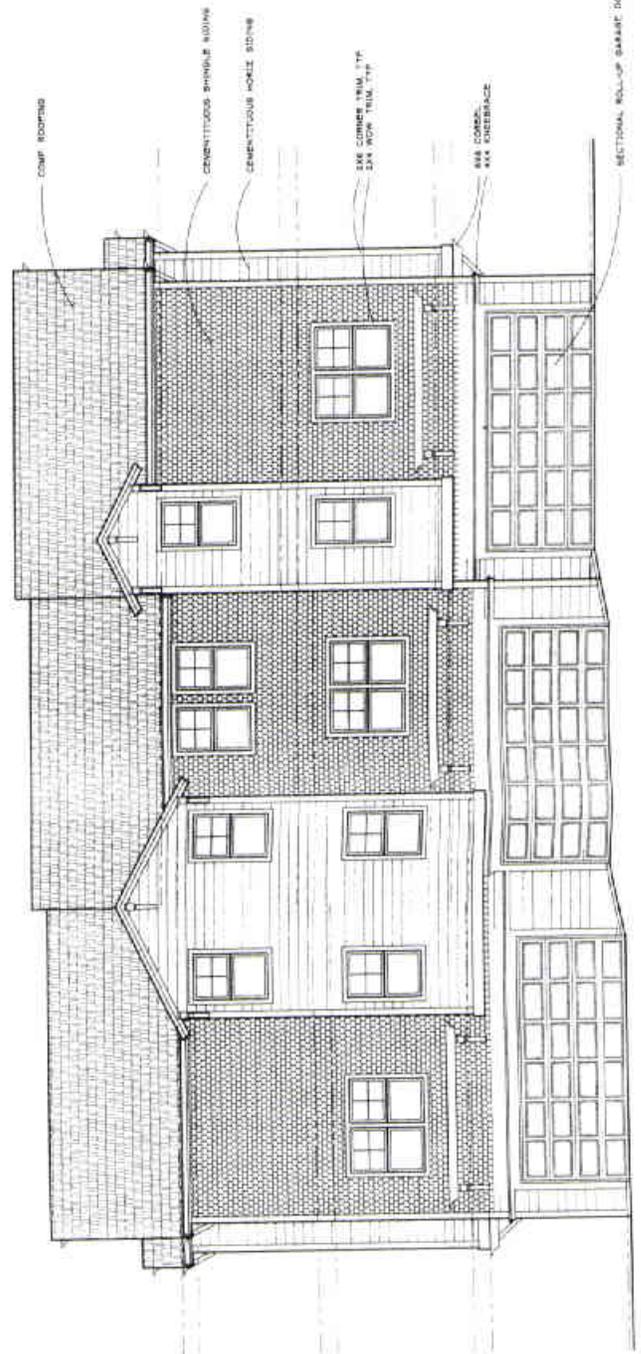
A15

DATE: 04-20-08  
JOB: SHELL RIDGE

SEE DRAWING FOR NOTES AND SPECIFICATIONS  
FOR MATERIALS AND FINISHES  
FOR CONSTRUCTION AND INSTALLATION  
FOR THE PROJECT, SHELL RIDGE, MARTINEZ, CA



FRONT ELEVATION - A



REAR ELEVATION - A

2/3



8/2

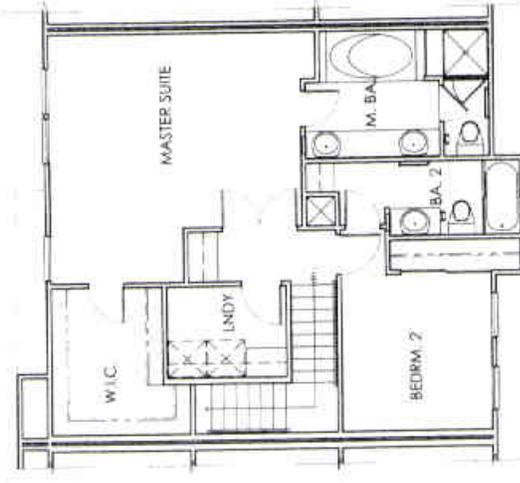
arete, Inc.

CREATED BY: JAMES W. WILSON  
DATE: 08/11/10  
PROJECT: SHELL RIDGE MARTINEZ, CA  
SHEET: 04-108  
JOB: 5046 of 27

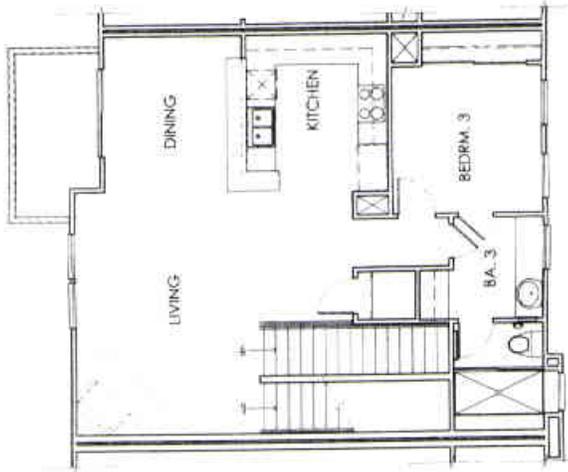
THE AUSTIN GROUP

PLAN B - INT. UNIT  
FLOOR PLANS  
SCALE: 1/4"=1'-0"

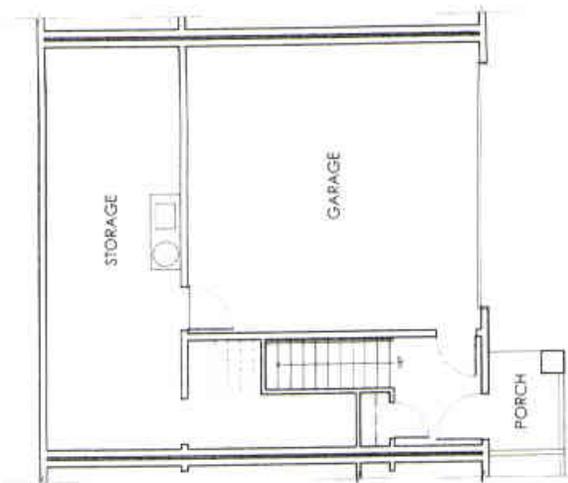
A4



SECOND FLOOR PLAN  
TOTAL SF



FIRST FLOOR PLAN  
TOTAL SF



GARAGE LEVEL PLAN  
TOTAL SF

2n



CONDITIONS OF APPROVAL [DRAFT]  
AS APPROVED BY PLANNING COMMISSION

**NOTE:** changes in expiration dates due to extension are in **boldface type**

Project Name: "CASCARA CANYON" (Sub. 9132)

Site Location: SHELL AVENUE; APN: 376-010-011

I. Description of Permit

These conditions apply to and constitute the approval of:

A. Planned Unit Development #06-04 consisting of up of 20 new attached single-family homes (i.e. townhomes) on an approximate 1½ acre area adjacent to Shell Avenue, and one 4+ acre custom home parcel (with an approximate 10,000 sq. ft. building site and the balance to be within an open space easement). The following exceptions to normal the R-3.5 Zoning District development standards are allowed by this permit:

1. Height: up to 40' and 3-stories, where a maximum of 25' and 2-stories is normally permitted
2. Front yard setback from approximately 10', when minimum of 20' is normally required & encroachment of retaining walls and fences with heights up to 6' feet into minimum required yard, when maximum permitted height is 3.5'
3. Rear yard setback from approximately 15' (10' to decks), when minimum of 25' is normally required
4. Encroachment of retaining walls and fences with heights up to approximately 8' feet, into minimum required rear and side yards when maximum permitted height is 6'

And, exceptions to minimum site area, yard and coverage requirements to allow creation of up to 20 individual lots within the common interest Planned Unit Development, ranging in size from approximately 900 sq. ft. to 1,100 sq. ft.

B. Variance #06-19 for an exception to the slope density limitations of the Hillside Development Regulations, to allow up to 21 units on the site (11,250 sq. ft. site area per dwelling), where the effective maximum permitted density on the subject property, which is located in the R-3.5 Multi-Family Residential District (3,500 sq. ft. minimum site area per dwelling) would allow only 9 units, effectively requiring over 26,000 sq. ft. site area per dwelling unit.

C. These conditions apply to and constitute the approval of Vesting Tentative Subdivision Map No. 9132 consisting of 20 townhomes, one custom estate, and common landscape, drainage and access parcels and/or easements.

- D. These conditions apply to and constitute the approval of Design Review #06-25 consisting of: development plans, building elevations and sections, landscape plan, colors and materials for development of a 20-unit townhome development.

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-grading plans for Sub 9132	July 17, 2006	Humann Co., Engineering	1
Landscape Plans	May 26, 2006	Thamas Baak & Assoc. Landscape Architecture	2
Architectural Plans	May 26, 2006	Arete Inc., Architecture	16 <small>("11x17" sized)</small>
Slope Density exhibit	Aug. 3, 2006	Humann Co., Engineering	1 <small>("11x17" sized)</small>
Tree survey exhibit	May 26, 2006	Humann Co., Engineering	1 <small>("11x17" sized)</small>

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 9132

A. Requirements for recordation of development restrictions on "Parcel A":

1. Recordation of Scenic Easement. All of Parcels A, except for an approximate 10,000 homesite as shown on the tentative map (approximately 4 acres), shall be placed within a "Scenic Easement". Final configuration of scenic easements subject to approval of Community Development Director. The restrictions, as outlined below, shall be listed on the *owner's statement* on the final map, and on a deed restriction to be recorded concurrently with the map. Final wording of the scenic easement's restrictions subject to approval of the Community Development Director and City Engineer:

- a. The easement shall be a non-exclusive private easement for the purpose of preserving the designated hillside areas as

privately owned and maintained open space, to be left in the naturalized condition as per the approved grading plan for sub. 9132.

- b. Development rights shall be ceded to the City of Martinez for the purpose of generally prohibiting: the erection of structures and obscuring fencing, grading, paving, tree removal and outdoor storage of vehicles or similar items. Limited grading, subject to the approval of the Community Development Director may be permitted for geologic hazard abatement if such is ever necessary to safeguard improvements on the subject or surrounding properties; or to accommodate mandatory adjustments of existing easements and improvements (i.e. drain lines), as such is required by these Conditions of Approval and/or future requirements of public utilities, or the Contra Costa Fire Protection District, or designee.
  - c. Storm Drainage from Adjacent Properties: A drainage release and private storm drain easement(s) shall be given to the Lutheran Church properties (or subsequent owners of properties) described as Parcels "C" and "B" of Minor Subdivision 501-88 recorded in Map Book number 137 at page 10, Contra Costa County records (Assessor's Parcel Numbers 376-010-013 & 012) allowing existing surface runoff from the undeveloped portions of these properties to continue across Parcel A of this subdivision, as well as providing a minimum of 10 feet wide private storm drain easement(s) for future drainage connection for these parcels to the existing storm drainage facilities at Shell Ave. The exact dimensions and locations of these easements shall be shown on the final map and determined by the developer's engineer in coordination with the owner(s) of these adjacent parcels. The final location of these easement(s) shall be subject to the approval of the City Engineer.
  - d. The owner of Parcel "A" is solely responsible for maintenance of the property within the scenic easement, including but limited to storm drainage facilities, weed abatement and debris removal, as mandated by the Contra Costa Fire Protection District, or designee.
2. Homesite Limitations and Development Requirements. The development of Parcel A is restricted to areas not within the scenic easement, and the additional limitations and requirements as outlined below. These limitations and requirements shall be listed on the *owner's statement* on the final map, and on a deed restriction to be

recorded concurrently with the tentative map. Final wording subject to approval of the Community Development Director and City Engineer:

- a. Prior to the City's consideration of any development on Parcel A, the "alternate access easement" shown on the tentative map (approximately 160' north of the access easement currently shown along the southerly property line of the Lutheran Church property – APN 376-010-012) shall be secured for the benefit of Parcel A, and the current southerly access easement (recorded on August 16, 2005, instrument number DOC 2005-0308053, Contra Costa County records) be abandoned. Alternate access easement located subject to City's approval of MS 552-06 (proposed minor subdivision of Lutheran Church Property), or of Community Development Director and City Engineer. The final dimensions of the access driveway to Parcel A and turnaround, if required, shall be subject to the approval of the fire department and City Engineer.
  - b. Design Review (Code section 22.34.030-070) by the Planning Commission is required for any development. No grading, other than that allowed to provide emergency vehicle access (i.e. as required by Contra Costa Fire Protection District Fire protection District in conjunction with development of sub. 9132) shall be permitted on any parcel until Design Review approval and subsequent Building Permit approval is given. Furthermore, the owner/developer shall obtain the approval of the Contra Costa County Fire Protection District of the proposed access and water supply for parcel "A" prior commencing development.
  - c. The maximum height of any structure shall not exceed 25' above natural grade at time of subdivision approval. (Deed restriction shall include cross section of grades at time of approval).
3. Geologic Conditions Disclosures and Required Easement. The following disclosures and easements shall be recorded:
- a. As a requirement of the deed restriction, all potential owners of Parcel A, shall be given disclosure of geologic conditions (e.g un-repaired landslides) as outlined in reports by ENGEO titled "Geotechnical Exploration Update Shell Heights, Martinez, California," dated June 2, 2003, revised March 14, 2006 and Letter by ENGEO to the Austin Group titled "Response to Peer Review Comments, Shall Heights, Martinez, California," dated March 23, 2006.

- b. A non-exclusive easement, of not less than 20' width, shall be provided through the proposed homesite, to allow access to the open space area for geologic hazard repair and emergency vehicle access. The final location of this easement shall be shown on the final map or recoded by a separate document, as approved by the City Engineer, prior to issuing any permits for construction on Parcel "A".
4. The required deed restrictions for Parcel A shall be submitted for City Attorney review and approval prior to recordation of the final map and improvement
- B. Requirements for recordation of development restrictions and maintenance requirements for Cascara Canyon Townhomes (1½ acre development area including Lots 1 -20 and common open space parcel)
  1. 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: storm drain system, debris fence clearing and maintenance, storm water management plan facilities (C.3 requirements), landscaping and irrigation system, retaining walls, access roads, sidewalks, parks, sewer, signs, lighting, and private utilities. The HOA shall also responsible for inspection, maintenance, and reporting plan for the storm water management plans required by the Contra Costa County Clean Water Program -C.3 requirements. Final configuration of the easements, wording of the implementing CC & R's and "owner's statements" on final map subject to approval of the City Attorney, Community Development Director and City Engineer.
  2. 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 a provision that garages shall always be kept sufficiently clear so as to permit the parking of 2 motor vehicles in addition to any incidental household storage. Residents are to be required to use their garages to parking capacity before using on-street parking.

#### IV. Site Plan

- A. The "tot lot" area adjacent to Unit 20 shall be replaced with a minimum of 2 additional guest parking stalls, and the "tot" play equipment be incorporated

APPROVED BY PLANNING COMMISSION  
EXTENSION APPROVED BY PLANNING COMMISSION [DRAFT]

August 8, 2006  
July 22, 2008

into the open space area between Units 15 and 16. The planning "finger" at this parking row shall be relocated one space eastward.

- B. The transition of the Shell Avenue sidewalk/curb - from the existing sidewalk in front of the Housing Authority property to area in front of Unit 10 – shall be reworked to avoid the projection toward the travel way at the property line. A more smooth transition, as approved by the City Engineer and Community Development Director, shall be incorporated into final subdivision improvement plans.
- C. Paving treatment of private drives:
  - 1. The access drive perpendicular to Shell Avenue, and its intersection with the private drive paralleling Shell Avenue, shall have decorative paving treatment (such as impressed asphalt, interlocking pavers, or equivalent as approved by staff). The decorative paving shall extend from the entry feature's frontage out into the Shell Avenue public right-of-way, up to the tangent line between the Shell Avenue curb returns (the tangent line shall be a concrete valley gutter, or equal as approved by staff). Decorative paving within right-of-way shall be privately maintained, as to be specified in the required CC&R's.
  - 2. Individual unit's driveway aprons shall be concrete with a light aggregate wash finish, or equivalent as approved by staff.
- D. Lighting:
  - 1. Private street, path and tot lot area lighting is required, and shall be shown on improvement and landscaping plans. Height and style shall be shown and is subject to staff approval.
  - 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
- E. Mailbox location(s), site directory(s) and tot lot:
  - 1. Group mailbox location(s) shall be along the private drive, between Unit 17 and 18, or as required by Postal Authorities. A Project directory (s), indicating street names and building numbers, shall be located at all mailbox location(s) Final locations and designs shall be shown on landscape plans, and are subject to staff approval.

2. Specifications for "tot lot" equipment shall be included in the final landscape plan submittal. Feature shall be of at size and quality of Miracle# 733-002-NI, or equivalent.

V. Architectural

- A. All building materials, windows and colors and shall be substantially as shown on the materials and color exhibit dated May 26, 2006, as on file with the Planning Division, and shall be maintained as such by the HOA. Final color selection and changes subject staff approval and review may be referred to the Design Review Committee.
- B. 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.
- C. For Unit type A, the water heater and furnace shall be relocated so the garage's interior dimensions are not less than approximately 20' x 20'.
- D. Garage doors shall "carriage style" (functionally, to be sectional roll-up type, paintable material, as conceptually illustrated by Staff Report Attachment E)
- E. Building roofs shall be a minimum 30 year weight, "high definition/high profile" composition shingle, with a medium to dark earth-tone color.

VI. Landscaping, Walls and Fences

- A. Detailed landscape plans, which shall include specifications for tot equipment, site directory, group mail box, lighting fixtures etc. shall be prepared by a licensed landscape architect, on the grading plan as a base map and shall be submitted for review by the City's Design Review Committee prior to the developer's submittal of final grading and improvement plans. Final landscape plans subject to staff approval, and shall be reviewed and bonded as part of the subdivision's improvement plans. The plan shall:
  1. Include the following modifications from the conceptual plan dated May 26, 2006 and otherwise approved:
    - a. Incorporate a minimum of 10 coast live oaks into townhouse development landscape plan (*Quercus agrifolia*) as replacement for oak trees to be removed as part slide repair grading. Not less than 3 trees shall be minimum 24" box size.

- b. Clusters of evergreen conifers (such as canary island pines and/or coast redwood 'Aptos Blue') shall be added to the peripheral plantings along Shell Avenue.
2. All exterior retaining walls facing Shell Avenue shall have a cultured "fitted stone" finish and concrete trim cap (or equal finishes). Wall and fence details along Shell Avenue shall be as conceptually illustrated on staff report Attachment D, with a horizontal "stepped" treatment. Other exterior wall shall have "split-face" block, "keystone" or similar textured treatment. Final wall designs subject to staff approval.
3. Permanent project/neighborhood identification signage may be placed at the entry at Shell Avenue, as conceptually shown on staff report Attachment D, subject approval by the City Engineer, (for line of sight) and Design Review Committee.
4. Protect planting areas adjacent to alley with minimum 6" high concrete curbs or equivalent.
5. Be prepared in accordance with the City's adopted water conservation and landscaping ordinance (Martinez Municipal Code Chapter 22.35).
6. Specify trees of minimum 15 gallon size with a minimum of 50% of the trees adjacent to Shell Avenue frontage to be 24" box size.
7. Specify shrubs of minimum 5-gallon size
8. Provide either lawn or a continuous ground cover with complete coverage within 3 years.
9. Show all non-plant features: benches, lights, arbors, mail box areas paths, etc.
10. Include an irrigation plan.
11. 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 (as shown on tree survey exhibit dated May 26, 2006) 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 wishes to remove the trees, (such as unforeseen geotechnical considerations requiring an expanded area of grading), staff may approve a modified landscape plan with additional replacement trees.

VII. 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 starting/warming of vehicles are limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday; and 8:00 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 Shell 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<sub>BA</sub> CNEL.
  2. Private outdoor noise levels not to exceed 65 d<sub>BA</sub> CNEL.
- D. Contractors shall be required to employ the quietest construction equipment available, and to muffle noise from construction equipment and to keep all mufflers in good working order in accordance with State law.

- E. Adequate dust control measures shall be employed throughout all grading and construction periods. The Contractor shall regularly water areas that are exposed for extended periods to reduce wind erosion.
- F. Contractor shall ensure that surrounding streets stay free and clear of silt, dirt, dust, tracked mud, etc. coming in from or in any way related to project construction. Paved areas and access roads shall be swept on a regular basis. All trucks to be covered.
- G. Speeds of construction equipment shall be limited to **10** miles per hour. This includes equipment traveling on local streets to and from the site.
- H. Access shall be maintained to all driveways at all times.
- I. There shall be no parking of construction equipment or construction worker's cars on residential streets at any time.
- J. 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.
- K. Prior to construction, contractor shall contact city inspector for a pre-construction meeting. Haul route shall be from.

VIII. 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 and traffic signal cost contribution as required by the Community Development Director 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 for the above fees shall be 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.

IX. 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. The on-site finish grading shall require drainage to be directed away from all building foundations at a slope of 2 percent minimum to 20 percent maximum toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. A minimum 4-ft. wide clear access shall be provided around each building.
- D. 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. 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.
- X. Drainage
- A. A hydrologic study shall be prepared and submitted to the City Engineer and Contra Costa County Flood Control District, when required, for review and approval to ensure discharge of storm runoff to facilities of adequate capacity. The developer shall make necessary upgrades to existing systems as required by the City Engineer. Drainage area is defined as all that area draining into, and including, the area of the proposed development.
  - B. 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.
  - C. 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.
  - D. 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.

- E. Parking lots 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.
- F. 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.
- G. Concentrated drainage flows shall not be permitted to cross sidewalks or driveways.
- H. The developer shall comply with Contra Costa County Flood Control District Design requirements.
- 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.
- J. Refer to requirements for drainage from adjacent properties discussed in Section III "Special Requirements for Final Approval and Recordation of Subdivision 9132"

XI. 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. All storm drain inlets (catch basins) shall be imprinted with the sign "No Dumping, Flows to Creek" as per City Standard #SD-1.

C. Developer shall comply with the State Water Resources Control Board requirements for a construction NPDES permit and shall maintain a Storm Water Pollution Plan at the job site and provide the City with a copy of same.

1. To the maximum extent practicable, as determined by the City Engineer, drainage from roof and paved surfaces shall be routed through grassy swales, buffer strips or sand filters prior to discharge into the storm drain system. The applicant shall submit to the City for review and approval a complete stormwater management plan report prepared by the applicant's engineer. All required facilities shall be designed in conformance with methods and design recommendation described in the Contra Costa County Clean Water Program C.3 Guidebook. If developer proposes to use facilities that are not listed in the C.3 Guidebook, developer shall submit information and support documentation to the City to prove that it meets or exceed the requirements.

All required facilities including, but not limited to, their location on the property, access, methods of operation, maintenance, inspection methods and reporting shall be subject to the City Engineer's approval.

The developer (or the HOA) shall submit an inspection and maintenance program for storm water pollution control measures subject to review and approval by the City. The HOA shall provide the City with annual reports no later than June 1<sup>ST</sup> of each year documenting inspection and maintenance practices. Failure to inspect and maintain facilities and provide annual reports shall constitute a violation of the City's Clean Water Ordinance. An agreement between the applicant (or the HOA) and City may be required to insure proper maintenance and operation and also to provide the City with the right of entry to perform periodic inspection to insure compliance with requirements.

2. Drawings and details shall be submitted with the subdivision's improvement plans. The drawings and details should include calculations, structural, mechanical, architectural, grading, drainage, site, landscape, and other drawings to show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs permanent source control BMPs, and other features that control stormwater flow and potential stormwater pollutants.
3. The applicant shall be responsible to implement and pay all costs associated with storm water management plan facilities and the preparation of all documents and permit application.

4. Prior to issuance of permits for building, site improvements, or landscaping, the permit application shall be consistent with the applicant's approved Stormwater Control Plan and shall include drawings and specifications necessary to implement all measures in the approved Plan. The permit application shall include a completed "Construction Plan C.3 Checklist" as described in the Stormwater C.3 Guidebook.
  5. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs.
  6. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for the review and approval of the City of Martinez, a Stormwater BMP Operation and Maintenance Plan in accordance with the Contra Costa Clean Water Program Stormwater C.3 Guidebook. Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are in Appendix F of the Contra Costa County Clean Water Program, Stormwater C.3 Guidebook.
- D. 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.
- E. All storm drain inlets (catch basins) shall be imprinted with the sign "No Dumping, Flows to Creek" as per City Standard #SD-1.

XII. Street Improvements

- A. 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 replace any 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. The 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, 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. Public Street (Shell Avenue):
1. Shell Avenue: Paving 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 0.50 ft. AC pavement section over a minimum 1.0 ft. Class 2 aggregate base. Maximum street grade shall be 15 percent. All required right of way shall be dedicated to the City of Martinez on the Final Map as required by the City Engineer. A 5 feet wide sidewalk (adjacent to the curb), as measured from back of curb, shall be installed along the entire frontage of the property. The Face of Curb shall be located 15 feet from the existing right of way line unless otherwise approved by the City Engineer.
- D. Private streets (interior streets including the entrance street to the subdivision):
1. Paving 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 0.30 ft. AC pavement section over a minimum 0.50 ft. Class 2 aggregate base.
  2. Private streets within the subdivision shall provide a minimum of 20 ft. unobstructed paved width as measured from curb face to curb face, (24 feet wide for the entrance street) with a maximum 15 percent grade unless otherwise approved by the City Engineer. Private streets shall also provide for approved provisions for the turning around of Police Department and Fire Department apparatus.
  3. The private streets shall be located within a common area maintained by the HOA and shown on the final map as a private access easement, private storm drain easement, public utility and water easement, and emergency access easement as approved by the City Engineer. Prior to approval of the map and the plans, the developer shall demonstrate, to the satisfaction of the City Engineer, that the proposed clearances between the buildings are sufficient to allow for easy access for vehicle from streets to the garages. If additional space is required to accommodate access, the distances between the buildings may be adjusted accordingly.
- E. Curb returns at all intersections shall be a 28-ft. radius for the private street (30 feet at the intersection with Shell Avenue) unless an alternate curb radius

is approved by the City Engineer. Valley gutters shall be constructed at the intersection of the private street with Shell Ave. unless otherwise approved by the City Engineer.

- F. All new utility distribution services on-site and off-site shall be installed underground. Existing poles and overhead wires along the frontage of the property shall be under grounded (or relocated above ground) as approved by the City Engineer.
- G. Sidewalk pipe drains shall be installed on either side of the driveway and shall conform to City Standard No. S-13.
- H. A City Encroachment Permit is required for any work within the City Right-of-Way.
- I. 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.
- J. Street names for public and private streets are subject to the approval by the Community Development Department and the Fire District. One street shall be named after a past mayor of Martinez as assigned by the City Engineer.
- K. Street lights shall be installed on Shell Avenue 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. The location and design is subject to the City Engineer approval.
- L. Street trees shall be planted in accordance with City standards. The species of tree shall be approved by the Parks Superintendent.
- M. 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.

XIII. Water System

- A. Water system facilities shall be designed to meet the requirements of the City of Martinez Water District 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.
- B. Water system connection, including installation of the water meter, shall be made in accordance with appropriate Water District standards. Prior to obtaining water service, fees shall be paid in accordance with the water fee

schedule in effect at time of payment.

- C. Backflow prevention, required as part of the water service installation, must be completed before occupancy of the building, and appropriately screened with suitable material.
- D. The future home site location on Parcel "A" will be located above elevation 170, which is the maximum service elevation for Zone I. The site should be served from the existing Zone 2 waterline on Harbor View Drive. If the developer proposes to supply the site from Zone 1, private booster pump will be required. The design of the water system shall be subject to the approval of the Fire Department and the City Engineer.

XIV. Sanitary Sewer System

- A. Sewer system connections and plans for sanitary sewer facilities shall be approved by the Central Contra Costa Sanitary District. All requirements of that District shall be met before approval of the improvement plans.

XV. 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 approved Mitigated Negative Declaration 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. The minimum width of the entry street to Subdivision from Shell Avenue shall be 24 feet with, no parking allowed on both sides, unless otherwise approved by the City Engineer.

- M. Any existing water wells on the property shall be filled and sealed off or otherwise disposed of as directed by the City Engineer.
- N. Swimming pools and any public facility with kitchen (restaurants, meeting and recreation rooms) shall be approved by the Contra Costa County Health Department.
- 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 construction plans.
- 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. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers vehicles.
- R. Approval of grading plans, improvement plans and building plans shall be required by the applicant's Soils Engineer, the City's Soils Consultant, the Fire District, the Sanitary District and the Water District prior to City approval of construction plans and issuance of any permits.

XVI. Validity of Permit and Approval

- A. The tentative map, and Planned Unit Development approvals integral to the map, shall expire on ~~August 8, 2008~~ **August 8, 2010 per 2 year extension approved by Planning Commission, July 22, 2008 [DRAFT]** (24 months from approval date) 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 at least 45 days before the ~~original~~ expiration date of ~~August 8, 2008~~ **August 8, 2010, as extended by the Planning Commission on July 22, 2008. [DRAFT]** 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.

APPROVED BY PLANNING COMMISSION  
EXTENSION APPROVED BY PLANNING COMMISSION [DRAFT]

August 8, 2006  
July 22, 2008

- 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, Shell Heights Associates, LLC, 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 approve PUD 06-04, VAR 06-19, Major Subdivision 9132 and DR 06-25, 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 Shell Heights Associates, LLC, the City, and/or the parties initiating or bringing such action.
- E. Shell Heights Associates, LLC, 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 Shell Heights Associates, LLC, 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 Shell Heights Associates, LLC, 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 Shell Heights Associates, LLC, 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 Shell Heights Associates, LLC, 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 Shell Heights Associates, LLC, 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.

**PERMITS: PUD 06-04, VAR 06-19, Sub 9132 and DR 06-25**

- G. Shell Heights Associates, LLC, 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.

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APPROVED BY PLANNING COMMISSION  
EXTENSION APPROVED BY PLANNING COMMISSION [DRAFT]

August 8, 2006  
July 22, 2008