

RESOLUTION NO. 23-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A VESTING TENTATIVE SUBDIVISION MAP (VTSM 9547) TO SUBDIVIDE ONE 19.73-ACRE PROPERTY TO 94 SINGLE-FAMILY RESIDENTIAL LOTS LOCATED AT 251 HANSON LANE (APN 018-231-034-3).

WHEREAS, MLC Holdings (the "Applicant"), submitted an application to the City of Brentwood for certain permits and approvals, including a Vesting Tentative Subdivision Map (VTSM 9547) and Design Review (DR 21-006), to develop its proposed Hanson Lane Project, a residential subdivision project proposed to be developed on a 19.73-acre site located south of Lone Tree Way and north of Hanson Lane (the "Project Site," identified as APN 018-231-034-3); and

WHEREAS, collectively, Vesting Tentative Subdivision Map (VTSM 9547), which includes a request for a density bonus under the State Density Bonus Law, and Design Review (DR 21-006) constitute the "Project;" and

WHEREAS, the Project application has been referred to various public utility companies, public districts, and pertinent departments for review and recommendations; and

WHEREAS, the City distributed a Notice of Public Hearing to all property owners of record within 300 feet of the Project Site and published it in the Brentwood Press on September 8, 2023, in accordance with City policies and Government Code Section 65090, and a public hearing notice sign was posted on the site during this same timeframe for the September 19, 2023 Planning Commission hearing; and

WHEREAS, on September 19, 2023, the Planning Commission held a public hearing, reviewed said Project, studied the compatibility of this request with adjacent land uses, and considered this request, as well as considered the staff report, all accompanying information, and testimony received from the Applicant and other interested parties; and

WHEREAS, on September 19, 2023, the Planning Commission approved Vesting Tentative Subdivision Map (VTSM 9547), by Planning Commission Resolution No. 23-030; and

WHEREAS, on September 19, 2023, City Council member Jovita Mendoza timely filed a Call for Review of the Planning Commission's action approving the Project, including adoption of Planning Commission Resolution No. 23-030; and

WHEREAS, the City distributed a Notice of Public Hearing to all property owners of record within 300 feet of the Project Site and published it in the Brentwood Press on October 13, 2023, in accordance with City policies and Government Code Section 65090, and a public hearing notice sign was posted on the site during this same timeframe; and

WHEREAS, the City Council considered the call for review of the Project at its regular meeting of October 24, 2023, and considered the staff report, all accompanying information, and testimony received from the Permittee and other interested parties; and

WHEREAS, the City prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for this project in accordance with the CEQA and CEQA Guidelines, and at its October 24, 2023 meeting, the City Council adopted said IS/MND, including its accompanying Mitigation Monitoring and Reporting Plan and Errata Sheet, through adoption of Resolution No. ___.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brentwood:

A. Hereby finds that with respect to Brentwood Municipal Code Section 16.050.040.B and Government Code section 66474:

1. *That the proposed map is consistent with the community development plan and any applicable specific plans.*

The City's 2014 General Plan and 2023 Housing Element include goals and policies to ensure that adequate housing needs are met and that adequate housing opportunities are available and affordable to all residents of Brentwood. The proposed project meets the intent of the goals and policies established by the General Plan and Housing Element as follows:

- a. Goal LU 1. ("Establish a land use pattern in Brentwood that provides for a diverse, self-sufficient community that offers a broad spectrum of job opportunities, housing types, community facilities, and commercial services.") The project provides a land use pattern that provides for a diverse and self-sufficient community that offers a broad spectrum of housing by providing 94 single family homes, including 12 affordable units, and three estate residences.
- b. Goal H-1. ("Provide a diversity of housing opportunities to enhance the City's living environment and to satisfy the shelter needs of all Brentwood residents.") The project provides a diversity of housing opportunities by offering a broad spectrum of housing through its provision of 82 detached single family market rate homes, including three estate residential lots, and 12 detached single family affordable homes.
- c. Goal H-2 ("Encourage housing that is affordable to all socio-economic segments of Brentwood's population.") The project includes 12 affordable units for very low-, low-, and moderate-income households and 82 market rate units for the Brentwood population.

- d. Action H 2a ("Compliance with Affordable Housing Ordinance: All new residential projects shall provide affordable housing units in accordance with the City's adopted Affordable Housing Ordinance Chapter 17.725. The City will continue to review and monitor the ongoing effectiveness of the City's affordable housing ordinance to ensure developers provide a certain percentage of new homes to qualifying households at an affordable cost for the longest feasible time. The ordinance shall also continue to include a list of automatically available development incentives to encourage the construction of the inclusionary units, as well as provide the details for available alternatives to satisfy inclusionary housing obligations.") The project complies with the applicable Affordable Housing Ordinance by providing affordable units in accordance with the City's adopted affordable housing ordinance that was in effect at the time the project was deemed complete in January 2022 and is subject to the 10 percent affordability requirement. The project includes 12 affordable units (13 percent) more than required by the ordinance.

The project site is within the General Plan Residential Low Density (R-LD) land use designation, which provides for a density range from 1.1 to 5.0 dwelling units per acre, with a mid-range of 3.0 units per acre. The State Density Bonus law allows developers proposing 5 percent residential units affordable to very-low income homebuyers to seek increases in the project density in exchange for providing affordable units on site, without requiring a rezoning or General Plan land use designation change of the site (Government Code § 65915(f)(5)). The 94 proposed units results in an overall density of 4.67 dwelling units per acre.

- e. Action H 2h ("Density Bonus: Grant density bonuses for the provision of affordable housing as required by State law. Monitor statutory requirements for municipal density bonus requirements and make necessary changes in the Municipal Code to reflect State law.") The State Density Bonus law allows a housing development consistent with that law to develop at a density in excess of the density established for that General Plan land use without rezoning the site or requiring a General Plan amendment. The project site is currently zoned PD-71, which allows for densities of 5.0 units per acre and the General Plan land use designation is R-LD, which allows for 1.1 to 5.0 units per acre, with a mid-range of 3.0 units per acre. Therefore, the proposed 19.73-acre project is allowed to build up to the base density of 98 dwelling units (Government Code § 65915 (o)(4)). The applicant qualifies for and is invoking the State Density Bonus law, a state mandate that allows for a "density bonus", an amount over and above the allowable residential density when a project includes a qualifying affordability component. The project's proposed density (4.67 du/a) is within the allowed range under the City's current

General Plan (5.0 du/a) and as a result is not proposing to utilize any of the allowed bonus units. The project is proposing to utilize the concession and waivers allowed under the Law with respect to some of the zoning criteria.

- f. Action H 3a ("Affordable Housing Design and Distribution: All affordable units within a mixed-income subdivision shall be harmonious and comparable to the market-rate units in exterior design, quality of materials and architectural elements, and overall construction quality. Affordable units may have different interior amenities and/or slightly different dimensions than market rate units in a residential development. Affordable units in a mixed-income development shall be dispersed throughout the residential development so as to prevent the concentration of affordable units."). The design and distribution of the affordable units are the same as the market rate units in exterior design, materials, architectural elements, and overall construction quality, as well as the number of bedroom and proportion of bedroom types. The affordable units are also dispersed throughout the residential development and located on corner lots.
- g. Goal H 4 ("HOUSING OPPORTUNITIES GOAL: Provide equal housing opportunities for all residents of Brentwood.") The project provides 82 market rate homes and 12 affordable homes for the City of Brentwood, thus providing ownership opportunities for all residents of the city.

2. *That the design or improvement of the proposed subdivision is consistent with the community development plan and any applicable specific plans.*

The Project Site is not currently within any adopted or proposed specific plan area. The design and improvements of the proposed subdivision are consistent with the General Plan, including:

- a. Policy CIR 1-2. ("Ensure that the City's circulation network is a well-connected system of streets, roads, highways, sidewalks, and paths that effectively accommodates vehicular and non-vehicular traffic in a manner that considers the context of surrounding land uses and the needs of all roadway users.") Site access would be provided by way of Hanson Lane and Lone Tree Way, which (at this location) are minor local streets leading to retail and dining. Hanson Lane and Lone Tree Way will be extended by the project. In addition, three roadway connections would be constructed along Lone Tree Way, and one connection roadway would be constructed along Hanson Lane, to provide access to the proposed roadway network that would be constructed as part of the project. Sidewalks would be included on both sides of the streets to allow for pedestrian circulation

throughout the project site. A new sidewalk would also be constructed along the southern side of Hanson Lane and extend outside of the project boundary in order to connect to the existing sidewalk. Full right-of way improvements would be constructed within the street, including utilities, curb gutter, and a separated sidewalk with a landscape strip.

- b. Policy LU 1-4 ("Require new development to occur in a logical and orderly manner, focusing growth on infill locations and areas designated for urbanization on the Land Use Map and be subject to the ability to provide urban services, including paying for any needed extension of services.") The proposed project is located within a developed area and will connect to adjacent existing infrastructure. The project involves the construction of the necessary infrastructure to serve the proposed neighborhood and would include plans to connect to existing City infrastructure to provide water and sewer to the site. Storm water quality for the site will be achieved with a bio-retention basin constructed at the eastern boundary of the site pursuant to Contra Costa County and State Water Control Resource Board regulations.
- c. Policy LU 1-5 ("Encourage new development to be contiguous to existing development, whenever possible.") The proposed project is contiguous to existing development. Full right-of-way improvements would be constructed within the street, including utilities, curb gutter, and a separated sidewalk with a landscape strip. The subdivision would be oriented in a similar pattern to the adjacent single-family subdivision, thus creating a fabric of viable and interrelated neighborhoods.
- d. Action LU 2a. Density Transition Policy Action. Action LU 2a of the General Plan requires a density transition for proposed lots facing or abutting existing residential lots zoned Ranchette Estate or of one acre or more, such that the proposed lots have a minimum area of 20,000 square feet (sf). Given the presence of one acre lots west of the site, the proposed lots are required by this policy to have a minimum area of 20,000 square feet. The project meets this requirement on its western border by including three larger lots ranging from 21,100 sf to 21,200 sf. These larger lots would be accessed internally through the new subdivision and would back up to the existing Ranchette Estate residential development along Hanson Lane, along the western boundary of the site to comply with the General Plan provisions (Goal LU 2, Action LU 2a). This configuration would provide a visual buffer to minimize the impact of the development on the existing residents and protect the integrity of the existing land use patterns to the west.

- e. Finally, the project complies with other applicable elements of the General Plan as described in finding A(1) above.

3. *That the site is physically suitable for the type of development.*

The site is physically suitable for the type of development proposed by VTSM 9547 inasmuch as the discharge of waste from the proposed subdivision will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board because the Permittee will be required to make the necessary improvements to tie in to the City's stormwater and sewer facilities, as well as treat all stormwater runoff, and the design of the subdivision and the associated improvements is not likely to cause serious public health problems due to the fact that this project will be required to construct all of the necessary improvements needed to ensure a safe and healthy development, including all Federal, State, and local regulations. In addition, although a significant portion of the project is in a Special Hazard Flood Area "Zone AE," the developer will be required to ensure finished pad elevations are at a minimum one foot above the 100 year base flood elevation by amending floodplain maps for their development.

4. *That the site is physically suitable for the proposed density of development.*

The site is physically suitable for the density of development proposed, in that it complies with the density allowed per the City's General Plan and the State Density Bonus law. The project site is zoned PD-71, which allows for 5.0 units per acre and the General Plan land use designation is R-LD, which allows for 1.1 to 5.0 units per acre, with a mid-range of 3.0 units per acre. Therefore, the proposed 19.73-acre project is allowed to build up to the base density of 98 dwelling units (Government Code § 65915 (o)(4)). The applicant qualifies for and is invoking the State Density Bonus law, a state mandate that allows for a "density bonus", an amount over and above the allowable residential density when a project includes a qualifying affordability component. Pursuant to the State Density Bonus law, 94 units are proposed, which will result in a density of 4.67 dwelling units per acre, which is within the density determined to be suitable for development of this site by the General Plan.

5. *That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat unless an Environmental Impact Report was prepared with respect to the project and a finding was made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report.*

The design of the subdivision and the associated improvements have been analyzed for their impacts on the environment through the preparation of an initial study/mitigated negative declaration (IS/MND) and a Mitigation Monitoring and Reporting Program, which includes feasible mitigation measures to ensure that any impacts identified as potentially significant in the IS/MND, will be reduced to a less than significant level.

6. *That the design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The design of the subdivision and the type of improvements proposed are not likely to cause serious public health problems due to the fact that this Project includes proposed improvements necessary to ensure a safe and healthy development, including adequate wastewater and potable water infrastructure, streets that meet the City's specifications, street lighting, and compliance with Federal, State, and local regulations designed to protect public health.

7. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The design of the subdivision and the associated improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed subdivision as alternative access, utility, and irrigation facilities will be constructed, enabling continued service to properties serviced by existing easements.

- B. Hereby finds that with respect to the density bonus requested by the Permittee pursuant to Brentwood Municipal Code Chapter 17.720 and Government Code §§ 65915-65918 (the "Density Bonus law"):

1. *Qualification.* The proposed project is proposing to provide five percent (5%) of the units for very-low income households, which meets the State's Density Bonus Law threshold for a base density bonus (Government Code § 65915 (f)(2)(B)(1)(b)). The project qualifies for a density bonus, but is not seeking to develop above the density allowed by the City. The project is, however, requesting to utilize the concession and waivers allowed under the Law with respect to some of the zoning criteria. The City Council has reviewed the project's eligibility for the requested incentives and concessions and finds that the Project qualifies for such concessions and waivers.
2. *Satisfaction of requirements.* The Project shall, by incorporation of the conditions set forth herein, comply with all requirements of Brentwood Municipal Code Chapter 17.720 and the Density Bonus law.

3. *Requested concession.* The provision of five percent (5%) of the units for very-low income households, meets the State’s Density Bonus Law threshold for a base density bonus (Government Code § 65915 (f)(2)(B)(1)(b)). Although the City cannot impose the General Plan “mid-range” policy, the applicant had originally requested a concession in order to exceed the midpoint point range. Having determined that there are no grounds under the law for denying this requested concession, the City Council grants this request.

4. *Requested waivers.* The Permittee has requested the following waivers. Having determined that there are no grounds under the law for denying these requested waivers, the City Council hereby grants the following for the reasons stated below:

| | PD-71 Zoning Standard | Waiver Requested | Analysis |
|---|---|---|--|
| 1 | The minimum lot area is 5,000sf for 66 percent of the lots on the 19.73-acre project site and 4,500 sf for thirty-three percent of the lots on the project site. | As currently proposed, approximately 25 percent of the proposed lots are 5,000 sf or more; 22 percent are between 4,500 sf and 5,000 sf; and the remaining approximately 52 percent are less than 4,500 sf. | Larger lot sizes would not allow for the project to build to the density permitted under the Density Bonus Law. |
| 2 | The front yard setback shall be 15 feet as measured from the property line to any building façade or side entry garage and 20 feet for any garage facing the street measured from the property line to the center of the garage door. | Minimum front yard reduced setback | On certain floor plans, a 15-foot front set back would preclude the ability to provide the PD required usable rear yard space and would thus preclude development of the project as proposed. |
| 3 | The minimum side yard setbacks for single-family detached units shall be a minimum of five feet with a minimum combined total of 15 feet for | Minimum side yard setback combined total reduced to 10 feet. | 15-foot combined side yards would require significantly smaller houses and/or the development of significantly wider lots, which would physically preclude construction of this Density Bonus Law-qualifying project |

| | PD-71 Zoning Standard | Waiver Requested | Analysis |
|---|---|---|---|
| | both side yards. Corner lots shall maintain a minimum side yard on the street side of ten feet. | | as proposed and would also prevent attainment of the density allowed by the General Plan. |
| 4 | Maximum lot coverage shall be 40 percent. | Maximum lot coverage increased to 42 percent. | Compliance with this development standard would physically preclude construction of the Density Bonus Law-qualifying project as proposed. |

C. Hereby approves Vesting Tentative Subdivision Map (VSTM 9547), including the requested density bonus concession and waivers, subject to the conditions of approval listed in Exhibit 'A', attached hereto and made a part of this resolution, and all City standards applicable to this project.

D. The documents and materials associated with this Resolution that constitute the record of proceedings on which these findings are based are located at 150 City Park Way in Brentwood, California. Planning Manager Erik Nolthenius is the custodian of records for the record of proceedings.

This permit shall terminate on October 24, 2025, unless actual construction begins prior to that date. However, such date may be extended by the Planning Commission upon application filed at any time before said expiration date.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Brentwood at its regular meeting of October 24, 2023, by the following vote:

AYES:
NOES:
ABESENT:
RECUSE:

APPROVED:

Joel R. Bryant
Mayor

ATTEST:

Margaret Wimberly, MMC
City Clerk

**EXHIBIT 'A' TO
CITY COUNCIL RESOLUTION NO. 23-XXX
CONDITIONS OF APPROVAL FOR
VESTING TENTATIVE SUBDIVISION MAP (VTSM 9547)**

1. The Applicant and Permittees, including all successors in interest (collectively, "Permittee") shall comply with each and every condition set forth in the Permit. Vesting Tentative Subdivision Map (VTSM 9547) (the "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed. The Permittee shall develop the site in accordance with the approved attachments and as modified by these Conditions of Approval.
2. All applicable Standard Conditions of Approval for Tentative Subdivision Maps, dated May 2005, are hereby incorporated by reference and shall be complied with by the Permittee, unless modified by any of the conditions below.
3. The final map shall be substantially in conformance with Vesting Tentative Subdivision Map (VTSM 9547) prepared by CBG Civil Engineers dated "August 2022" and modified to include "Parcel B" as shown on plan dated "October 16, 2023" unless otherwise amended by the conditions of approval contained herein.
4. The approval of Vesting Tentative Subdivision Map (VTSM 9547) is effective only after adoption of the MND prepared to analyze the Project.
5. The Permittee shall indemnify, defend with counsel of the City's reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void, or annul the City's approval of the project approved herein, including adoption of VTSM 9547, and DR 21-006, and any environmental determination made with regard thereto, save and except to the extent caused solely by the City's sole or active negligence, or willful misconduct. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to VTSM 9547, and the remainder of this obligation shall be unaffected by said Government Code section.

6. A significant portion of the project is in a Special Hazard Flood Area "Zone AE." The developer shall ensure finished pad elevations are at a minimum one foot above the 100 year base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for Contra Costa County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development [Letter of Map Amendment (LOMA)], and for obtaining a Floodplain Permit from the City of Brentwood Floodplain Administrator for all projects on parcels identified in Zone 'A' on the FEMA Flood Insurance Rate Maps for the City of Brentwood. Applications for CLOMR shall be prepared and submitted by the developer prior to grading permit issuance or final map approval, whichever occurs first.
7. Permittee shall comply with all requirements of Brentwood Municipal Code Chapter 17.720 ("Density Bonus Program") and Government Code 65915-65918 (the State Density Bonus law).
8. Permittee shall comply with all requirements of Brentwood Municipal Code Chapter 17.725 ("Affordable Housing"), as effective on January 2022.
9. Permittee shall cause each and every mitigation measure set forth in the Mitigation Monitoring and Reporting Program for the Project to be fulfilled within the timelines set forth therein.
10. Prior to each building permit issuance, the Permittee shall comply with all applicable requirements of the Uniform Fire Code and the adopted policies of the Contra Costa County Fire Protection District (CCCFPD). The City's Building Division shall review the building plans to ensure compliance.
11. Prior to building permit issuance, the Permittee shall provide an adequate and reliable water supply for fire protection with a minimum fire flow to the satisfaction of CCCFPD and the City of Brentwood.
12. The Permittee shall comply with the Public Art Program as approved by the City by paying the in-lieu fees consistent with Brentwood Municipal Code Chapter 2.44.
13. Permittee shall be subject to park in-lieu fees per the City's 2019 Parks, Trails and Recreation Master Plan to the satisfaction of the Director of Parks and Recreation.
14. The Permittee shall submit detailed landscape and irrigation plans of front yard typical, open space areas, and bio retentions areas for review and approval prior to issuance of a building permit to ensure compliance with the City's Water Efficient Landscape Ordinance subject to review and approval of the Planning Department.

15. The Permittee shall comply with all applicable NPDES requirements, including C.3, per the current Contra Costa County Stormwater C.3 Guidebook, to the satisfaction of the Director of Public Works/City Engineer.
16. The Project shall be consistent with all applicable City's General Plan Policies.
17. All improvements shall be designed and constructed; all permits issued; all fees paid; and all securities submitted pursuant to applicable Federal and state laws, the Subdivision Map Act, the Brentwood Municipal Code, the City Engineering Department's Standard Plans and Specifications, and the City Engineering Department's Engineering Procedures Manual.
18. Permittee and all construction plans and maps shall comply with Brentwood Municipal Code Title 8 "Health and Safety," Title 9 "Public Peace and Welfare," Title 12 "Streets, Sidewalks and Public Places," Title 13 "Sewers," Title 14 "Water," Title 15 "Building and Construction," and Title 16 "Subdivision and Land Development." In particular:
 - a. Solid waste service shall comply with Brentwood Municipal Code Chapter 8.16 "Solid Waste."
 - b. Construction and demolition work shall comply with Brentwood Municipal Code Chapter 8.40 "Construction and Demolition Debris Recycling."
 - c. Permittee shall comply with Brentwood Municipal Code Chapter 9.32 "Noise Regulations."
 - d. Permittee shall dedicate and improve any thoroughfare and/or collector street pursuant to Brentwood Municipal Code Chapter 12.04 "Street Widths."
 - e. Permittee shall comply with the encroachment permit requirements pursuant to Brentwood Municipal Code Chapter 12.08 "Street Encroachments."
 - f. Sewer backflow prevention, interceptors, and other health and safety requirements shall be incorporated into the project pursuant to Brentwood Municipal Code Chapter 13.04 "Sewer System - Rules and Regulations."
 - g. Brine-discharging self-regenerating water softener systems are prohibited pursuant to Brentwood Municipal Code Section 13.04.022.B.
 - h. Recycled water services shall comply with Brentwood Municipal Code Chapter 13.06 "Recycled Water Regulations."

- i. Water service shall comply with Brentwood Municipal Code Chapters 14.01 "Municipal Water System" and Chapter 14.10 "Cross-Connection Control." In addition and to comply with both health and safety requirements as well as the City's Engineering Design Standards, all projects serving more than 25 units shall design and construct at least two independent points of potable water supply to the Project.
- j. Contractors requiring construction water shall obtain a temporary water permit and shall only take water metered at a location specified by the City Engineer pursuant to Brentwood Municipal Code Section 14.01.340 "Contractors."
- k. Permittee shall comply with the Federal Clean Water Act, the Municipal Regional NPDES Permit, and Brentwood Municipal Code Chapter 14.20 "Stormwater Management and Discharge Control."
- l. Fire access and aerial apparatus access shall comply with the requirements of the Fire District and Brentwood Municipal Code Chapter 15.06 "Fire Code."
- m. Special flood hazard areas shall comply with the requirements of Brentwood Municipal Code Chapter 15.07 "Flood Plain Management."
- n. Grading shall comply with Brentwood Municipal Code Chapter 15.52 "Grading, Erosion and Sediment Control."
- o. All grading and noise generating activities shall be limited to the days and hours defined in Brentwood Municipal Code Section 15.52.060 "Grading Regulations."
- p. In addition to the indemnification obligation set forth above, Permittee shall indemnify the City pursuant to Brentwood Municipal Code Section 15.52.160 "City Held Harmless."
- q. Pursuant to Brentwood Municipal Code Section 16.070.030.B, review of a Final Map, certification and approval shall not proceed until the Improvement Plans (onsite and offsite) have been submitted and reviewed by and approved by the City Engineer.
- r. Permittee shall obtain all required permits including, but are not limited to: buildings; sewer connections; encroachment; grading; use; business license; water connection; Army Corps of Engineers; Contra Costa County Flood Control; California Department of Fish and Wildlife pursuant to Brentwood Municipal Code Section 16.120.050 "Procedures."
- s. All storm drain, sewer, water and street systems shall be designed and sized to accommodate such additional flows, volumes or loads as may

be contributed by the most intensive developed land use of the lands adjacent to or beyond the limits of the subdivision pursuant to Brentwood Municipal Code Section 16.120.080.

- t. All public facilities shall be constructed and any existing deficiencies shall be corrected. This includes both required on- and off-site public facilities and any deficiencies on-site, abutting the parcel or parcels involved or required off-site to provide service to the proposed development or for the continued safety, health and well-being of the public upon completion of the development pursuant to Brentwood Municipal Code Section 16.120.090 "Public Facilities Installation."
 - u. Utilities shall be installed underground pursuant to Brentwood Municipal Code Section 16.120.120 "Undergrounding – Electric, Communication, Street Lighting and Advanced Technology Systems."
 - v. All landscaping installed by the project shall be from trees and plants selected from the City Approved Drought Tolerant and Native Plant List with the exception of bioretention facilities which shall conform to Appendix B of the Contra Costa Clean Water Program C.3 Guidelines, to the satisfaction of the Director of Parks and Recreation and City Engineer.
 - w. Permittee shall make all land dedications pursuant to Brentwood Municipal Code Sections 16.140 and 16.150.
19. Prior to issuance of an encroachment permit or approval of Improvement Plans:
- a. Construction plans shall include the following improvements:
 - i. Upsizing of the existing 8-inch to a 12-inch water line on Lone Tree Way from the project to Arroyo Seco Road and installation of a parallel 10-inch water line on Lone Tree Way from Arroyo Seco Road to Brentwood Boulevard consistent with the Water Master Plan.
 - ii. Paved access from Hanson Lane to the City's Ground Water Well #8 for maintenance vehicles, black steel fencing around the perimeter, and access gates to the satisfaction of the City Engineer.
 - iii. Installation of sidewalk on Hanson Lane between the project site and the existing sidewalk terminus on Hanson Lane.
 - b. Permittee shall acquire any necessary approval from affected property owner(s) to construct Hanson Lane as shown on the Tentative Map.

- c. Permittee shall make reasonable efforts to coordinate designs to provide access onto the Lone Tree Way extension with adjacent property owners north of the project to the satisfaction of the City Engineer.
- d. Construction Plans shall include all utilities, including, but not limited to, meters, hydrants, poles, signs, clean-outs and boxes to be located clear of all trails, sidewalks and driveways or as determined by the City Engineer.
- e. Construction Plans shall include all utilities, especially over bridges, designed with seismic considerations to the satisfaction of the City Engineer.
- f. Permittee shall submit a colored Composite Site Exhibit showing the location of all existing and proposed utilities, utility boxes, landscaping, monuments, street improvements, lights, signs, driveways, house envelopes, fencing, grading contours, walls, easements, property lines, and other improvements as required at a sufficient scale to allow a comprehensive review of proposed improvements.
- g. Construction Plans shall note that construction of all gravity utilities (i.e. storm drain, sewer) to always commence at the downstream connection and proceed to the upstream terminus.
- h. Construction Plans shall demonstrate that all public gravity utilities (i.e. storm drain, sewer) are designed to positively and completely drain by gravity without relying on any electro-mechanical means (i.e. pumps, lift stations and siphons) to the satisfaction of the City Engineer.
- i. Construction Plans shall include cathodic protection measures for all buried metallic infrastructure pursuant to City Standards or as approved by the City Engineer.
- j. Construction Plans shall include all proposed storm drain inlets to include and update existing storm drain inlets along the project frontage with "No Dumping - Drains to Creek" thermoplastic stencils to the satisfaction of the City Engineer.
- k. Permittee shall obtain approval from the City Engineer on the Project Operation and Maintenance Manual for all stormwater control systems. Said Manual shall comply with all applicable Municipal Regional NPDES Permit requirements including, but not limited to, maintenance, sediment removal, weed and trash abatement, and the use of chemicals.
- l. Construction Plans shall include all landscaping with adequate root barriers to protect all City facilities, including but not limited to sidewalks, utilities, meters, ramps, and driveways.

- m. Permittee shall have a licensed Land Surveyor locate all existing survey monuments on or adjacent to the project, and show said monuments as protected on all construction plans.
 - n. Construction Plans shall include a Traffic Control Plan in conformance with the latest edition of the Manual of Uniform Traffic Control Devices issued by Caltrans and as required by the City Engineer.
 - o. Construction Plans shall include Emergency Vehicle Access areas to comply with the requirements of the Fire District, and that ingress and egress is provided to all neighboring properties during construction.
 - p. Construction Plans shall incorporate roadways and driveways that provide adequate sight distance pursuant to City and Caltrans design requirements. All landscape areas required to have restrictions to comply with sight distance requirements shall be shown on applicable Construction and Plot Plans.
 - q. Construction Plans shall incorporate all-weather vehicular access from a public road to all proposed and existing public storm drain, sewer, water, and non-potable water mains, appurtenances, and easements subject to approval of the City Engineer.
20. Prior to issuance of a grading permit:
- a. The height and location of all existing and proposed retaining walls shall be shown on the Grading Plans. Retaining walls over three feet in height shall be structurally engineered, and shall require separate building permits. All retaining walls shall include a sub-drain system to the satisfaction of the City Engineer.
 - b. Construction Plans shall demonstrate with plans, analysis, or other documentation signed and stamped by a licensed Civil Engineer that there is adequate overland drainage release to an adequate public drainage facility to the satisfaction of the City Engineer. Permittee shall acquire drainage easements, if necessary.
 - c. Grading Plans shall include a sufficient number of cross-sections adjacent to creeks, floodplains, and wetland areas showing the proximity of these features to proposed grading and building foundations to the satisfaction of the City Engineer.
 - d. Grading Plans shall clearly identify the location of all wetlands, creeks, creek setbacks, trees (both to be removed and to be protected).
 - e. Pursuant to Brentwood Municipal Code 15.070.320, Grading Plans shall identify any special flood hazard area and the elevation of the base flood.

- f. Permittee shall secure all required regulatory permits and construct all required drainage facilities, including all storm drain outfalls into creeks.
 - g. Permittee shall provide approved hydrology and hydraulic calculations signed by a licensed engineer demonstrating that the Project will adequately collect and convey all runoff within the Project as well as the entire developed watershed upstream of the Project pursuant to Brentwood Municipal Code 16.120.080C. The analysis shall include conveyance capacity of Marsh Creek.
21. Prior to approving the Final Map:
- a. Final Map shall comply with the current Subdivision Map Act.
 - b. The Project shall annex into the most current City Community Facilities District, and annex into, or form a street lighting and landscape maintenance assessment district, or provide and execute an alternative funding mechanism acceptable to the City for the maintenance of City improvements.
 - c. The Project shall annex into the most current Emergency Medical and Fire Protection Service Community Facilities District as required by the Contra Costa County Fire Protection District.
 - d. Permittee shall provide for an adequate private funding mechanism for the perpetual maintenance of all stormwater NPDES treatment areas, storm drains, private streets, landscaping, emergency vehicle access, mailboxes and other common interest development improvements to the satisfaction of the City Engineer. Permittee shall dedicate streets and parcels with said facilities to a Homeowners Association or similar private entity in fee.
 - e. Final Map shall include approved street names by the Fire District and Community Development Department. All public streets shall be irrevocably offered for dedication.
 - f. All applicable City fees shall be paid including, but not limited to, the Agricultural Mitigation Fee, the Contra Costa Flood Control and Water Conservation District Fee.
 - g. Final Map shall show relinquishment of abutter's rights of access adjacent to all accessible ramp locations.
 - h. For all common interest developments, Permittee shall submit a copy of the draft Covenants, Conditions and Restrictions for City review and approval, which approval shall not be unreasonably withheld.

22. Prior to issuance of any Building Permits:
 - a. All on-site improvements shall be constructed prior to the issuance of any building permit in each phase (excluding model homes). The improvements shall include, but is not limited to pavement, curb, gutter, sidewalk, street lights, utilities and walls to the satisfaction of the City Engineer.
 - b. Permittee shall pay all Development Impact Fees pursuant to, or otherwise comply with the latest City of Brentwood Development Impact Fee Program.
 - c. Permittee shall provide documents signed by a licensed engineer on building pad elevation, compaction, and appropriate remediation from unsuitable soils.
 - d. Permittee shall demonstrate that all acoustic mitigations have been incorporated into applicable plans.
23. Permittee shall engage a qualified air quality specialist to conduct a site-specific air quality analysis of PM_{2.5} on the site using dispersion modeling, and the results of this analysis shall be provided to homebuyers within the Project prior to purchase.
24. Permittee shall work with staff to reconfigure the bioretention areas to maximize open space area to include a gathering space and play equipment east of Lots 59 and 60, to the satisfaction of the City Engineer and the Director of Parks & Recreation.
25. The developer shall dedicate, in fee, to the City of Brentwood, Parcel "B" (.63 acre park) as shown in the plan prepared by CBG Civil Engineers dated "October 16, 2023". Parcel "B" (.63 acre park) shall be improved to the satisfaction of the City Engineer, the Director of Parks and Recreation, and the Community Development Director, or their designees. The timing of these improvements shall be consistent with the conditions of approval contained herein. Maintenance of these improvements shall be included in the Landscape and Lighting District for this project.
26. The developer shall be allowed to fee out and not construct the remaining .88 acres of park under the City's standard of 5 acres per 1,000 population. These in-lieu fees shall be the current fee in effect and paid at the time of grading permit issuance to the satisfaction of the Director of Parks and Recreation and City Engineer or their designees.
27. Parcel "B" (.63 acre park) shall be constructed and completed by the developer to the satisfaction and approval of the City Engineer, Director of Parks and Recreation and the Community Development Director, or their designees, prior

to the issuance of the 47th certificate of occupancy and prior to the issuance of any building permit contiguous to Parcel "B".

28. Parcel "B" and all landscape trails, medians and streetscapes shall be maintained by the developer, at their expense, until subdivision acceptance. After subdivision acceptance, these areas will be maintained by the City and will be paid by the subdivision's Lighting and Landscape District or other acceptable financing mechanism accepted by the City.
29. The developer shall present to the Director of Parks and Recreation or designee and the City's Park and Recreation Commission conceptual designs for all parks, trails and landscape areas for review and approval prior to final map approval.
30. The development of Parcel "B" shall incorporate design criteria from the City of Brentwood Parks, Trails and Recreation Master Plan to the satisfaction of the City Engineer, the Director of Parks and Recreation and the Community Development Director, or their designees. The design for this park shall also include a tot lot to the satisfaction of the Director of Parks and Recreation.