

## CITY COUNCIL RESOLUTION NO. 24-XXX

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A VESTING TENTATIVE SUBDIVISION MAP (VTSM 9597) TO SUBDIVIDE ONE 16.32-ACRE PROPERTY INTO 37 SINGLE-FAMILY RESIDENTIAL LOTS LOCATED AT 7590/7650 LONE TREE WAY (APN 018-060-006/007).**

**WHEREAS**, Seecon Financial and Construction Company, Inc. (the "Applicant"), submitted an application to the City of Brentwood for certain permits and approvals, including a Vesting Tentative Subdivision Map (VTSM 9597) and Design Review (DR 22-005), to develop its proposed Lone Tree Way Project, a residential subdivision project proposed to be developed on a 16.32-acre site located north of Lone Tree Way (the "Project Site," identified as APN 018-060-006/007); and

**WHEREAS**, collectively, Vesting Tentative Subdivision Map (VTSM 9597), which includes a request for a density bonus under the State Density Bonus Law, and Design Review (DR 22-005) 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 November 24, 2023 in accordance with City policies and Government Code Section 65090; and

**WHEREAS**, the Planning Commission held a public hearing on this project at its regular meeting of December 5, 2023, and considered, among other things, the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project; and

**WHEREAS**, at the Planning Commission's December 5, 2023, meeting, the Commission unanimously voted to recommend the project with slight variations to the City Council; and

**WHEREAS**, the City prepared an Initial Study and mitigated negative declaration for this project in accordance with the CEQA and CEQA Guidelines, and at its December 5, 2023 meeting, the Planning Commission recommended that the City Council adopt said MND, including its accompanying Mitigation Monitoring and Reporting Program through adoption of Resolution No 23-038; 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 January 12, 2024 in accordance with City policies and Government Code Section 65090; and

**WHEREAS**, a public hearing of the Project was scheduled before the City Council on January 23, 2024. However, six hours prior to the meeting the applicant submitted a letter to the City Council requesting that an alternative to their project be considered; and

**WHEREAS**, at the January 23, 2024 meeting, staff requested that the item be continued to February 27, 2024, in order for staff to analyze the proposal and ensure compliance with applicable laws and the project's IS/MND; the City Council approved the continuance; and

**WHEREAS**, on February 27, 2024 the City Council adopted IS/MND SCH#20231003390 via Resolution No. \_\_\_\_\_; and

**WHEREAS**, the City Council held a public hearing on this project at its regular meeting of February 27, 2024, and considered, among other things, the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project; and

**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 would provide a land use pattern that would provide for a diverse and self-sufficient community that would offer a total of 33 detached market rate single-family residences. In addition, the project would provide two sets of duet units (four total units), which would provide two very-low income units, and one low-income unit and one moderate income unit.
- 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 would provide a diversity of housing opportunities by including 33 single-family market rate

homes, and two sets of affordable duet units. The single-family homes would range in size from 2,924 sf to 23,834 sf.

- c. Goal H-2 ("Encourage housing that is affordable to all socio-economic segments of Brentwood's population.") The project includes four affordable units for very-low, low-, and moderate-income families for the Brentwood population, consistent with the City's Affordable Housing Ordinance.
- 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 would comply with the Affordable Housing Ordinance by providing affordable units in accordance with the City's adopted ordinance that was in effect at the time the project was deemed complete in April 2022 and is subject to the 10 percent affordability requirement. The project would provide four affordable units (10 percent) for very-low, low-, and moderate-income households. In addition the applicant is proposing to meet the density bonus requirements. The project developer would be required to enter into an Affordable Housing Agreement with the City prior to final map approval.

The project site is within the General Plan R-VLD land use designation, which provides for a density range from 1.1 to 3.0 dwelling units per acre. The 37 proposed units would result in an overall density of 2.27 dwelling units per acre, which is consistent with the density range of 1.1 to 3.0 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's General Plan land use designation is R-VLD which allows for 1.1 to 3.0 units per acre, with a mid-range of 2.0 units per acre. Therefore, the proposed 16.32-acre project is allowed to build up to the base

density of 50 dwelling units (Government Code § 65915 (o)(4)). The applicant 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 (2.27 du/a) is within the allowed range under the City's current General Plan (3.0 du/a) and as a result is not proposing to utilize any of the allowed bonus units. The project is proposing to utilize certain waivers allowed under the Law with respect to some of the zoning criteria.

- f. Goal H 4 ("HOUSING OPPORTUNITIES GOAL: Provide equal housing opportunities for all residents of Brentwood.") The project provides 33 market rate homes and 4 affordable homes for the City of Brentwood, thus providing housing 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 with those goals and actions set forth above, as well as the following:

- 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 Lone Tree Way, which (at this location) is an arterial street leading to retail and dining. Lone Tree Way will be widened by the project. In addition, two roadway connections would be constructed along Lone Tree Way 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 northern side of Lone Tree Way outside of the project boundary. Full right-of way improvements would be constructed within the street, including utilities, curb gutter, and a separated sidewalk.
- 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 through self-treating areas on each lot and the private road network and include pervious pavers on each driveway, pursuant to Contra Costa County and State Water Control Resource Board regulations. A condition of approval requires the establishment of a Home Owner's Association in order to maintain these water treatment facilities.

- 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. The subdivision would be oriented in a similar pattern as typical 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. The subject site is surrounded on three sides (north, east and west) by six lots that are larger than one acre (and one that is half of one acre) and therefore subject to the density transition policy. The applicant seeks a waiver of this requirement per the provisions of the State Density Bonus Law. Providing 20,000 sf transition lots would physically preclude construction of 6 of the proposed units. This would reduce the overall density of the project as proposed. The City Council has reviewed the project's eligibility for the requested waivers and finds that the Project qualifies for such waivers as set forth below.
- 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 9597 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.

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 R-1-12, which allows for 3.0 units per acre and the General Plan land use designation is R-VLD which allows for 1.1 to 3.0 units per acre, with a mid-range of 2.0 units per acre. Therefore, the proposed 16.32-acre project is allowed to build up to the base density of 50 dwelling units (Government Code § 65915 (o)(4)). The applicant 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, 37 units are proposed, which will result in a density of 2.27 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 at least 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 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 waivers and finds that the Project qualifies for such 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)). The applicant is not requesting a concession at this time.
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 grant the following requested waivers for the reasons stated below:

	<b>Standard</b>	<b>Waiver Requested</b>	<b>Analysis</b>
1	Transition Lots: Lots facing or abutting existing residential lots of one acre or more have a minimum size of 20,000 square feet	Elimination of the transition lot requirement for lots along the perimeter of the project.	Providing 20,000 sf transition lots would physically preclude construction of 6 of the proposed units. This would reduce the overall density of the project as proposed.
2	Lot Width: Minimum lot width is 90 feet	Narrowest width of a duet lot is 40 feet and would be out of compliance with the 90	Adherence to this standard would prevent the duet lots from being constructed in the proposed layout.

	<b>Standard</b>	<b>Waiver Requested</b>	<b>Analysis</b>
		foot lot width requirement.	
3	Lot depth: Maximum 150 feet.	Waiver of the maximum lot depth to accommodate lots #33, lot #20 and lot #24	The project could not be constructed at the proposed density in the proposed layout if the maximum lot depth requirements are applied to these lots.
4	Front Setbacks: Minimum 20 feet	Waiver for the minimum setback to be 10 feet to accommodate duet units and for encroachments of front porches on 24 detached lots.	<p>Duet lot #11 is proposed with a 15 foot setback, and the project could not be constructed at the proposed density if the 20-foot standard is applied to this lot.</p> <p>Additionally, there are 24 detached homes that are proposed with front porches with a 15 foot setback. The project can be constructed at the proposed density even if it complies with this standard for the 24 detached homes without reducing the requested density or unit count. A condition of approval is included in the project's Design Review Resolution requiring all non-duet lots to meet the 20' front setback standard.</p>



	<b>Standard</b>	<b>Waiver Requested</b>	<b>Analysis</b>
5	<p>Side yards and rear yards.</p> <p>Side yard: 12 feet with an average of 30</p> <p>Rear Yard:20 feet</p>	<p>Waiver for the duet lots to be at 0' side yard and 0' rear yard only where the duet units share a common wall. Setbacks along the perimeter of the duet lots shall be as otherwise required or waived in this approval.</p>	<p>The project could not be constructed at the proposed density if these standards are required, as construction of the duet units would be impossible.</p>

C. Hereby approves Vesting Tentative Subdivision Map (VSTM 9597), including the requested density bonus 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. The City Clerk is the custodian of records for the record of proceedings.

**ADOPTED** by the City Council of the City of Brentwood at its regular meeting of February 27, 2024, by the following vote:

AYES:           None  
 NOES:           None  
 ABESENT:      None  
 RECUSE:       None

APPROVED

\_\_\_\_\_  
 Joel R. Bryant  
 Mayor

ATTEST:

\_\_\_\_\_  
Margaret Wimberly, MMC  
City Clerk

**EXHIBIT 'A' TO  
CITY COUNCIL RESOLUTION NO. 24-\_\_\_\_\_  
CONDITIONS OF APPROVAL FOR  
VESTING TENTATIVE SUBDIVISION MAP (VTSM 9597)**

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 9597) (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 Alternate Preliminary Lotting Plan prepared by RJA civil engineers "November 16, 2023" unless otherwise amended by the conditions of approval contained herein. Permittee shall modify said map to (a) include a second set of duet units on a lot to be determined by the City Council, and (b) move the location of the duet units currently shown on Lots 11 and 36 to another location within the subdivision. No shared housing units shall be approved or constructed under VTSM 9597.
4. The approval of Vesting Tentative Subdivision Map (VTSM 9597) 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 9597, and DR 22-005, 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 9597, and the remainder of this obligation shall be unaffected by said Government Code section.

6. 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).
7. Permittee shall comply with all requirements of Brentwood Municipal Code Chapter 17.725 ("Affordable Housing"), as effective on January 2022.
8. Prior to building permit issuance, the Permittee shall enter into an Affordable Housing Agreement with the City of Brentwood, per the City's Affordable Housing Ordinance (Brentwood Municipal Code Chapter 17.725).
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 (CCCFFPD). 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 CCCFFPD 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. The Permittee shall reconfigure Parcel "Z" (park) to be approximately 0.59-acres and be accessible for public use. The final acreage of Parcel "Z" to be dedicated to the City shall be per the General Plan. The Permittee shall dedicate, in fee, to the City of Brentwood, said Parcel "Z". Parcel "Z" shall be improved to the satisfaction of the City Engineering, the Director of Parks and Recreation, and the Community Development Director, or their designees, prior to the issuance of a building permit.
14. Parcel "Z" (approximately 0.59-acre park) shall be constructed and completed by the Permittee, subject to reimbursement, and 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 18<sup>th</sup> certificate of occupancy and prior to the issuance of any building permit contiguous to Parcel "Z".
15. Parcel "Z" and all landscape trails, medians and streetscapes shall be maintained by the Permittee, 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.

16. The Permittee 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.
17. The development of Parcel "Z" 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.
18. The Permittee shall submit detailed landscape and irrigation plans of front yard typical, open space areas, and self-treating water retention 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.
19. 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.
20. The Project shall be consistent with all applicable City's General Plan Policies.
21. 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.
22. 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.
23. 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. 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 16.120.080.C.
24. Prior to issuance of an encroachment permit or approval of Improvement Plans:
- a. Unless otherwise constructed by the City, construction plans, designed to the satisfaction of the City Engineer, shall include the widening of Lone Tree Way along the project frontage to the ultimate right-of-way configuration consistent with Standard Detail ST-1 "Arterial Street". Improvements shall include, but not be limited to, the widening of roadway, bike lane, street lighting, sidewalk, green infrastructure, landscaping, irrigation, median islands and traffic signal at the intersection of Lone Tree Way, Smith Road and Christopher Way. As these improvements are not necessitated by the Project's impacts, they are eligible for reimbursement consistent with the City's Development Fee Program and the Project's fair-share due to its impacts.
  - b. All proposed internal roadways shall be privately maintained with public utility and emergency vehicle access easements dedicated unless they are designed and built to current City Standards to the satisfaction of the City Engineer.
  - c. The Permittee shall submit for review and approval of the Community Development Director an enhanced paving plan showing colorized stamped concrete, asphalt, or similar at the main ingress/egress points to the single-family residential lots along Lone Tree Way to provide a clear delineation between public and private streets, which location shall be shown on the improvement plans.
  - 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 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 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.
25. Prior to approving the Final Map:
- a. Final Map shall comply with the current Subdivision Map Act.
  - b. Final Map shall show the project frontage dedication area for Lone Tree Was as a future public right-of-way; not as open space being dedicated to the City.
  - c. 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.
  - d. The Project shall annex into the most current Emergency Medical and Fire Protection Services Community Facilities District as required by the Contra Costa County Fire Protection District and Brentwood Municipal Code Chapter 17.635.
  - e. Permittee shall provide for an adequate private funding mechanism for the perpetual maintenance of all stormwater NPDES treatment areas and other similar clean water facilities to the satisfaction of the City Engineer. In addition:
    - i. Permittee shall dedicate parcels, if any, with said facilities to a Homeowner's Association (HOA) or similar private entity in fee.
    - ii. Permittee shall dedicate private easements in favor of the HOA or similar private entity over accessible areas within individual lots over proposed self-retaining areas.

- f. Final Map shall include approved street names by the Fire District and Community Development Department. All public streets shall be irrevocably offered for dedication.
  - g. 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.
  - h. Final Map shall show relinquishment of abutter's rights of access adjacent to all accessible ramp locations.
  - i. For all common interest developments, Permittee shall submit a copy of the draft Covenants, Conditions and Restrictions for City review.
26. 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 provide an approval signed and sealed by a geotechnical or structural engineer of the location, nature and proximity of stormwater features near or adjacent to buildings as determined by the City Engineer. Locations and design of any mitigating structural design feature (i.e. foundations) shall be shown on the appropriate construction plans.
  - c. Permittee shall pay all Development Impact Fees pursuant to, or otherwise comply with the latest City of Brentwood Development Impact Fee Program.
  - d. Permittee shall provide documents signed by a licensed engineer on building pad elevation, compaction, and appropriate remediation from unsuitable soils.
  - e. Permittee shall demonstrate that all acoustic mitigations have been incorporated into applicable plans.