

CITY COUNCIL RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A VESTING TENTATIVE SUBDIVISION MAP (VTSM 9610) TO ALLOW THE SUBDIVISION OF TWO PARCELS TOTALING 20.90 ACRES INTO 63 SINGLE-FAMILY RESIDENTIAL LOTS, ONE BIO-RETENTION BASIN, ONE OPEN SPACE LOT ADJACENT TO SAND CREEK, AND OTHER RELATED IMPROVEMENTS FOR TRUMARK TRAILSIDE, LOCATED AT 1777 APRICOT WAY (APNS 019-092-013 AND 019-092-034) AND MAKING CEQA FINDINGS OF EXEMPTION PURSUANT TO STATE CEQA GUIDELINES SECTION 15183.

WHEREAS, Trumark Homes (the "Permittee") has requested that the City approve a vesting tentative subdivision map (VTSM 9610) for two parcels totaling 20.92 acres into 63 single-family residential lots, one bio-retention basin, one open space lot adjacent to Sand Creek, and other related improvements; and

WHEREAS, the Permittee concurrently submitted a request for design review approval (DR 22-006); and

WHEREAS, collectively, VTSM 9610 and DR 22-006 set forth above constitute the "Project;" and

WHEREAS, the Project is proposed to be located on a 20.90-acre site located on two parcels at 1777 Apricot Way (APNs 019-092-013 and 019-092-034) (the "Project Site"); and

WHEREAS, the City referred the Project to various departments and agencies for review and recommendations; and

WHEREAS, on July 22, 2014, the City Council certified an Environmental Impact Report (EIR) that was prepared and certified as part of the Brentwood General Plan (SCH# 2014022058) in accordance with the California Environmental Quality Act ("CEQA"), codified at Public Resources Code §§ 15000, et seq., and as further governed by the State CEQA Guidelines, found at 14 CCR 21000, et seq. Cumulative impacts associated with full development and buildout at a density consistent with the mid-range within the R-LD range of 1.1 to 5.0 units per acre, including the proposed project site, were fully addressed in the EIR; and

WHEREAS, the Project is consistent with the General Plan and General Plan EIR and would not result in any Project-specific significant effects to the environment, and is therefore determined to be exempt per California Environmental Quality Act Section 15183 ('Consistent with Community Plan, General Plan, and Zoning Code'); 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 June 9, 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 June 20, 2023 Planning Commission hearing; and

WHEREAS, on June 20, 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 June 20, 2023, the Planning Commission approved the requested vesting tentative subdivision map (VTSM 9610), by Planning Commission Resolution No. 23-024; and

WHEREAS, on June 29, 2023, City Council member Jovita Mendoza timely filed a Call for Review of the Planning Commission’s action approving VTSM 9610 and DR 22-006; 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 July 28, 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 August 8, 2023, and considered the staff report, all accompanying information, and testimony received from the Permittee and other interested parties.

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

- A. Hereby finds that the California Environmental Quality Act (Public Resources Code §§ 21000, et. seq., hereafter “CEQA”) requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed tentative parcel map is a project under CEQA. As set forth in the accompanying environmental evaluation, no further analysis is required pursuant to CEQA Guidelines Section 15183 (‘Projects Consistent with a Community Plan or Zoning’), which provides that projects that are consistent with the development density and intensity established by existing zoning, community plan, or general plan policies for which an environmental impact report (EIR) has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

In accordance with California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, and based on the entirety of the record of proceedings, including the Environmental Checklist for Streamlined Review prepared for this Project, the Project is consistent with the land use designation and densities established by the General Plan, for which an EIR was certified. In particular, the proposed Project is consistent with the development density established by the General Plan EIR (1.1-5.0 dwelling units per acre; Project proposes 3.0 units per acre) and no additional impacts to on-site resources have been identified beyond what was envisioned in the General Plan EIR. The Project would not result in any significant impacts that: (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the General Plan EIR; or (3) were previously identified significant effects, which as a result of substantial new information that was not known at the time that the General Plan EIR was certified, are determined to have a more severe adverse impact than discussed in the General Plan EIR. As a result, the Project is exempt from further environmental review under CEQA. The City Council directs staff to file a Notice of Exemption for this Project with the County Clerk within five working days of the project approval; and

B. 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 subject site is designated Residential - Low Density (R-LD) by the General Plan, and is "designed predominantly for single family detached houses." (Policy LU 1-2). The required density range is 1.1 to 5.0 units per acre (with a mid-point of 3.0 units per acre) and the proposed subdivision includes a density of 3.0 units per acre, consistent with the land use designation. The project's consistency with the General Plan is likewise demonstrated in that the subdivision will allow development of the project site for residential uses in the low density range, provides for vehicular and pedestrian circulation and infrastructure improvements designed to facilitate the efficient movement of people and goods (Goal CIR 1) and adds to the diversity of Brentwood housing stock (Goal H1).

In addition, the proposed development will be consistent with Goal LU 2 of the General Plan to, "*Establish and maintain residential neighborhoods as safe and attractive places to live with convenient access to commercial services, recreational facilities, employment opportunities, public services, and other destinations,*" by creating a new residential subdivision that will connect with existing city streets which in turn connects with commercial services and employment opportunities. The proposed subdivision is also consistent with Goal LU 6, which is to, "*Maintain and enhance the visual quality of Brentwood by promoting the highest standards of architecture and site design for all*

development projects, both public and private,” in that a concurrent design review application will be processed to ensure high quality architecture and site design is achieved.

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. 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 (Policy LU 1-5).
- b. 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 that context of surrounding land uses and the needs of all roadway users.”) is implemented by the proposed project in that it creates additional pedestrian and non-motorized infrastructure through development of a new creek trail and pedestrian connections across the creek to the Sand Creek trail as part of the project. The residential parcels will be accessed via the existing streets, Strathaven Place and Montclair Place, which have been stubbed to the northern edge of the site by previous developments. The streets will continue approximately 56 feet in width, with sidewalks connecting to the existing sidewalk and will be looped and provide access to the open-space buffer for pedestrian access and views. Additionally, the project includes the development of complete streets in that the circulation and infrastructure improvements, as proposed, are designed to ensure the safest conveyance of vehicular traffic possible.
- c. 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.”) would be implemented by the proposed project in that it is considered an infill site as it is within the City limits, in a developed area, and will connect to adjacent existing infrastructure.

- d. Policy LU 1-5 (“Encourage new development to be contiguous to existing development, whenever possible.”) is implemented by the proposed project in that the subdivision would be oriented in a similar pattern to the adjacent single-family subdivision, which creates a fabric of viable and interrelated neighborhoods via the existing streets, Strathaven Place and Montclair Place, that have been stubbed to the northern edge of the site by previous developments.
- e. Finally, the project complies with other 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 9610 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. 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 proposed subdivision is physically suitable for the proposed density of development in that the required density range is 1.1 to 5.0 units per acre (with a mid-point of 3.0 units per acre) and the proposed subdivision includes a density of 3.0 units per acre, consistent with the land use designation. The subdivision will thus allow development of the Project site for residential uses in the low density range, provides for vehicular and pedestrian circulation and infrastructure improvements designed to facilitate the efficient movement of people and goods (Goal CIR 1), adds to the diversity of the Brentwood housing stock (Goal H1), requires payment of impact fees to mitigate the effects of the development on infrastructure and will adhere to noise restrictions during construction (Action N 1e), and will include seismically sound construction of residential dwellings (Goal SA 1). No specific plans govern the proposed map.

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.

Cumulative impacts associated with full development and buildout at a density consistent with the mid-range within the R-LD range of 1.1 to 5.0 units per acre, including the proposed project site, were fully addressed in the EIR. In addition, the applicant provided an East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan Application Form and Planning Survey Report (PSR) to comply with and receive permit coverage. The permit provides regional conservation and development guidelines to protect natural resources while improving and streamlining the permit process for endangered species and wetland regulations.

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. Access to the site would be via the existing streets, Strathaven Place and Montclair Place, which have been stubbed to the northern edge of the site by previous developments. The streets will continue approximately 56 feet in width, with sidewalks connecting to the existing sidewalk and will be looped and provide access to the open-space buffer for pedestrian access and views. 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, which creates a fabric of viable and interrelated neighborhoods (General Plan Policy LU1-5).

- C. Hereby approves Vesting Tentative Subdivision Map No. 9610, 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 Planning Commission shall have jurisdiction to hear any modifications to Vesting Tentative Subdivision Map No. 9610.
- E. 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this tentative parcel map is valid for two years and will expire on August 8, 2025, unless a final map is recorded prior to that date, or written extension application request and application fees are submitted by the applicant and approved by the Planning Commission prior to the expiration date.

ADOPTED by the City Council of the City of Brentwood at its regular meeting on August 8, 2023, by the following vote:

AYES:
NOES:
ABSENT:
RECUSE:

APPROVED:

Joel R. Bryant
Mayor

ATTEST:

Margaret Wimberly, MMC
City Clerk

**EXHIBIT "A" TO
CITY COUNCIL RESOLUTION NO.
VESTING TENTATIVE SUBDIVISION MAP NO. 9610
FOR TRUMARK TRAILSIDE
CONDITIONS OF APPROVAL**

1. The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in the Permit. Design Review No. 22-006 (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, hereby incorporated by reference, unless otherwise modified by the Planning Commission or any of these conditions.
3. The final map shall be substantially in conformance with Vesting Tentative Subdivision Map No. 9610 prepared by CBG Civil Engineers, dated "Received March 8, 2023," unless otherwise amended by the conditions of approval contained herein.
4. 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 9610, and DR 22-006, 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 9610, and the remainder of this obligation shall be unaffected by said Government Code section.
5. Permittee shall comply with all requirements of Brentwood Municipal Code Chapter 17.725 ("Affordable Housing") as codified on the date upon which Permittee's application was deemed complete. In this regard, Permittee shall construct six (6) housing units that shall be made available to income levels

as required under Brentwood Municipal Code Chapter 17.725: two affordable to very-low income households, two affordable to low income households, and two affordable to moderate income households.

6. The southern end of both existing parcels are in an area designated Zone AE according to FEMA's Flood Insurance Rate Map (FIRM). 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 Change (LOMC)], 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 CLOMAR-F shall be prepared and submitted by the developer prior to grading permit issuance or final map approval, whichever occurs first.
7. 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 Fire Protection District (CCFPD). The City's Building Division shall review the building plans to ensure compliance.
8. 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 CCFPD and the City of Brentwood.
9. Flammable or combustible liquid storage tanks shall not be located on the site without obtaining approval and necessary permits from the Contra Costa County Fire Protection District.
10. 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.
11. 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.
12. 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.
13. 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.

15. The Project shall be consistent with all applicable City's General Plan Policies.
16. 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.
17. Permittee shall pursue approval of a temporary construction easement from Contra Costa Flood Control District and Water Conservation District from the Northwest corner of Sand Creek Road and Fairview Avenue for all construction vehicle access during grading importing/exporting operations to the satisfaction of the City Engineer.
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. 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.

- i. 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.”
- j. 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.”
- k. Fire access and aerial apparatus access shall comply with the requirements of the Fire District and Brentwood Municipal Code Chapter 15.06 “Fire Code.”
- l. Special flood hazard areas shall comply with the requirements of Brentwood Municipal Code Chapter 15.07 “Flood Plain Management.”
- m. Grading shall comply with Brentwood Municipal Code Chapter 15.52 “Grading, Erosion and Sediment Control.”
- n. 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.”
- o. 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.”
- p. 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 the City Engineer.
- q. 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.”
- r. 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.

- s. 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."
 - t. Utilities shall be installed underground pursuant to Brentwood Municipal Code Section 16.120.120 "Undergrounding – Electric, Communication, Street Lighting and Advanced Technology Systems."
 - u. 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.
 - v. Permittee shall make all land dedications pursuant to Brentwood Municipal Code Sections 16.140 and 16.150.
19. 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 that there is adequate overland drainage release to an adequate public drainage facility or towards the creek 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 or provide other documentation as determined by the City 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 if necessary, shall include conveyance capacity of Sand Creek.
20. Prior to issuance of an encroachment permit or approval of Improvement Plans:
- a. 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.
 - b. Construction Plans shall include all utilities designed with seismic considerations to the satisfaction of the City Engineer.
 - c. 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.
 - d. Construction Plans shall include an entirely looped water system throughout the project.
 - e. 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.
 - f. 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.
 - g. Construction Plans shall include cathodic protection measures for all buried metallic infrastructure pursuant to City Standards or as approved by the City Engineer.

- h. 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.
 - i. 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.
 - j. 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.
 - k. 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.
 - l. 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.
 - m. 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.
 - n. 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.
 - o. Construction Plans shall incorporate all-weather vehicular access from a public road, including the ability to turn around, 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.
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 Funding Community Facilities District as required by the Contra Costa County Fire Protection District (BMC Chapter 17.635).
 - d. 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. Permittee shall dedicate 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.
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 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 provide an approval signed and sealed by a geotechnical or structural engineer that there is adequate clearance between building foundations and creeks.
 - d. Permittee shall pay all Development Impact Fees pursuant to, or otherwise comply with the latest City of Brentwood Development Impact Fee Program.

- e. Permittee shall provide documents signed by a licensed engineer on building pad elevation, compaction, and appropriate remediation from unsuitable soils.