

CONDITIONS OF APPROVAL *DRAFT*

Project Name: **Alhambra Highlands, Subdivision 9257**

Location: **Alhambra Hills, between Alhambra Avenue and Reliez Valley Road**

I. Description of Permit

These conditions apply to and constitute the approval of:

A. Amendments to Planned Unit Development #89-5 and # 89-6, now to be known as the Alhambra Highlands Planned Unit Development (#08-01), which, as amended, consists of up to 112 detached single-family homes on an approximate 297.5 acre site, with approximately 240 acres of permanent open space, an approximate 2.2 acre water tank site (Parcel J) and an approximate 4.3 acre site adjacent to Alhambra Avenue (Parcel I) reserved for potential future development.

1. The following exceptions to the standard R-10 Zoning District development standards are allowed by this permit:

- a. Lot sizes: from approximately 7, 500 sq. ft., but only up to 20% of lots may be less than 10,000 sq ft., and the average size for all lots must be at least 10,000 sq. ft..
- b. Lot widths: from approximately 70'.
- c. Lot depths: from approximately 90'.
- d. Individual lot area coverage:
  - 1. Maximum lot area coverage for lots less than 10,000 square feet in area shall be 35%;
  - 2. Maximum lot area coverage for lots 10,000 square feet or greater shall be 30%
  - 3. Exception: For those lots which are subject to reduced building height limitations as set forth in Condition V.A.2, no maximum lot area coverage shall apply. Coverage on these lots shall be governed by the required setbacks.
- e. Front yards: a minimum of 18' is required excepting that a minimum of 20' is required for a Front Load Garage.
- f. Rear yards: a minimum of 20' is required
- g. Side yards: a minimum of 5' is required (one side) and a minimum of 10 is required on the alternative side, for an aggregate minimum of 15' for each lot and between units.
- h. Building height: unless a specific lot has lower building height limit as required by Condition of Approval I.A.2, a maximum of 33' above subdivision's approved finished grades, excepting chimneys is permitted. [SEIR MM# AES-1.a].

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

2. Reduced height limits, special design and landscaping requirements for the following lots identified in the SEIR as being the most visible from public vantage points [SEIR MM# AES-1b]:
- Erica Way (lots 27-31)
  - Darley Way (lots 37-43)
  - Aberdeen Road (lots 70-73)
  - Heath Lane (lots 74-80)
  - Heath Court (lots 109 & 110)
- a. Height limitations and landscape requirements: The maximum height of structures on the lots identified above shall be 25' and one-story, except that on downslope lots, a two-story structure may be permitted in cases where: a) the structure appears to be a one-story structure from a publically visible location with a view of the lot; b) In the event that a residence on a downslope or other lot that is visible from a public vantage point appears as a two-story structure due to the split design of the home, and the proposed structure complies with the allowable building height for the lot, such a design may be approved, subject to Design Review per Condition of Approval I.A.2.b, if the design is found to minimize the prominence of the structure or landscape screening is included along the perimeter of the lot is installed in a manner that would minimize the view of the residence from Alhambra Valley Drive and Reliez Valley Road, Orchard Trail and Diablo Trail (Briones Regional Park), Thistle Circle, and Mt. Wanda. Such Landscaping shall be permanently maintained by the homebuilder/homeowner. [SEIR MM# AES-1.c]
- i. If landscaping is required on a lot as listed above, prior to occupancy of the residence on that lot, a scenic easement shall be recorded against that lot in favor of the City of Martinez. The scenic easement shall require the lot owner and successor owners of such a lot to retain existing and any added landscaping. The scenic easement shall apply to the landscaped area on the lot and it shall provide that no trees in the landscaped area shall be removed or reduced in height without the prior written approval of the City of Martinez. The scenic easement shall further provide that removal of any proposed tree(s) or reduction in tree height in the scenic easement area on such a lot shall be subject to the approval of the City of Martinez Zoning Administrator, if he/she finds that the home behind the tree(s) will not result in significant visual impacts to public vantage points. Any scenic easement decision by the City of Martinez shall be supported by

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(DATE) \_\_\_\_\_

substantial evidence. A note referencing such scenic easements shall be set forth on the final subdivision map that includes these lots. Tree removal or tree height reduction on these lots shall be subject to all of the applicable permit processes in the City of Martinez. [SEIR MM# AES-1.f]

- b. Design Review approval required: Prior to issuance of a building permit for an individual lot, the homebuilder shall follow the design review process specified in the Alhambra Highlands Development Guidelines and Design Criteria dated February 18, 2011 (Design Guidelines as further defined in Condition IV.A.1). The homebuilder must first obtain design approval for such lot from the Alhambra Highlands HOA's AHARC. Such design approval is required for construction on all lots as specified in Condition of Approval IV.A. Then the homebuilder must obtain Design Review approval for such lot pursuant to City of Martinez Design Review application requirements. (MMC Section 22.34.030 – 070; Design Review) [SEIR MM# AES-1.b (part)] **(Note: for Design Review requirements for lots other than those set forth in 2.a. above, see IV A and B below.)**
  - c. Requirements may be waived: The requirements of Condition of Approval I.A.2 [SEIR MM # AES-1b] may be fully or partially waived by the Planning Manager if at time of building permit application, homebuilder can demonstrate that the home will not be visible from any public vantage points.
- B. Tentative Subdivision Map No. 9257, consisting of up to 112 residential lots, and common landscape, drainage and access parcels, and/or easements, and an approximate 2.2 acre water tank site (Parcel J) and an approximate 4.3 acre site adjacent to Alhambra Avenue (Parcel I) reserved for potential future development.
  - C. Use Permit # 08-17, for the construction of one new water tank within the R-10 Zoning District (Parcel J).
  - D. Design Review approval of the Planned Unit Development's site design, preliminary landscape plans and the Alhambra Highlands Development Guidelines and Design Criteria for individual residential lots.
  - E. Unless a shorter statute of limitations applies, any judicial review of the conditions described herein must be brought pursuant to California Code of Civil Procedure Section 1094.6.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

F. The conditions listed herein are valid relating to appeals, City Council approval, approval expiration, and requirements for applying for time extensions.

II. Exhibits

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

Name of Exhibit	Dated	Prepared by	No. of pages
A. Vesting Tentative Map 9257 et al. (as amended for <i>Alternative #1</i> by dk Consulting, 3 pages, dated May 14, 2010)	Feb. 23, 2010	dk Consulting	22
B. Landscape Improvements (as amended for <i>Alternative #1</i> by Thomas Baak & Associates; plan view - 1 page and sections - 13 pages, dated, May 14, 2010)	Apr. 20, 2010	Rabben/Herman Design	11
C. Water System Plan	Dec. 12, 2008	Brown and Caldwell	5
D. Development Guidelines and Design Criteria (for homebuilders and homeowners).	Feb. 18, 2011	Dahlin Group	55

All construction plans shall conform to these exhibits as amended by the conditions of approval. Where a plan or further information is required by these conditions to be submitted for “City review and approval”, such “City review and approval” shall mean that it is subject to review and approval by the Martinez Planning Division, Planning Manager, Building Division or Engineering Division, City Engineer, as noted in each condition.

The conditions apply to the applicant and subdivider, Richfield Investment Corporation, referred to as the “developer” in these conditions of approval, or to the subsequent homebuilder or homeowner (referred to as, the “homebuilder”) for purposes of these conditions. In those cases, in which the developer builds the home, the conditions identified for the “homebuilder” also would apply to the developer’s obligations.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

III. General Conditions

A. Lighting

1. Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties (i.e., use of shielded light fixtures that direct light downwards and have incandescent light color). The project shall incorporate non-mirrored glass to minimize daylight glare. [SEIR MM# AES-3]
2. Energy-saving lighting fixtures shall be used

B. Signs

1. Signs identifying the development and for directional purpose during construction and post construction may be permitted subject to review and approval of a master sign program for the site by the Planning Division in accordance with the provisions of Title 16.
2. A monument entry sign may be permitted subject to review and approval by the Planning Manager and City Engineer accordance with the provisions of Title 16. The sign shall be detailed on the revised landscape plans and shall be located outside the Right-of-Way, within the property boundary.

C. Homeowners' Association and Covenants , Conditions &Restrictions (CC&R's)

1. Developer shall prepare a revised Landscaping Plan following approval of Tract Map 9257 or Alternative #1 which shall depict the delineated HOA maintenance easement areas located in the front and rear yards of the lots identified in Condition V.
2. Homeowner's Association: The developer shall establish a Homeowners' Association (hereinafter referred to as the "HOA"). Except as set forth below, the CC&Rs shall include, but not be limited to, HOA responsibility for : a) the maintenance of all private and unaccepted public EVAs, streets and trails; b) maintenance of all common area parcels; c) maintenance of all landscape easement areas; d) maintenance of the park parcel and all improvements located thereon; e) maintenance of all other parcels of common ownership as described on the Vesting Tentative Map; f) establishment of the Alhambra Highlands Architectural Review Committee's (AHARC) design review approval process, and g) enforcement of the Alhambra Highlands Development Guidelines and Design Criteria. Unless otherwise specified in the GHAD plan of control,

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

the HOA shall be responsible for all inspection and maintenance of common and easement area private improvements such as: storm drain system, storm water management plan facilities, all landscaping and irrigation systems as shown on the revised Landscaping Plan required in Condition III.C.1, retaining walls, access roads, sidewalks, parks, sewer, signs, lighting, and private utilities. Said CC&R's shall include minimum acceptable maintenance standards for all common facilities and improvements. Unless otherwise specified in the GHAD plan of control, 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. Final configuration of the easements, wording of the implementing CC & R's and "owner's statements" on the final map are subject to the approval of the City Attorney, Planning Manager, and City Engineer.

3. Project CC & R's shall be submitted for City review and shall be subject to approval of the City Attorney, Planning Manager, and City Engineer, with the final map and improvement plans. The CC & R's shall contain clauses requiring City approval of subsequent changes to the CC&R's once initially approved by the City and giving the City the right, but not the duty, to enforce the CC & R's.

IV. Architectural

- A. All homebuilders shall complete the Alhambra Highlands Architectural Review Committee's (AHARC) design review approval process, as specified in the Alhambra Highlands Development Guidelines and Design Criteria, dated February 18, 2011 (Design Guidelines), prior to applying for a Building Permit. Prior to issuance of building permit, Planning Manager shall review the homebuilder's/homeowner's AHARC approved plans to verify consistency with the above Development Guidelines and Design Criteria, including:
  1. Color selections that blend in with the landscape, such as, earth toned colors and light shades of gray, with trim colors which accent exterior wall colors shall be encourage. [SEIR MM# AES-1.g]
  2. Tall, blank walls of hillside houses shall be discouraged. Terrace walls and/or landscaping shall be used to provide screening of exterior walls of hillside homes. [SEIR MM# AES-1.h]
- B. The Planning Manager may require changes to the building plans so that consistency with the Alhambra Highlands Development Guidelines and Design Criteria is achieved. Should the homebuilder be unwilling or unable to make such

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

changes to achieve consistency, the homebuilder/homeowner may then apply to the City Planning Manager in order to secure an individual Design Review approval pursuant City of Martinez Design Review application requirements (MMC Section 22.34.030 – 070; Design Review) prior to issuance of the applicable building permit(s).

- C. Pursuant to Condition of Approval I.A.2, reduced height limits and special requirements for individual Design Review approval are required for construction on the following lots, identified in the SEIR as being the most visible from public vantage points [SEIR MM# AES-1b – SEE CONDITION OF APPROVAL I.A.2 above]:
- Erica Way (lots 27-31)
  - Darley Way (lots 37-43)
  - Aberdeen Road (lots 70-73)
  - Heath Lane (lots 74-80)
  - Heath Court (lots 109 & 110)

V. Landscaping, Trees and Open Space Improvements

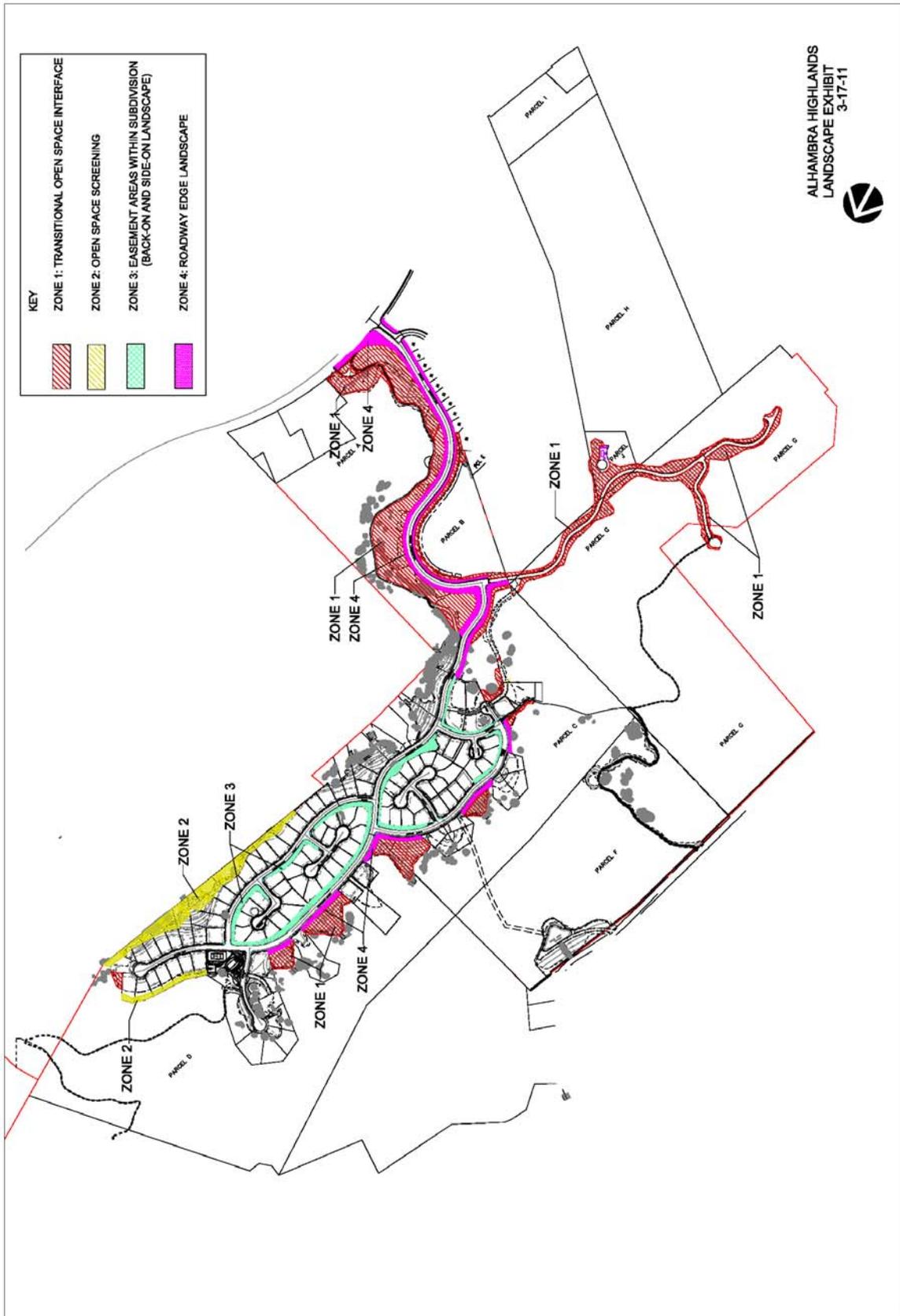
- A. Public and Common Open Space areas. The developer shall landscape the common and easement areas as outlined Conditions of Approval V.A.1- 6 and shown for each zone identified on the March 17, 2011 Alhambra Highlands Landscape Exhibit. These landscape improvements shall be installed by the developer, and maintained by the HOA for all common and identified landscape easement areas. Final landscape plans for these improvements shall be prepared by a licensed landscape architect, and shall be in substantial conformance with the conceptual Landscape Improvement Plans dated April 20, 2010 approved by the Planning Commission and tree replacement requirements (Condition V.B below). The final landscape plans shall be submitted for review and approval by the Planning Manager at the same time grading and improvement plans are submitted. Final plans must receive City Planning Manager approval prior to filing of the Final Map or issuance of building or grading permits, whichever comes first.

1. Zone 1: Transitional open space interface:
- All Zone 1 areas shall require planting with native oaks, including replacement oaks, large shrubs and native grassy hydroseed with flowers.
  - Zone 1 includes all graded and disturbed slopes not otherwise designated in common areas.
  - Temporary irrigation (approximately 5-year period) shall be provided to the trees and shrubs, unless otherwise required in accordance with 5. below.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

- A minimum of 100-foot band along the roadway edges shall be mowed or weed whipped to control grass height during summer months.
2. Zone 2: Open Space Screening.
- Easement areas below lots 1-29 and lots 30-36 shall include native oaks with some larger size trees and some replacement oaks, large shrubs and native grass hydroseed with wildflowers.
  - Temporary irrigation (approximately 5-year period) shall be provided to the trees and shrubs, unless otherwise required in accordance with 5. below.
  - Zone 2 areas shall be mowed or weed whipped to control grass height during summer months.
3. Zone 3: Easement Areas within the subdivision:
- Zone 3 includes areas between rear and side property lines and street edges as shown on the attached March 17, 2011 Alhambra Highlands Landscape Exhibit.
  - Areas shall be completely landscaped with a combination of drought tolerant ground covers, shrubs and trees, including informally grouped street trees.
  - Areas in Zone 3 shall be completely irrigated with permanent water conserving irrigation system.
4. Zone 4: Additional tree plantings to screen Roadway Edge Landscape:.
- Zone 4 includes areas along all streets including Wildcroft Drive and within the subdivision where the Transitional Open Space (Zone 1) abuts the street as shown on the attached March 17, 2011 Alhambra Highlands Landscape Exhibit.
  - An undulating swath approximately 15-20' wide along the street edge and/or sidewalk shall be completely landscaped with a combination of drought tolerant ground covers, shrubs and trees including informally grouped street trees.
  - All areas shall be completely irrigated with a permanent water conserving irrigation system.



APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

5. Additional tree plantings for visual screening and replacement mitigation.

Notwithstanding the above, areas of additional bubbler and/or drip irrigation shall be provided to establish trees to screen views of project infrastructure, including but not limited to Wildcroft Drive access road and related retaining walls, and water tank, in accordance with Visual Simulations 4 and 8 as shown in the Alhambra Highlands Residential Project Draft Subsequent EIR, Volume 1, October 21, 2010. [SIER MM# AES-1.d]

To mitigate the visual impacts of construction on lots at the development's perimeter, and as per the requirements of Condition V.B below, areas of additional bubbler and/or drip irrigation shall be installed to establish replacement tree plantings within the open space parcels, and locating trees around the perimeter of Lots 37-43 and 70-80. All such landscaping to be installed along the perimeter of the individual lot and shown on the final landscape plan shall be planted in accordance with the Open Space Management Plan and/or final landscape plan and prior to issuance of the first building permit for the custom or semi-custom residence on the individual lot. [SEIR MM# AES-1.e]

6. Open space parcel shown on Alternative 1: Pursuant to the *Alternative #1* plan by dk Consulting, dated May 14, 2010, (if approved) detailed improvement plans for "Parcel E" common area shall be submitted for review and approval by the City's Planning, Building and Engineering Departments.

7. The final landscaping plans shall be submitted to the Planning Manager and shall:

- a. Be prepared in accordance with the City's applicable water conservation and landscaping regulations.
- b. Show all non-plant features: benches, lights, paths, pools, etc.
- c. Trees species shall be as required by applicable native tree replacement requirements under "Tree Preservation/Replacement" conditions below.
- d. Trees sizes shall be shown per planting area in accordance with SEIR MM# BIO 5. Shrubs shall be 5 gal. size and drought tolerant.
- e. Final landscape plans shall contain a table showing the amounts of landscape area, plus a count of trees and shrubs to be planted by size.
- f. Complete irrigation plans shall be prepared with calculation applicable to the City water conservation ordinance.

- g. Plans shall include designated “replacement trees” indicated with an “R” on the final landscape plan which shall denote where tree replacement shall occur within the landscape zones identified above. Replacement trees shall be subject to the survivability criteria as set forth SEIR MM#BIO 5.
8. Once final landscape and irrigation plans are approved, the applicant shall submit reproducible copies for signature. Once the landscaping is accepted by the City Engineer, as-built mylars shall be submitted.
9. The satisfactory installation of all landscape and irrigation improvements shall be guaranteed by posting a bond or equivalent surety with the City equal to 100 percent of the cost of materials and installation prior to issuance of grading permit, building permits or City approval of the Final Map, as determined by the City. In no event shall tree removal take place prior to the posting of said bond.
10. Installation of the landscaping and all related improvements shall be inspected by a registered landscape architect and certified in writing as being in compliance with the approved plan prior to the City’s release of bond.

B. Tree preservation and replacement:

1. Prior to the issuance of any grading permit, the developer shall implement all mitigation measures outlined in the Tree Survey (LSA and Associates), as shown in Appendix D of the Alhambra Highlands Residential Project Draft Subsequent EIR, Volume 1, October 21, 2010. These measures include protection fencing, establishment of a tree protection zone, and special demolition and site clearing measures to protect trees that shall be maintained during construction and to provide for replacement for those trees that shall be removed. [SEIR MM# BIO-5.a]
2. The Grading Plan shall be revised to show that project grading will be designed to protect existing trees on Lots 9, 21, 40-42, 45, 75-76, 106, and 108, and, if *Alternative #1* plan by dk Consulting, dated May 14, 2010 is approved, Parcel E. [SEIR MM# BIO-5.e]
3. The Developer shall replace native trees to be removed within development’s grading footprint, and the homebuilder/homeowner shall replace trees subsequently removed at time of custom lot construction, with the planting of replacement native trees at a 1.5:1 ratio. Species to be used in the tree planting shall be species native to the project site and will

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

include the following species: blue oak, coast live oak, valley oak, California bay, and California buckeye. [SEIR MM# BIO-5.b]

4. The developer's landscaping plans shall identify replacement trees, in accordance with the above COA A.3, within the following areas in the order of priority as listed below [SEIR MM# BIO-5.c]:
  - a. Within or adjacent to existing oak woodland stands where regeneration is sparse or lacking. The purpose of these plantings shall be to provide stand replacement as the older trees die.
  - b. Around the perimeter of Lots 37-43 and 70-80 to provide screening from off-site views.
  - c. Common area landscaping such as along the Wildcroft Drive entry road.
  - d. On fill slopes to maintain the visual continuity of woodland areas where project fills require tree removal.

Replacement tree locations shall be identified on the project Open Space Management Plan. This plan will also incorporate information on tree planting and maintenance. This plan shall be submitted to the City Planning Manager for review for conformance with this condition.

Trees shall be maintained for a minimum five-year period. Maintenance shall include weeding the planting basins, watering for three years, and inspection/repositioning tree protection cages to ensure they are protecting the trees. Maintenance activities shall end when 75 percent of the planted trees are adding six or more inches in height/year without supplemental irrigation. The removal of tree protection cages shall be based on the growth of individual trees. In order to remove a cage a tree must be at least 6 feet in height with a trunk diameter of two or more inches.

Annual reports providing information on the status of the mitigation tree plantings will be submitted to the Planning Manager by December 31 of each year until maintenance activities end in the wildland plantings. The reports will include information on maintenance activities conducted and survival information from fall tree counts.

The planting of additional trees will be undertaken if fall tree counts indicate that tree survival has fallen below the number of trees necessary to meet the 75 percent criteria for plant performance. Replanting will be held to the same performance standards as the initial plantings. Notwithstanding the above, replacement trees planted along project streets shall be maintained in perpetuity by HOA.

5. If a sufficient number of trees cannot be planted on-site in accordance with Condition of Approval V.B.4.a-d above to fully off-set tree loss associated with the project, the remaining required trees will be planted at one of the projects off-site mitigation properties (Christie Road, Allen). Off-site tree replacement will be allowed subject to the criteria outlined above and the approval of the City of Martinez. [SEIR MM# BIO-5.d].

C. Trails and Paths

1. Developer shall construct pedestrian paths/walkways and trails as conceptually shown on the vesting tentative map. These improvements shall be completed prior to formal acceptance of the subdivision improvements.
2. Construction details shall be shown on the Subdivision Improvement Plans and landscape plans as necessary, and shall be subject to approval by the City Engineer.
3. Maximum gradient of new trails and paths shall be 15 percent. The City Engineer may allow a grade up to 20 percent in special situations.
4. All street crossings shall have curb cuts, ramps, signs and pavement markings.
5. Rest areas, as approved by the City Engineer, shall be constructed at intervals.
6. All trails shall be designed to EBRPD Standards to the satisfaction of the City Engineer.
7. A bike trail with a minimum width of 8 feet shall be installed along Reliez Valley Road Frontage to the entrance of Briones Park.
8. Trail easements shall be offered for dedication to the City of Martinez (or its designee) for public use. Maintenance of the trails shall be the responsibility of the GHAD or HOA as determined by the City Engineer and City Attorney.

D. Fences and retaining walls:

1. All fencing, retaining walls, barriers, etc., shall be installed by the developer per the Design Guidelines unless otherwise phased in accordance with the Fencing Plan, and shall be as conceptually shown on Vesting Tentative Map and Landscape Improvement plans (sheet L1.01;

Residential Areas & Lot Fencing Types Plan) and in substantial compliance with the approved Open Space Management and Monitoring Plan. All walls shall have a decorative finish, subject to staff approval at time of improvement plans review. Subject to City Planning Manager approval, installation of individual lots' wood and wire privacy and open space fencing may be deferred to the homebuilders'/homeowners' installation at time of lot development. All such fences installed on an individual lot shall be installed prior to certificate of occupancy. All fencing necessary for the control of grazing stock on adjacent property shall be installed by the developer prior to City acceptance of subdivision improvements, unless otherwise determined in the Fencing Plan.

2. Unless otherwise shown on approved Vesting Tentative Map and Planned Unit Development plan, the maximum height for all walls, fences and/or fences with retaining walls shall be 6 feet total. Fences offset from retaining walls 18 inches or greater shall be considered separate structures with a maximum height of 6 feet each.

E. Front yards and construction on individual lots:

1. Prior to issuance of building permits for each home on lots 1- 7, 37-43, 70-80, and 107-112, the City Planning Manager will review the design of homes on custom lots to minimize or avoid tree removal. If tree removal is unavoidable, the homebuilder/homeowner will be required to provide replacement trees at the same 1.5:1 ratio as was required of the subdivision's developer. [SEIR MM# BIO-5.f]
2. Each homebuilder shall, concurrently with building permit application, include plans for front and adjacent street-side landscaping consistent with Alhambra Highlands Architectural Review Committee's (AHARC) design review approval process, as specified in the Alhambra Highlands Development Guidelines and Design Criteria, dated February 9, 2011. Project CC&Rs shall specify these requirements for private landscaping. Front yard landscaping, subject to City Planning Manager approval, shall be installed prior to final building inspection of the residence, or as otherwise approved by City Planning Manager.

VI. Conditions for Pre-Construction/Construction Activities and Noise/Dust Control

- A. During project construction, the site shall be fenced with locked gates at Wildcroft and Horizon Drives. The gates shall remain locked until 7:00 am. Contractors shall not arrive or set traffic control measures at the site prior to the opening of the gates. Upon the construction of the Wildcroft extension, all

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

subsequent construction traffic for the project shall only use the Wildcroft extension.

- B. Adequate dust control measures shall be employed throughout all grading and construction periods. To reduce wind erosion, the contractor shall regularly water all surface areas that are exposed for extended periods (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day. [SEIR MM# AIR-1(part)]
- C. 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 vehicular mud or dirt track-out into all streets in the vicinity of the project shall be removed using wet power vacuum street sweepers at least once per day unless otherwise approved by City Engineer. The use of dry power sweeping is prohibited. All haul trucks transporting soil, sand or other loose material shall be covered. [SEIR MM# AIR-1(part)]
- D. Speeds of all vehicles on unpaved roads shall be shall be limited to 15 miles per hour. Speeds of construction equipment on local streets to and from the site shall also be limited to 15 miles per hour.
- E. During construction periods, access to any driveway shall not be blocked by construction generated vehicles, equipment, supplies, or other material.
- F. 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 construction vehicles or the import or export of soils materials necessary for the project.
- G. Prior to subdivision improvement construction, contractor shall contact city inspector for a pre-construction meeting.
- H. Horizon Drive may be used for construction traffic to construct: utility lines in Horizon Drive, construction of the water tank, initial construction of the EVA leading from Wildcroft Drive to Horizon Drive, and Wildcroft Drive to the point it can be used for construction traffic. Following completion of these improvements, Horizon Drive shall not be used as the primary construction access and Wildcroft Drive extension shall instead be used for project construction access.
- I. To the extent determined feasible by the City Engineer, all roadways, driveways and sidewalks required to be paved shall be completed in conformance with

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

erosion control plans and the SWPPP. Dust suppressant shall be applied to all roadways, driveways and sidewalks if not paved per the erosion control plans and the SWPPP. Graded pads shall be hydroseeded in accordance with the erosion control plans and SWPPP unless soil binders are used to the satisfaction of the City Engineer.

- J. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. [SEIR MM# AIR-1(part)]
- K. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to commencement of construction and monthly thereafter. [SEIR MM# AIR-1(part)]
- L. Developer shall post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- M. Homes shall be subject to the 2010 Green Building Standards Code. The CC&Rs for the project shall require that each individual home be designed to meet or exceed the minimum standards of the 2010 Green Building Standards Code. [SEIR MM# AIR-2]
- N. The following pre-construction minimization measures shall be implemented by the developer to reduce potential impacts to the Alameda whipsnake to a less-than-significant level, including: [SEIR MM# BIO-1a]
  - 1. Prior to ground-disturbing activities, a pre-construction trapping survey for Alameda whipsnake will be conducted in the impact area. A trapping plan will be submitted to USFWS and CDFG for review and approval prior to implementation.
  - 2. An exclusion fence shall be placed near the grading limit for the duration of the project grading, paving, and construction to prevent Alameda whipsnake from entering the project site. The alignment and type of fencing to be used will be subject to review and approval by USFWS and CDFG.

All construction workers shall receive training on the Alameda whipsnake and the measures being taken to avoid take of the species during construction

APPROVED BY \_\_\_\_\_

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- O. The developer shall implement the following minimization measures during grading or subdivision improvements to reduce potential impacts to the Alameda whipsnake to a less-than-significant level, including: [SEIR MM# BIO-1b]
1. A USFWS- and CDFG-approved biological monitor shall be present during the grading phase of the project. Monitoring requirements beyond that time will be subject to review and approval by USFWS and CDFG. The contract compliance inspectors and environmental compliance coordinator, with support from the USFWS and CDFG-approved biologist, shall ensure that construction equipment and associated activities avoid any disturbance of sensitive resources outside the project area.
  2. All material stockpiling and staging areas shall be located within project right-of-ways in non-sensitive areas, or at designated disturbed/developed areas outside of designated construction zones.
  3. Vehicle and equipment refueling, repair, and lubrication shall only be permitted in designated areas where accidental spills will be contained.
  4. To allow Alameda whipsnake and other species to move between the north and south side of the Wildcroft Drive extension, an arched passageway shall be installed and maintained by the GHAD or HOA as determined by the City Engineer.
  5. Plastic mono-filament netting (erosion control matting) or similar material shall not be used at the project site because Alameda whipsnake may become entangled or trapped in it.
  6. To eliminate an attraction to predators, food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers.

To prevent inadvertent entrapment of Alameda whipsnake, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before these holes or trenches are filled, they shall be thoroughly inspected for trapped Alameda whipsnake. Additional details of this minimization measure are provided in the Biological Opinion included in Appendix D and are incorporated by reference.

- P. All construction activities shall be restricted to Monday – Friday and to the hours of 7:00 a.m. to fuel and oil vehicles, 7:30 a.m. for vehicle warm-up, and construction shall not occur after 5:00 p.m. Work on weekends shall be limited to individual requests for low noise level work and shall be subject to revocation if substantiated complaints are received. The project applicant shall post a sign on the site notifying all workers of this restriction. [SEIR MM# NOISE-1]
- Q. Noise barriers shall be constructed to mitigate substantial noise increases

attributable to the project. Preliminary calculations indicate that 5-foot barriers would generally be sufficient to reduce traffic noise levels to a point that it would not be substantially higher than existing levels (i.e., the increase attributable to the project would be less than 3 dBA Ldn). To be effective, the proposed noise barrier must be solid over the face and at the base of the barrier. Openings or gaps between barrier materials or the ground substantially decrease the effectiveness of a noise barrier. Suitable materials for barrier construction shall have a minimum surface weight of 3 lbs./ft.<sup>2</sup> (such as 1-inch thick wood, masonry block, concrete, or metal). An acoustical specialist shall confirm the final design of the noise barrier based on the project's final grading plan to ensure the increase attributable to the project would be less than 3 dBA Ldn. [SEIR MM# NOISE-2]

R. The project shall implement the following controls to reduce construction noise levels to a less-than-significant level. [SEIR MM# NOISE-3]:

1. Restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday. Limited construction may occur, subject to City approval, on weekends and holidays between the hours of 9:00 a.m. to 5:00 p.m.
2. Construct permanent noise barriers or temporary solid plywood fences (minimum 8 feet in height) along the portion of Wildcroft Drive that adjoins existing residences in the Elderwood Subdivision as early in the construction schedule as possible.
3. Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.
4. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
5. Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or noise-sensitive land uses.
6. Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
7. Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction related heavy truck traffic in residential areas where feasible.
8. Control noise from construction workers' radios to a point that they are not audible at existing residences bordering the project site.
9. Prohibit all unnecessary idling of internal combustion engines;
10. Notify adjacent noise-sensitive land uses of the construction schedule in writing.
11. Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint

(e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented.  
Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule where required by the City Engineer.

VII. Common Open Space Areas and Management of Natural Areas

- A. The open space portions of Parcels “A” thru “H” shall be transferred to a conservation entity in accordance with the conservation easement and the Open Space Management and Monitoring Plan or shall be subject to an open space easement or other deed restriction at the election of the Planning Manager and City Attorney, with the exception of the park parcel which shall be limited to development as a park in accordance with the project approvals. Said open space easement or deed restriction shall preclude the removal of trees, grading or erection of structures except for grading required to repair slopes (subject to the approval of the City), construction of retaining walls required for improvements, grading or removal of vegetation as required by the Contra Costa County Fire Protection District, or other activities associated with geologic hazard abatement or open space/habitat management and utility-related maintenance. Parking and use of any type of vehicle within the open space shall also be prohibited, except upon the approved trails and paths for a limited time during maintenance activities. The responsibility for maintenance of areas not transferred to the conservation entity shall (weed abatement, etc.) shall lie with the homeowners association (HOA).
- B. The Final Map shall show the majority (217.93 acres as delineated on the Vesting Tentative Map, including the undeveloped portions of Parcels A-D and F-H) of the approximately 298-acre property to be placed in a Conservation Easement and set aside as open space in perpetuity. [SEIR MM# BIO-4]
- C. Parcel “J” shall be offered to the City (in fee) for water storage and system use, with all required access easements for access and water line construction maintenance to this parcel. A grant deed to the City for Parcel “J” shall be granted to the City concurrently with the Final Map.
- D. The Covenants, Conditions, and Restrictions (CC&R’s) that are recorded against the property and applicable to all parcels conveyed to future landowners shall provide for restrictions on domestic pets including requiring all dogs be on a leash when off of private property and all cats to wear bells. These restrictions are intended to reduce the effects of domestic pets on common and sensitive wildlife species in open space areas. [SEIR MM# BIO-1.c (part 1 of 6)]
- E. The HOA, or the non-profit conservation easement holder shall place limitations

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

on fire management activities in Alameda whipsnake habitat (i.e., any removal of scrub vegetation, including coyote brush, will be conducted using manual methods and shall be monitored by a USFWS and CDFG-approved biologist if removal is done during March through October). [SEIR MM# BIO-1.c (part 2 of 6)]

- F. The developer (Richfield Investment Corporation, or its successor in interest), shall record a Conservation Easement to protect Open Space land. This Open space is to be maintained in its natural state. An Open Space Management and Monitoring Plan (OSMMP) and an Addendum to the OSMMP as shown in Appendix D of the Alhambra Highlands Residential Project Draft Subsequent EIR, Volume 1, October 21, 2010 have been developed and shall be implemented by the developer (Richfield Investment Corporation, or its successor in interest) for the maintenance of these lands, including fire protection measures. [SEIR MM# BIO-1.c (part 3 of 6)]
- G. The on-site conservation easement lands shall be managed by a third party conservation easement holder approved by the USFWS and CDFG. The costs of the conservation easement management activities will be funded by an endowment provided by the developer (Richfield Investment Corporation, or its successor in interest). [SEIR MM# BIO-1.c (part 4 of 6)]
- H. The Developer (Richfield Investment Corporation, or its successor in interest) shall prepare and distribute to each property owner a Natural Habitat Preservation booklet to educate homeowners about the natural resources in the open space, including the presence of Alameda whipsnake and its habitat. [SEIR MM# BIO-1.c (part 5 of 6)]
- I. The Post-Construction Monitoring Plan shall be initially implemented by the developer (Richfield Investment Corporation, or its successor in interest) and by the HOA upon completion of the development. This plan includes monitoring of scrub enhancement and creation areas, surveys for Alameda whipsnake prey, and Alameda whipsnake trapping surveys. Additional details are provided in the Alameda whipsnake Mitigation and Monitoring Plan. [SEIR MM# BIO-1.c (part 6 of 6)]
- J. To mitigate for the reduction in habitat value of the Alameda whipsnake habitat in project open space and adjacent undeveloped lands due to habitat fragmentation and reduction of connectivity, several Alameda whipsnake recovery plan tasks shall be implemented by the developer (Richfield Investment Corporation, or its successor in interest), as provided in the Alameda Whipsnake Mitigation and Monitoring Plan and the Biological Opinion included in Appendix D and are incorporated by reference into the SEIR. [SEIR MM# BIO-1.d]

- K. Except as necessary for approved construction, as specifically approved by the City Engineer, natural slopes shall not be encroached on by construction equipment and shall be kept free of construction debris at all times.

VIII. Agreements, Fees and Bonds

- A. Applicant shall enter into the City's standard improvement agreement to secure performance of all improvements in accordance with the approved improvement plans. Said plans shall be submitted to and subject to the approval of the 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. A grading completion bond shall be put in place for the project prior to issuance of a Grading Permit to ensure that the project grading and storm drain improvements are completed in case the developer of the project is unable to successfully complete the project (SEIR HYD-3d).
- D. City Fees: Prior to approval of the grading or building plans, as applicable, and issuance of the grading or building permits, the developer shall pay all applicable fees and deposits as further set forth below:
  - a. Non-Development Impact Fees. Developer shall pay all applicable Non-Development Impact Fees shall include, but not necessarily be limited to application fees, plan check fees, inspection fees, building permit fees, connection fees and Quimby Act (Park in Lieu) Fees, in accordance with the fee schedule in effect at the time of payment.
  - b. Development Impact fees for Single Family Homes. Developer shall pay Development Impact Fees as determined in accordance with the Martinez/Richfield Tolling Agreement (original effective date August 13, 2009, as amended through November, 2010) as listed below. Such fees include child care fees (as shown below), transportation impact fees, park and recreation facilities fees. Developer has, in addition, agreed to pay the police facilities fees as shown below. Said Development Impact Fees (per unit) shall be as follows:
    - i. Child care fee: \$432
    - ii. Transportation impact fee: \$1,780

- iii. Park and recreation facilities fee: Not applicable
  - iv. Police facility fee: \$411
  - v. Cultural facilities: Not applicable
- E. 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, by the developer as specified in the other agencies' adopted regulations. Receipts or proof of such payments shall be provided to the City upon request
- F. Drainage impact fees: The applicant shall pay the applicable drainage fees in accordance with the fee schedule at the time of payment. The project is located in three drainage areas (Drainage Areas 47, 72 & 5). The drainage area fees for DA 47 & 72 shall be as per the Contra Costa County Flood Control fee schedule and as stated below.
- G. The developer shall pay the applicable drainage fee (Drainage Area 5) per square foot of impervious surface created by virtue of the improvements at the effective drainage fee rates at the time of payment.
- H. All drainage area fees shall be calculated by the City and/or Contra Costa County and paid prior to approval and recordation of the final map.
- I. The developer shall pay all school impact fees required by State laws in effect upon issuance of building permits for new homes.
- J. Other agency review fees, permit fees, and costs shall be paid by the developer at his/her sole expense.
- K. Other Fees and Costs:
- 1. The applicant shall be responsible for all required reviews and costs associated with City's technical consultants including, but not limited to, geotechnical engineer peer review, traffic, water, and GHAD. The fees shall be determined by the actual consultant fees plus 25% in accordance with the City's fee schedule.
  - 2. The applicant shall be responsible for City Attorney's fee associated with implementation of this project.
  - 3. The costs of all required off-site easements shall be borne by the applicant.

IX. Grading

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

- A. A grading and drainage plan prepared by a registered Civil Engineer, shall be included with the Final Map and Improvement Plans submitted for review. The grading plans and soils report may require review by the City's geotechnical consultant with all costs to be borne by the applicant.
- B. All recommendations made in the Geotechnical Engineers report for (Alhambra Highlands Various Reports 2000-2009), 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 onsite 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 and a Stormwater Pollution Prevention Plan (SWPPP) prepared by a registered civil engineer shall be filed with the San Francisco Regional Water Quality Control Board (RWQCB) and with the City Engineer. A copy of the Notice of Intention (NOI) and a copy of the Waste Discharge Identification Number (WDID) shall be submitted to the City Engineer prior to issuing permit(s).
- F. All graded slopes in excess of 5 ft. in height shall be landscaped or hydroseeded no later than September 15 and irrigated (if necessary) to ensure establishment prior to the onset of the rainy season.
- G. The developer's engineer shall certify the actual pad elevations for all lots in accordance with City standards prior to foundation inspection by the Building Department or the 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.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

- 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 Geotechnical Report(s) pursuant to the provisions of Title 15 of the Martinez Municipal Code.
- J. Where applicable, the grading and finished lot pads shall meet or exceed the requirements of a 100-year (1 percent) flood zone.
- K. All existing trees shall be clearly indicated on the grading plan. Refer to Section V Landscaping for tree preservation requirements.
- L. Any grading on adjacent properties will require written approval of those property owners affected.
- M. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.
- N. In order to reduce impacts associated with minor alterations in open space areas, the project shall submit a grading plan to the City of Martinez City Engineer prior to issuance of a final grading permit, demonstrating that locations where open space improvements are proposed will not impact existing capacity or sediment transport capabilities of connected downstream drainage courses.

Maintenance of gullies, trails and other areas where concentrated rainfall runoff currently exists, which are downslope of the project development footprint but within the project limits, shall be performed by the project GHAD or HOA. This includes several drainages downstream of the ridgetop development footprint, where the project intends to fill the headwaters of the drainages and route subdrain and surface water into them in order to mitigate potential loss of associated habitat value. Rip-rap sizing would be appropriate for any improvement to these channels where flows would be concentrated. Trails shall be designed such that the diversion of rainfall runoff is minimized (SEIR HYD-3c).

- O. If deposits of prehistoric or historical archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the find, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel should not collect or move any archaeological materials or human remains and associated materials. It is recommended that adverse effects to such deposits be avoided by project activities. If avoidance is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing in the California Register. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, avoidance of project impacts on the deposit shall be the preferred mitigation. If adverse effects on the deposits cannot be

avoided, such effects must be mitigated. Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a data recovery plan (see CEQA Guidelines Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; preparation of a brochure for public distribution that discusses the significance of the archaeological deposit; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. The City shall ensure that any mitigation involving excavation of the deposit is implemented prior to project construction or actions that could adversely affect the deposit in question. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the archaeological deposits discovered. The report shall be submitted to the developer, the City of Martinez Planning Manager and the NWIC. The applicant shall implement the recommendations of the archaeologist report (SEIR CULT -1).

P. If paleontological resources are discovered during initial project monitoring, all work within 25 feet of the discovery should be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Adverse effects to the discovery should be avoided by project activities. If effects to such resources cannot be avoided, the resources should be assessed to determine their paleontological significance. If the paleontological resources are not significant, avoidance is not necessary. If the paleontological resources are significant, adverse effects to the resources must be mitigated. Upon completion of the assessment, the paleontologist should prepare a report documenting the methods and results, and provide recommendations for the treatment of the paleontological resources discovered. The report shall be submitted to the project developer and the University of California Museum of Paleontology. The developer shall implement the recommendations of the paleontological report. (SEIR CULT-2).

Q. If human remains are encountered, work within 25 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to assess the situation and consult with agencies as appropriate. The developer shall also be notified. Project personnel should not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native

American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist should prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report should be submitted to the project applicant, the City of Martinez Planning Manager, the MLD, and the NWIC. The applicant shall implement the recommendations of the archaeologist's report (SEIR CULT -3).

X. Drainage

- A. A hydrologic study shall be prepared and/or submitted to the City Engineer and Contra Costa County Flood Control District, when required by the City Engineer, for review and approval to ensure discharge of storm runoff to facilities of adequate capacity. The applicant shall make necessary upgrades to existing systems as depicted on the VTM 9257 drainage plans. Drainage area is defined as all that area draining into, and including, the area of the proposed development.
- B. Prior to Final Map approval, a final drainage report shall be submitted to the City or Martinez City Engineer to confirm the results of the preliminary drainage studies performed by the project to date.
- C. The project is partially located within Contra Costa County Flood Control and Water Conservation Service (CCCFCDD) Drainage Areas 47 and 72. The project shall pay fees to the CCCFCDD for portions of the project located within these Drainage Areas prior to final map approval. These fees are intended to be used for flood control maintenance and improvements of downstream watercourses. The implementation of the measures listed above together with the project design would reduce on-site erosion or flooding concerns to a less-than-significant level. The use of two detention basins on-site would reduce existing runoff generated from the site to levels less than that of the existing condition for a wide range of storms. Open space areas would be improved to mimic pre-hydrologic conditions or reduce off-site flows to the maximum extent practicable. As a result, potential impacts to on-site or downstream watercourses in regard to increases in flow rates, velocities or geomorphic conditions would be less than significant (SEIR HYD-3f).
- D. Complete hydrology and hydraulic calculations with watershed and drainage map(s), prepared by a registered civil engineer, shall be submitted to the City Engineer for review and approval. The submittal shall also include a study

showing the existing and developed peak flows and the adequacy of the existing downstream facilities to handle the runoff. The storm drain system shall be designed to convey the runoff to adequate downstream drainage facilities without diversion to the maximum practical extent. Where required, the applicant shall construct the necessary downstream improvements, as required, to the satisfaction of the City Engineer. The hydraulic grade line for the drainage storm drain system on Alhambra Avenue shall be established from the existing open channel on the westerly side of Alhambra Avenue to the site. The developer's engineer shall demonstrate (to the satisfaction of the City Engineer) that the proposed project will not adversely impact existing development or existing drainage conditions, including but not limited to Alhambra Creek and Grayson Creek. Said calculations and documentations shall be submitted to the City Engineer.

- 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 regraded can remain as natural runoff.
- E. The developer shall not increase stormwater 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 onsite runoff and construction of an offsite 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. 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.
- G. Parking lots and onsite 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.

- H. All public drainage facilities, which cross private lots and to be maintained by the City (if accepted by the City), shall require a 10-ft. minimum width storm drain easement. Private storm drain facilities to be maintained by the HOA and/or GHAD or by individual lot owners shall be contained within 10-ft. (minimum) private drainage reserves. Said easements and/or reserves shall be delineated on the Final Map or recorded by separate instrument prior to City approval of the Final Map or issuance of Building Permit, whichever comes first.
- I. Concentrated drainage flows shall not be permitted to cross sidewalks or driveways.
- J. The developer shall comply with Contra Costa County Flood Control District Design requirements.
- K. 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 some private storm drain lines outside of street right of way to the satisfaction of the City Engineer.
- L. Any drainage work within Contra Costa County will require a 1010 Drainage Permit from the County. Additionally, the developer shall obtain an Encroachment Permit from the County for any work within the County road right of way (Reliez Valley Road). Copies of these permits shall be submitted to the City Engineer prior to City approval of the plans and the issuance of City permits for construction.
- M. All impervious surface and graded pad drainage shall be directed to approved drainage facilities. This condition shall be contained in project CC&Rs to insure compliance for all future construction on the project site.
- N. Intentionally omitted.
- O. The mitigation measures listed in the Streambed Alteration application shall be implemented including planting willow saplings on the streambank adjacent to the proposed outfall location and removal of the invasive plant species giant reed (*Arundo donax*) (SEIR BIO-2) .
- P. The project shall create 0.14-acre of new seasonal wetland and 0.11-acre of pond in accordance with the Corps' authorization/approved wetland mitigation plan. The wetland mitigation plan also includes preservation and enhancement of 1.22 acres of ephemeral drainages, seasonal swales, and seeps on-site and off-site. Mitigation features shall be located within the on-site preservation area and on the Christie Road property located in nearby Hercules. The developer shall implement all details provided in the approved Wetland Mitigation and Monitoring Plan included in Appendix D, which is incorporated by reference in this condition (SEIR BIO-3).

- Q. The developer shall construct a storm drainage system at the end of Horizon Drive to collect runoff from upstream area in order to prevent runoff from sheeting over the existing pavement. Drainage system shall also be installed for paths, trails and EVA, to the satisfaction of the City Engineer.
- R. The developer shall obtain applicable Contra Costa County permits for constructing required improvements outside the City's limits and within the unincorporated area to Contra Costa County. The developer shall be responsible for submitting all required materials, fees and deposits necessary to obtain CCC permit(s), including but not limited to, improvement plans, drainage maps, calculations and support documentations.
- S. Detention Basins: Prior to approval of the improvement plans, the developer shall submit 2 site specific geotechnical reports for the Detention Basins to confirm that the performance of all soils and slopes which would underlie the basin and other associated drainage improvements will withstand ground shaking. The site specific geotechnical report shall demonstrate that soils will be stabilized to minimize the potential for failure of the detention basins. The geotechnical report shall address erosion and sedimentation issues, provide recommendations to stabilize slopes in such a manner that demonstrates breaching of the ponds is highly unlikely. The report shall be signed by the project Geotechnical Engineer (GE) and Certified Engineering Geologist (CEG). Ultimately, long-term maintenance of the basins will be performed by the project Geologic Hazard Abatement District (GHAD) or the Homeowners Association (HOA) if no GHAD is formed in accordance with the plan of control (SEIR HYD-5).

Detention basins shall be designed in accordance with the latest Contra Costa County design guidelines to mitigate the increase of storm drain runoff as a result of this project. The detention basins shall also be designed to meet the conditions as noted below. Any deviation from these requirements shall be subject to the review and approval of the City engineer. Complete calculations, sections, and design details for the detention basins shall be prepared by a registered civil engineer and submitted to the City and County for review and approval:

1. The applicant's engineer shall submit design plans and data for the detention basins with hydrology and hydraulic calculations including, but not limited to, inflow hydrographs for the existing conditions, outflow hydrographs for the developed conditions, hydrographs input data, stage discharge data, stage storage data, and detention basins routing calculations.
2. The basins shall be sized to contain the 100 year runoff (developed condition) with a minimum of one foot freeboard.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

3. The peak outflow from the detention basins shall be no greater than 90% of the existing peak flow for the 10, 25 and 100 year storms.
4. Provide an emergency spillway at each basin. Runoff from the emergency spillways shall be collected and conveyed downstream to approved storm drainage facilities.
5. Side slopes: Detention basins side slopes shall be a maximum 4:1 (horizontal to vertical) below the design water surface, and 3:1 above the water level, unless otherwise determined by a licensed soil engineer, presented in a soil report and approved by the City Engineer.
6. Provide a maintenance access road for each basin, including turnaround.
7. Submit structural details and calculations for retaining walls and the control structures, as required.
8. The basins' improvement plans shall include an irrigation and landscaping plan.
9. Provisions for projected sediments in basin shall be included in the basin's design and freeboard.
10. Offsite drainage facilities from the Reliez Valley Road detention basin to the outfall structure at the creek, including the proposed outfall structure, shall be reviewed and approved by the City, Contra Costa County and any other regulatory agencies prior to City approval of the plans. All required offsite easements and permits shall be obtained, at the applicant's sole expense, prior to City approval of the plans.
11. The design of the detention basins shall comply with the requirements of the State of California, San Francisco Division of Dam Safety, if applicable.
12. The design of the detention basins shall also accommodate and comply with the requirements of the Regional Water Quality Control Board (RWQCB) permit for water treatment. The developer shall obtain the RWQCB's approval of the plans prior to City approval.
13. All required improvements outside the City limits shall be reviewed and approved by the appropriate agency prior to City approval of the plans.
14. Onsite detention basins (including the water treatment facilities required by the RWQCB) shall be maintained and remain in good repairs by the Homeowners Association and/or GHAD for this Subdivision and shall be included in the CC&R. A detailed long term operation and maintenance plan and schedule shall be provided to and approved by the City Engineer and shall be included in the project's CC&Rs and GHAD plan. An annual maintenance report shall be submitted to the City by June 1<sup>st</sup> of each year. The report shall include description of the maintenance activities required to keep the stormwater control facilities in good repair including, but not limited to, silt and debris removal, landscaping, repair and/or replacement of BMPS and other structures.
15. Existing Grayson Creek-Wildcroft Drive detention basin: The project shall be designed and include provisions to prevent increase of the runoff into

the existing detention basin. The applicant shall submit to the City Engineer drainage map and calculations showing the existing and the developed runoff to the basin for review and approval.

16. All improvements are subject to the City Engineer's review and approval.
  17. All other regulatory agencies permit(s) including but not limited to the San Francisco Regional Water Quality Control Board, the Department of Fish & Game, shall be obtained prior to issuing City permits.
- T. All required off-site easements shall be obtained and dedicated to the appropriate agencies prior to issuing permits.
- U. The implementation of Mitigation Measure identified in SEIR, HYD-1 will help minimize the potential for mudflows. Site monitoring shall also be periodically performed during the rainy season by the project Geotechnical Engineer (GE) or Certified Engineering Geologist (CEG) to monitor areas where hillside grading is to be performed, in order to assess any temporary erosion issues that might lead to mud flows or other discharges of soil material off-site. In the event that monitoring identifies potential debris flow hazards, the developer shall implement the following measures to eliminate the potential discharge of soil material off-site under the direction of the project GE/CEG.
1. Construct berms to block the potential for downstream movement of soil material.
  2. Create catchment areas downstream of potential debris flows to capture mobilized material.
  3. Provide fencing or temporary barriers to block the movement of sediment (SEIR HYD-4).
- V. In order to reduce impacts associated with alterations in subsurface flows near the Wildcroft Drive alignment, the developer shall submit a remedial grading plan to the City of Martinez prior to issuance of a Grading Permit. The Plan shall depict areas of subsurface groundwater diversion in unstable slopes. The remedial grading plan shall also demonstrate locations of proposed remedial grading, geotechnical subdrains locations and subdrain connections to the proposed storm drain system.

The project storm drainage system shall be designed to reduce subsurface seepage and surface flows from the project site onto properties adjacent to the proposed Wildcroft Drive alignment by rebuilding the slope and redirecting surface and subsurface water with subdrains and storm drainage infrastructure. The storm drainage system would be installed in conjunction with roadway improvements. The subdrain systems shall either discharge to the surface along with storm drain outfalls, or discharge directly into the storm drain system (SEIR HYD-3b).

- W. Prior to Final Map approval, a final drainage report shall be submitted to the City of Martinez City Engineer and the Contra Costa County Flood Control and Water Conservation District to confirm the results of the preliminary drainage studies performed by the project to date.
  
- X. To reduce impacts at the proposed Alhambra Creek outfall, the project shall submit a drainage plan to the Contra Costa County Public Works Department prior to final map approval, demonstrating that erosion impacts at the outfall locations will be reduced to less-than-significant levels in accordance with the requirements of the Section 401 water quality certification. The Alhambra Creek storm drain outfall will require a 1010 Drainage Permit from the Contra Costa County Public Works Department since it is located outside of the City of Martinez limits. It is anticipated that rock rip-rap and concrete rock will be placed in the Alhambra Creek channel in order to reduce impacts at the proposed outfall locations (SEIR HYD-3e).

XI. NPDES Requirements

- A. The following condition is proposed to reduce water quality impacts during construction to a less-than-significant level.

In compliance with the terms of the 2009 NPDES Construction General Permit (CGP), the developer shall prepare a SWPPP designed to reduce potential impacts to surface water quality throughout the construction period of the project. A NOI shall be prepared and submitted to the State Water Resources Control Board prior to rough grading. The NOI shall be attached to the SWPPP and kept on site during development. It is not required that the SWPPP be submitted to the Water Board, but must be maintained on-site and made available to Water Board staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly-designed centralized storage areas that keep these materials out of the rain.

BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of fiber rolls, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season because disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e., keeping sediment on the site). End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. The SWPPP shall include interceptors/barriers at natural channels and storm drain

inlets to prevent temporary construction-related erosion from entering into permanent drainage systems. These inlet protection BMPs shall be in place and maintained all year until construction completion.

During project construction, all exposed soil and other fill shall be permanently stabilized at the earliest date practicable.

Ingress and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are “not visually detectable in runoff.” The proponent shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Martinez to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are “not visually detectable in runoff.” The proponent shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City Engineer to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

All standards and BMPs outlined in the project SWPPP shall be followed and, additionally, BMPs shall be enhanced as necessary to maintain the project in compliance with the CGP. The requirements of the 2009 State Construction General Permit are to be implemented on a year-round basis, not just during the winter season. BMPs shall be implemented at an appropriate level to minimize sediment discharge or other discharges from the project in accordance with the adopted 2009 GCP, requirements which include numeric thresholds for turbidity and pH.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

With implementation of the mitigation measures identified above, the proposed project would result in less-than-significant water quality impacts due to the violation of water quality standards or the substantial degradation of surface or groundwater quality. Additionally, these mitigation measures would mitigate potentially significant water quality impacts resulting from the alteration of drainage patterns due to erosion or siltation to a less-than-significant level (SEIR HYD-1).

- B. In order to reduce water quality impacts after construction to less-than-significant levels, the project shall implement a Final SWMP approved by the San Francisco RWQCB to the City of Martinez prior to issuance of a Final Grading Permit. The SWMP plan shall demonstrate that post-construction stormwater discharges will be treated to the Maximum Extent Practicable with BMPs prior to release into downstream receiving waters (SEIR HYD-2).
- C. The project shall implement a Final SWMP approved by the San Francisco Bay RWQCB and a Final Drainage Plan to the City of Martinez and the Contra Costa County Flood Control and Water Conservation District prior to issuance of a Final Grading Permit. The Drainage Plan shall demonstrate that post-project discharges will be reduced to pre-project flow rates up to the 100-year recurrence interval storm. It shall also demonstrate the adequacy of on-site and downstream infrastructure capacity to transmit post-project flows without flooding. The SWMP shall demonstrate that the post-project flows are attenuated to the Maximum Extent Practicable in BMPs prior to release into downstream receiving waters in accordance with RWQCB Standards (SEIR HYD-3a).
- D. Post construction BMP facilities shall be maintained in good repair by the HOA and/ or GHAD. An annual maintenance report shall be submitted to the City Engineer by June 1<sup>st</sup> of each year as stated in Section X, paragraph Q.
- E. Trash enclosures and dumpster areas shall be covered and protected from roof and surface drainage.
- F. 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.
- G. 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.

- H. 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.
- I. 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 repair 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, or if the street structural section is determined by the City Engineer to be inadequate for the intended traffic. Sidewalks shall be ADA compliant. All improvements 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. The interior streets within the project shall be as follows:

Table 1: Street Information – as per Vesting Tentative Map

Interior Streets (see Notes below):					Sidewalk (SW)		
Street Name	Location / Limits	Width (ft) FC to FC	R/W Width (ft.)	Traffic Index (T.I.)	SW width (ft.)	SW Remarks	SW location
Wildcroft Drive	From Valley Glen Lane to end	36	72	5.5	6.5	one side	northerly side
Aberdeen Road	Wildcroft to pedestrian path	32	42	5.5	5	both sides	
Aberdeen Road	From Pedestrian path to Wicklow Road	32	47	5.5	5	one side	westerly side

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

**Permits: PUD 08-01, Sub 9257, UP 08-17**

Aberdeen Road	From Wicklow Road to Heath Lane	32	42	5.5	5	both sides	-
Aberdeen Road	From Heath Lane to Daley Way	32	47	5.5	5	one side	easterly side
Aberdeen Road	From Daley Way to Cumberland Road	32	42	5.5	5	both sides	-
Wicklow Road	All	32	47	5.5	5	one side	northerly side
Wicklow Court	All	-	-	5.5	5	both sides	-
Heath Lane	All	32	47	5.5	5	one side	easterly side
Heath Court (private)	All	-	-	5.5	-	both sides	-
Carnegie Court	All	28	40	5.5	5.5	both sides	-
Cumberland Road	All	32	42	5.5	5	both sides	-
St. Keverne Court	All	28	40	5.5	5.5	both sides	-
Abercrombie Court	All	28	40	5.5	5.5	both sides	-
Erica Way	All	28	40	5.5	5.5	both sides	-
Darley Way	All	28	40 (min)	5.5	5.5	both sides	-
Darley Way (private)	All	20	40	5.5	5.5	both sides	-
Valley Glen Lane	All	32	44	5.5	5.5	Both sides	

Notes for the above table:

1. Street widths shall be measured from face of curb to face of curb. Refer to the Vesting Tentative Map for location of pavement.
2. Sidewalk widths shall be measured from face of curb.
3. Wildcroft Drive right of way may be reduced to accommodate improvements, subject to the approval of the City Engineer.
4. If the preferred alternate, as shown on the plans labeled “Vesting Tentative Map, Alhambra Highlands Alternative #1” is approved, then see Table Two below.

IF THE PREFERRED ALTERNATIVE (ALTERNATE #1) IS APPROVED THEN TABLE TWO BELOW SHALL APPLY:

Table Two:

APPROVED BY \_\_\_\_\_

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Interior Streets:					Sidewalk		
Street Name	Location / Limits	Width (ft) FC to FC	R/W Width (ft.)	Traffic Index (T.I.)	SW width (ft.)	SW Remarks	SW location
Wildcroft Drive	From Valley Glen Lane to end	28	40	5.5	6.5	one side	northerly side
Aberdeen Road	Wildcroft to pedestrian path	28	40	5.5	5	both sides	
Aberdeen Road	From Pedestrian path to Wicklow Road	28	40	5.5	5	one side	westerly side
Aberdeen Road	From Wicklow Road to Heath Lane	28	40	5.5	5	both sides	-
Aberdeen Road	From Heath Lane to Daley Way	28	40	5.5	5	one side	easterly side
Aberdeen Road	From Daley Way to Cumberland Road	28	40	5.5	5	both sides	-
Wicklow Road	All	28	40	5.5	5	one side	northerly side
Wicklow Court	All	28	40	5.5	5	both sides	-
Heath Lane	All	28	40	5.5	5	one side	easterly side
Heath Court (public)	All	28	40	5.5	-	both sides	-
Carnegie Court	All	28	40	5.5	5.5	both sides	-
Cumberland Road	All	28	40	5.5	5	both sides	-
St. Keverne Court	All	28	40	5.5	5.5	both sides	-
Abercrombie Court	All	28	40	5.5	5.5	both sides	-
Erica Way	All	36	48	5.5	5.5	both sides	-
Darley Way	All	28	40	5.5	5.5	both sides	-
Darley Way (private)	All	28	40	5.5	5.5	both sides	-

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

Valley Glen Lane	All	32	44	5.5	5.5	Both sides	
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- C. Pavement design and construction control for internal streets shall be based on State of California "R" value method, using Traffic Indices (T.I.s) as indicated in the above table or as approved by the City Engineer. Wildcroft Drive street section design shall have a minimum of 0.30 ft. AC pavement section over a minimum of 0.50 ft. Class 2 aggregate base. The remaining streets shall have a minimum of 0.20 ft. AC pavement section over a minimum of 0.50 ft. Class 2 aggregate base. The maximum street grades shall be 16 percent unless otherwise approved by the City Engineer and Contra Costa County Fire Department.
- D. Curb returns at all intersections shall be a 25-ft. radius. Cul-de-sac bulbs shall have a minimum curb radius of 40 ft., unless an alternate curb radius is approved by the City Engineer and Contra Costa County Fire Protection District. The curve approaches to cul-de-sac bulbs shall have a curb radius of 100 ft. Valley gutters shall not be used to provide drainage across any through street or intersection.
- E. All new utility distribution services onsite and offsite shall be installed underground.
- F. Sidewalk pipe drains shall be installed on either side of the driveway and shall conform to City Standard No. S-13.
- G. A City Encroachment Permit is required for any work within the City Right-of-Way.
- H. All traffic control devices, including Stop signs, traffic signal, No Parking signs, legends and striping shall be installed in accordance with plans approved by the City Engineer.
- I. Street names for public and private streets are subject to the approval of 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.
- J. Street lights shall be installed at the developer's expense in accordance with plans approved by the City Engineer. The developer shall bear full costs of energizing and monthly utility charges until acceptance of improvements by the City Council. If the City rejects any or all interior streets, the street lights within these streets shall be private street lights operated and maintained by the HOA. Standard street lights shall also be installed on Alhambra Avenue, Reliez Valley Road and Horizon Drive to the satisfaction of the City Engineer.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

- K. Street trees shall be planted in accordance with City standards.
- L. 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.
- M. Streets less than 36 ft. wide must have parking prohibited on one side. Streets less than 28 ft. wide shall have parking prohibited on both sides. All required improvements shall be shown on the plans and shall conform to Contra Costa Fire Protection District requirements.
- N. All access drives, whether public or private, shall provide a minimum 20 ft. unobstructed paved width, with a maximum 20% grade and approved provisions for the turning around of police department and Contra Costa County Fire Protection District apparatus. Access to five or more dwelling units must be a minimum 28 ft. wide and conform to public street standards.
- O. Prior to issuance of a site grading permit, necessary right-of-way and easement acquisition shall be completed; suitable access to the site shall be provided with the prior approval of the City Engineer. In accordance with Figure 31.30 of the Alhambra Hills Specific Plan, no access through the project shall be provided to Specific Plan Area F. The project CC&Rs shall also include this restriction.
- P. Prior to issuance of the first building permit, installation of curb and gutter, and entire street structural section as shown on applicable Final Map phase, shall be complete. Model homes are accepted, if an all-weather access road is built and maintained to the satisfaction of the City Engineer.
- Q. Wildcroft Drive:
  - 1. Wildcroft Drive shall be as per Paragraph "B" above and shall be posted for No Parking on both sides. The street structural section shall be designed for a T.I. of 6.5. The maximum grade shall be 16% unless otherwise approved by the City Engineer. The minimum AC pavement thickness shall be 0.3 feet. Furthermore, the extension shall intersect Alhambra Avenue at right angles and continue westward in a straight line for a least 100 feet from the Alhambra Avenue flowline (on the west side of street).
  - 2. If Alternate #1 is approved, the final alignment of Wildcroft Drive shall be as proposed or in conjunction with an alternative (Alternate #1) described within the Subsequent Environmental Impact Report. The maximum grade shall be 16% unless otherwise approved by the City Engineer. If the final alignment is substantially different than that as proposed, a traffic

study shall be completed with recommendations on the intersection details and safety requirements. If required by the City Engineer, a traffic study shall be prepared in order to identify specific improvements for the proposed alignment.

3. The developer shall construct a guard rail at the curve on the southerly side Wildcroft Drive extension to the satisfaction of the City Engineer.

R. The intersection of Wildcroft Drive and Alhambra Avenue :

1. The intersection of Alhambra Avenue and Wildcroft Drive shall be improved to accommodate the extension of Wildcroft Drive. The design shall include mitigation of sight distance limitations caused by the crest in the vertical curve on Alhambra Avenue. The design shall also include necessary modifications to Alhambra Avenue, including but not limited to: street widening (a minimum of 400 feet on each approach), signalization, channelization, signing, and striping and adjustment to existing drainage facilities to conform with the ultimate design of Alhambra Avenue in accordance with City standards. Signalization shall include interconnect coordination with the traffic signals at Elderwood and MacAlvey Drives.
2. If the preferred alternative is approved, as shown on the plans labeled “Vesting Tentative Map, Alhambra Highlands Alternative #1”, then a traffic study for the relocated intersection and its connection to Alhambra shall be completed and submitted to the City Engineer. Improvement plans shall include the recommendations made in the Traffic study to the satisfaction of the City Engineer. Glen View Drive shall be reconnected at right angle to Wildcroft Drive. The existing portion of Wildcroft Road at Alhambra Avenue shall be removed. Intersection improvements shall be required similar to those above with some exceptions and/or additions pending recommendations from traffic studies and local requirements. All improvements shall be to the satisfaction of the City Engineer.

S. Alhambra Avenue:

1. Frontage improvement: In addition to required improvements on Alhambra Avenue as per Paragraph “R” above, the applicant shall also rehabilitate existing damaged pavement along Alhambra Ave (if any) to center line of the street, construct standard curb, gutter and sidewalk to the satisfaction of the City Engineer.
2. The developer shall obtain and dedicate to the City all required right-of-

way and/or easements as necessary for the frontage improvements of Alhambra Avenue to the satisfaction of the City Engineer.

3. The developer shall construct required street lights, traffic signal (if required), striping, signage, and landscaping.
4. Alhambra Avenue pavement 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 0.40 ft. AC pavement section over a minimum 0.50 ft. Class 2 aggregate base. Sidewalk shall be 5.5 ft. wide as measured from the face of the curb

T. Wildcroft Drive Extension to Horizon Drive, (EVA , PUE, and Pedestrian Public Access to Horizon Drive):

1. The developer shall construct an all-weather emergency 20-foot wide vehicle access road (EVA) within a 50-foot wide public utility and public access easement from the end Wildcroft Drive to Horizon Drive, as shown on the Vesting Tentative Map. The EVA shall also be utilized for pedestrian public access, public utilities, waterlines, and access to water reservoir. The emergency vehicle access road width shall be 20 feet. If Alternate #1 is approved, retaining walls may be constructed within the easements or right-of-ways. Otherwise, retaining walls shall be constructed outside this easement, unless otherwise approved by the City Engineer. The pavement design section and construction control shall be based on State of California "R" value method, using Traffic Indices (T.I.s) of 5.0 or as approved by the City Engineer. The EVA road shall also conform to the Contra Costa County Fire Protection District requirements. The EVA and public access easements shall be maintained by the HOA. All retaining walls within the easements or rights of way shall be maintained by the GHAD or HOA.
2. The developer shall acquire all required offsite rights-of-way, easements, and right of entry (at his own expense) as necessary for the offsite improvements and connecting to Horizon Drive.
3. If Alternate #1 is selected, the applicant shall dedicate to the City that portion of the EVA, from Wildcroft Drive to the Southwesterly corner of Parcel "B" of Subdivision 6942 ( 399 M 38), as a public right of way for roadway use. In addition the area between the easterly line of the EVA (on Parcel G) and the westerly line of said Parcel "B" (399 M 38) shall be dedicated to the City as public right of way for roadway use.

APPROVED BY \_\_\_\_\_

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U. Horizon Drive Cul –De-Sac & Emergency Vehicle Access, PUE and Public Access (offsite):

1. An Emergency Vehicle Access (EVA) access roadway shall be constructed across the project site to connect at a point located at the top of the currently existing Horizon Drive. This EVA is for emergency vehicle access, pedestrian access and utility access. The 20-foot-wide EVA road shall be paved (asphalt concrete, and/or concrete) and an EVA gate shall be installed at the location where the new EVA is proposed to connect with existing Horizon Drive pursuant to Contra Costa Fire Protection District standards (letter dated 02/04, 2010, referencing 2007 California Fire Code, Sec. 503, D103.5) which states, “EVA gates shall have a minimum clear opening of 20 feet. Access gates shall slide horizontally or swing inward and located a minimum of 30 feet from the street. Manually operated gates shall be equipped with an approved Fire District lock.” Typically, each agency (Fire, Police, City, utility) maintains their own lock on the gate. Fire prevention methods would be per the current Contra Costa Fire Protection District standards. The 20-foot-wide paved EVA roadway may be super-elevated and shall include a concrete lined ditch located to collect runoff. A stormdrain system shall be included connecting runoff from the EVA to the existing 30-inch stormdrain in Horizon Drive. The above mentioned requirements shall be included in the subdivision improvement plans and subject to the satisfaction and approval of the City Engineer.
2. All required drainage improvements to prevent upstream runoff from entering and sheeting over the pavement shall be constructed to the satisfaction of the City Engineer.
3. Prior to issuance of a site development or grading permit, the necessary offsite rights-of-way, easement acquisition and right of entry shall be completed. To the extent that public improvements or mitigation measures required for the Project require the acquisition of off site property, the developer shall demonstrate that all required real property has been obtained by the developer. In the event that the developer has not acquired such property interest prior to the filing of the final map or issuance of a certificate of occupancy for any building in the Project, whichever comes first, (pursuant to California Government Code Section 66457), the developer shall notify the City, in writing, and shall request that the City acquire said property interest(s) by negotiation or commence proceedings pursuant to Title 7 (commencing with section 1230.010) of Part 3 of the

California Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made. The developer shall, prior to the filing of the final map, enter into an agreement with the City, in the City's standard form to pay and shall thereafter pay all costs of acquiring said offsite real property interests, including, but not limited to, all costs of eminent domain, litigation costs, attorney's fees, appraisal and expert witness costs, and any and all purchase costs including relocation costs and damages, if any. Prior to Final Map approval, or issuance of certificate of occupancy for any building in the Project, the developer shall enter into an agreement with the City to pay the costs of and complete all improvements at such time as the City acquires an interest in the land that will permit the improvements to be made.

5. A minimum 20 feet wide standard commercial driveway section shall be constructed at Horizon Drive to connect to the EVA, unless otherwise approved by the City Engineer.
6. The all-weather emergency vehicle access road shall be completed prior to issuance of certificate of occupancy of the first unit, unless otherwise approved by the City Engineer.

V. Reliez Valley Road:

1. The developer shall dedicate right-of-way and/or easements necessary for the ultimate improvements of Reliez Valley Road in accordance with the Contra Costa County Plans PA-3551, dated March, 1966, and on file at the City of Martinez Engineering Division. These plans indicate an additional right-of-way width of approximately 25 to 35 feet is necessary.
2. The developer shall improve Reliez Valley Road to create an 8-foot bike lane shoulder along the entire property frontage with necessary AC berms, drainage and transitioning to road sections beyond the property frontage. The applicant shall provide for surface preparation along the frontage to ensure conformance of the proposed shoulder with the existing pavement section. Final design shall be subject to the approval of the City Engineer.

W. Public Access (pedestrian)Easement, and Public Utility Easement Connection to Kathy Drive (a 50-foot wide Easement):

1. The developer shall grade a 10-foot wide gravel road (minimum) from the southern end of the EVA's turnaround to approximately 100 feet north of Kathy Drive. This easement shall be dedicated for pedestrian public access, public utilities, and water system as shown on the Vesting Tentative Map. This easement shall also be extended easterly to connect

with adjacent City properties either APN 164-020-026 and/or APN 164-470-001.

X. Common Private Roads and Driveways:

1. Prior to approval of the Final Map, for common driveway not maintained by the HOA, a maintenance agreement(s) for the common driveways shall be prepared reviewed and approved by the City Engineer prior to recordation and approval of the Final Map.
2. All private access drives for four dwelling units or less shall provide a minimum 20 ft. unobstructed paved width within a 25 ft. right-of-way (min.), with a maximum 20 percent grade and approved provisions for the turning around of Police Department and Contra Costa County Fire Protection District apparatus, where required.

XIII. Water System

- A. Water system facilities shall be designed to meet the requirements of the City of Martinez water service agency and the fire flow requirements of the Contra Costa County 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 Martinez 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.
- D. The developer shall construct all necessary onsite and offsite water system improvements to provide this project with water supply for domestic and fire use to the satisfaction of the City Engineer. These improvements may include, but not be limited to, construction of onsite new water reservoir with pump station, water transmission and distribution lines, replacing the existing pump station at Webster Drive, standby generator(s), upgrading or replacing the Sage Drive pump station, installing new mains in existing streets to provide water supply to the reservoir, constructing water mains and laterals for the new lots with all necessary appurtenances.
- E. The developer's engineer shall submit calculations showing that the proposed water system improvements will not adversely impact existing homes currently

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

being served by this water system. This may include, but not limited to, verifying the hydraulic and structural adequacy of existing water lines utilized for supplying water to the project from the pump stations at Webster Street and Stage Drive. All required improvements and upgrades required for the project or its related improvements shall be constructed by the developer at his own expense. All improvements are subject to the approval of the City Engineer.

- F. The transmission lines, within the subdivision, shall be looped to provide more than one source of water through the system as approved by the City Engineer.
- G. The developer shall install fire hydrants as required by the Contra Costa County Fire Protection District. The location of the hydrants shall be reviewed and approved by the Contra Costa County Fire Protection District.
- H. The design of the water facilities may be reviewed by the City's water system consultant, as determined by the City Engineer. The applicant shall be responsible for all review costs plus 25% of the actual cost in accordance with the City's fee schedule.

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. Any legal challenge under Code of Civil Procedure Section 1094.6 must be filed within 90 days of the approval of these conditions.
- B. The CC&Rs shall include applicable requirements of the Regional Water Quality Control Board 401 water quality certification.
- C. Wildlife Crossings: The Wildlife crossing on Wildcroft Drive, and the Whipsnake crossing on Aberdeen Road, as shown on the Vesting Tentative Map, shall be operated and maintained by the conservation easement holder and/or the HOA as identified on Tract Map 9257. If the HOA is responsible for the maintenance of the crossing, then an operation and maintenance plan shall be required by the CC&R's. For the whipsnake crossing, the conservation easement holder shall be required to comply with the open space and management plan.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

- E. Construction shall comply with all applicable City and State building codes and requirements including handicapped and energy conservation requirements, grading and erosion control ordinances.
- F. 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 applicant or his representative should contact the City's Engineering Development Review section of the Community Development Department.
- G. Complete grading, site and improvement plans, specifications and calculations shall be submitted to and approved by the City Attorney, City Engineer, 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 City Engineer.
- H. 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 City Engineer. No construction shall take place until recordation of the Final Map and issuance of the appropriate Encroachment, Grading and/or Building Permits.
- I. If more than one unit is to be recorded on the area of the Tentative Map, master plans for the water facilities and mains, sanitary sewers, and storm drain system and detention basins 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. The sequence of constructing the required infrastructure improvements shall be subject to the City Engineer approval.
- J. The developer shall comply with the applicable mitigation measures listed in the Alhambra Hills Specific Plan and EIR (1988) that are not currently proposed, provided, or addressed in the project's subsequent EIR. The City Engineer shall interpret the mitigation measures and furnish the applicant with specific improvements and/or instructions to be performed.
- K. 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.
- L. 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.

- M. 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, 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.
- N. All onsite 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.
- O. 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.
  - 3. All retaining wall shall be constructed outside the public right of way and public utility and access easements, unless otherwise approved by the City Engineer. If Alternative 1 is approved, a retaining wall can be constructed within the easement as specified in Condition T.1. The GHAD or HOA shall be responsible for the maintenance of such retaining walls.
- P. The minimum length for onsite driveways shall be in accordance with City code restrictions, but in no case shall they be less than 20 ft. as measured from the garage door to the street right-of-way, or access easement line, unless otherwise approved by the City engineer.
- Q. Any existing water wells on the property shall be filled and sealed off or otherwise disposed of as directed by the City Engineer.
- R. Where required, a lot line adjustment shall be subject to Zoning Administrator approval, and shall require a "Certificate of Compliance for a Lot Line Adjustment" to be approved by the City Engineer and recorded at the County Recorder's Office.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

- S. Approval by the developer's Geotechnical Engineer, the City's Geotechnical Consultant, the Fire District, Sewage District, water agency, the RWQCB, and State Department of Fish & Game of all improvements and buildings is required prior to City approval of a construction plan and issuance of permits.
- T. A Final Map clearly showing lot numbers and property lines shall be submitted with building permit applications. Final Map shall be 18" x 26" in size.
- U. There shall be no parking of construction vehicles or equipment on the surrounding residential streets, including all workers vehicles.
- V. The developer shall be required to submit documentation to the City Engineer from the State Department of Fish and Game, Regional Water Quality Control Board and the US Army Corps of Engineers, allowing work to be performed within each agency's jurisdiction. This documentation shall be provided prior to City approval of construction plans and issuance of any permits.
- W. The developer shall relinquish to the City abutter rights of access along Reliez Valley Road (except for the maintenance road to the detention basin); Alhambra Ave along the frontage of Parcel "A (except for Wildcroft Drive and the maintenance road from Alhambra Avenue to the detention basin); along the planter strips on Aberdeen Road on Lots 59 thru 65, 47 thru 51, 93 thru 99, Lot 106, 107, 112 ; along the planter strips on Cumberland Road Lots 44 thru 47, and 54 thru 57; along the planter strips on Heather Lane on Lots 99 thru 102 and 81 thru 84.
- X. The applicant agrees to participate in and waive any and all rights to protest the formation of a Geologic Hazard Abatement District (GHAD).
- Y. Fire protection: The applicant shall install all required fire hydrants .The location of these hydrants, and the required flows, shall be subject to the review and approval of the City Engineer and the Fire Department. The applicant shall also provide fire protection measures (as applicable) designed to decrease the Fire Department response time and increase the level of fire protection. This may include but not limited to, installing automatic sprinkler systems, heat-smoke alarms, emergency access road, special traffic signal, use of fire-resistant building material, weed abatement, brush removal, firebreaks, trails, clear address and numbering system, and street lighting. Required improvements shall be subject to the review and approved by the City Engineer and the Fire Department.
- Z. No construction or grading shall be permitted prior to recordation of the final map and issuance of appropriate Encroachment, Site, Grading and/or Building permits and the submittal all required bonds, fees and security deposit(s), unless otherwise approved by the City Engineer.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

- AA. The location of construction trailer(s) shall be subject to the approval of the City Planning Manager.
- AB. Any legal challenge under Code of Civil Procedure Section 1094.6 must be filed within 90 days of the approval of these conditions.

XVI. Validity of Permit and Approval

- A. Planning Commission approval is subject to appeal to the City Council within ten calendar days of the approval.
- B. The use permits and the amendment and extension to the PUD permit shall expire when the term of the vesting tentative Tract Map 9257 expires (unless extended under C) in accordance with the Subdivision Map Act and other applicable laws, rules and regulations. If approval includes approval of a subdivision, the expiration time period for all concurrently approved permits or approvals shall also require the recording of the Final Map or Parcel Map within that time period. The effective date of the permit and approval is \_\_\_\_\_.
- 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 subdivider or developer shall defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Planning Commission, City Council, City Engineer, or any other department, committee, or agency of the City concerning a subdivision or other development which action is brought within the time period provided for in Government Code Section 66499.37; provided, however, that subdivider's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the subdivider or permittee of any said claim, action, or proceeding and the City's full cooperation in subdivider's or permittee's defense of said claims, actions, or proceedings.
- F. The developer, Richfield Investment Corporation, 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 City Council's [or Planning Commission's] decision to approve Rezoning #\_\_\_\_\_, Use Permit #\_\_\_\_\_, Variance #\_\_\_\_\_ and/or Design Review #\_\_\_\_\_.

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

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 Richfield Investment Corporation, the City, and/or the parties initiating or bringing such action.

- G. Richfield Investment Corporation 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 Richfield Investment Corporation 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.
- H. In the event that a claim, action or proceeding described in Subsection G, above, is brought, the City shall promptly notify Richfield Investment Corporation 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 Richfield Investment Corporation 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 Richfield Investment Corporation 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 Richfield Investment Corporation 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.
- I. Richfield Investment Corporation shall indemnify the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- J. 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,

APPROVED BY \_\_\_\_\_

(DATE) \_\_\_\_\_

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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