

RESOLUTION NO. 89-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, CERTIFYING THE EIR, ADOPTING THE MITIGATION
MONITORING REPORTING PROGRAM (MMRP), APPROVING THE
GENERAL PLAN AMENDMENT AND REZONING APPLICATIONS AND
THE TENTATIVE TRACT MAP (TTM 8451) FOR THE CANYON OAKS II
RESIDENTIAL SUBDIVISION (EIR/GPA/REZ 1102036)**

WHEREAS, John Zentner the (“Applicant”) applied for approval to subdivide an approximately 328 acre lot into thirty six residential lots with thirty-two detached single-family dwellings and four custom homes on 28 acres and establishment of a 300-acre conservation land bank on the remaining acreage of the site (the “Project”) at the intersection of San Pablo Dam Road and Castro Ranch Road (“Project Site”);

WHEREAS, the Project Site is adjacent to the Canyon Oaks I residential subdivision on San Pablo Dam Road and Castro Ranch Road within El Sobrante;

WHEREAS, Section 65358 of the California Government Code provides for the amendment of all or part of an adopted general plan; and

WHEREAS, Section 15.02.040 of the Richmond Municipal Code provides for the filing of an application for amendments of the Richmond General Plan where the City Council (“Council”) finds applicant’s proposed zoning changes or permits for uses to be consistent with the Richmond General Plan; and

WHEREAS, the City has complied with the requirements of the Local Planning Law (Government Code Section 65300 et seq.), the current State of California General Plan Guidelines, and the City’s applicable ordinances and policies with respect to approval of the proposed General Plan Amendments (“GPA”); and

WHEREAS, pursuant to Government Code Section 65090, notice of the City Council’s hearing was published in accordance with Section 6061 of the Government Code in at least one newspaper of general circulation within the City of Richmond at least ten calendar days before the City Council’s public hearing; and

WHEREAS, in February 2005, the applicant filed applications for a General Plan Amendment (GPA), a Rezoning to SFR-3: Single-Family Low Density Residential from a C-2 Commercial designation; SFR-1: Single-family Rural Residential to SFR-3, SFR-1, and CRR designation; and EA: Exclusive Agricultural to CRR Community Regional Recreation designation; and Tentative Tract Map with the City of Richmond (City) for Canyon Oaks II, a proposed project to build 36 detached single-family dwellings, including four custom

home sites, and a private conservation land bank (the Project); and

WHEREAS, an Environmental Impact Report was prepared for the Project (Ref. EID 1102306) on October 13, 2006. A public hearing was held on November 2, 2007 to receive public comments on the document; and

WHEREAS, the Final Environmental Impact Report for the Canyon Oaks II Residential project (FEIR) dated March 2007 was prepared to respond to comments on the DEIR; and

WHEREAS, at a duly noticed public hearing on June 5, 2007, the City of Richmond City Council ("the Council") heard public comments on the FEIR, and continued the item to another meeting held on June 19, 2007. After considering all oral and written information regarding the FEIR (Exhibit A) as presented at or before that hearing, the Council certified the FEIR as adequate for the purposes of approving a Tentative map for the proposed Project; and

WHEREAS, the City Council has reviewed and considered the information contained in the FEIR and the MMRP in Exhibit A, and finds that mitigation measures identified in the FEIR have been imposed on and included in the conditions of approval for the Tentative Tract Map, incorporated into the Canyon Oaks II Residential Project to mitigate to a less-than-significant level or avoid the Project's potentially significant environmental effects, that certain mitigation measures are within the responsibility and jurisdiction of another public agency and such changes can and should be adopted by such other agency, that specific economic, social and other considerations make infeasible the project alternatives that would avoid or mitigate the environmental impacts; and

WHEREAS, in the existing General Plan, which was adopted by Resolution No. 164-94 on August 15, 1994, and as subsequently amended, the Project site is designated as General Commercial/922; Very Low Density Residential/942; and Preservation Resource Area/ 941 as shown in Exhibit B; and

WHEREAS, the Project application includes a request for a GPA to change the area of the Project site designated as General Commercial/922 to Very Low Density Residential/942, and Very Low Density Residential/942 to Preservation Resource Area/ 941 as shown in; and

WHEREAS, the City Council finds that the proposed Project is consistent with the objectives, policies, general land uses, and programs specified in the 1994 General Plan, as amended; and

WHEREAS, the Council has reviewed the proposed GPA and considered oral and written comments received at or before a duly noticed public hearing on June 19, 2007;

WHEREAS, the Project application also includes a request to change the zoning of the Project Site from General Commercial (GC) to Single-Family: Low Density Residential (SFR-3) and Single-Family: Rural Residential (SFR-1) and from Exclusive Agricultural (EA) to Community and Regional Recreation (CRR) for the private conservation land bank; and

WHEREAS, at the public hearing before the City Council, the applicant, spoke in favor of the proposed Project based on the environmental determination that the project with mitigation will result in no adverse impact on the environment; and

WHEREAS, after receiving testimony on the project, the City Council closed the public hearing on June 5, 2007, and postponed action on the item until its next meeting on June 19, 2007; and

WHEREAS, the City Manager requested that the Applicant meet with Canyon Oaks I residents and provide options for an emergency access easement at the terminus of Canyon Creek Road between the two developments, to attempt to resolve neighboring differences; and

WHEREAS, at the meeting on June 19, 2007, the applicant proposed a new design for the roadway between the two developments which was satisfactory to Canyon Oaks I residents and staff as shown on Tentative Tract Map 8451; and

WHEREAS, at its meeting on June 19, 2007, the City Council voted to certify the Final EIR, Adopt the Mitigation Monitoring and Reporting Program, Approve the General Plan Amendment and Approve an Ordinance to Rezone for the Project included in Attachment 1 of the staff report, subject to the plans and applications submitted, and the findings and conditions contained herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds that the Canyon Oaks II Residential Final Environmental Impact Report, which consists of the DEIR, Comments on the DEIR, and Response to Comments, has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et. seq).

SECTION 2. The City Council further finds:

- (A) The FEIR was prepared, published, circulated and reviewed in accordance with the requirements of the CEQA, and the State CEQA Guidelines, and constitutes an adequate, accurate, objective and complete FEIR

addressing all issues relevant to the approval of the Tentative Tract Map for the Project.

- (B) The Council certifies that it has reviewed and considered the information contained within the FEIR prior to acting on the proposed Project and that the FEIR reflects the independent judgment and analysis of the City.
- (C) Pursuant to CEQA Guidelines Section 15093, and in support of its certification of the Canyon Oaks II Residential Final Environmental Impact Report, the Council hereby adopts the Findings of Fact and the Mitigation Monitoring and Reporting Program (attached hereto as Exhibit D and incorporated herein by reference) to require that all reasonably feasible mitigation measures be implemented.
- (D) Pursuant to these conditions of approval as outlined below, to be implemented with the project, and as follows:

SECTION 3: CONDITIONS OF APPROVAL for Tentative Tract Map (TTM 8451)

1. This approval pertains to lot and roadway boundaries as shown in the Tentative Tract Map prepared by RMR Design Group, Inc. dated March 18, 2005, date stamped received March 21, 2005 by the Richmond Planning Department, on file in the City of Richmond Planning Department only. All grading, padding and building placement, as well as the design of all infrastructures and other site interventions, shall be subject to review and approval through the Conditional Use Permit process pursuant to Section 15.04.510.D, Hillside Physical Constraint Area of the Richmond Municipal Code. No application for a grading permit, building permit or Final Map shall be accepted prior to approval of the Hillside Physical Constraint Area Conditional Use Permit.
2. This Tentative Tract Map shall be valid for two (2) years from the date of this action. This action shall become null and void unless a Final Map is recorded within this period or a time extension to the approved Tentative Tract Map is granted. The Tentative Tract Map approval does not and will not, go into effect until the City Council certifies the FEIR and approve the General Plan Amendment and Rezoning, and the Planning Commission approves the Conditional Use Permit addressed in Condition 1.
3. The project sponsor shall be responsible for implementing all mitigation measures for this project in the Final Environmental Impact Report (FEIR) for the Canyon Oaks II Residential Project, dated March 2007, on file with the Planning Department and incorporated herein by reference; and the accompanying Mitigation Monitoring and Reporting Program (MMRP), which is attached hereto (Exhibit A).
4. Prior to development of the 21-acre Tri Lane site, the Project Applicant shall dedicate to the City a Conservation Easement or other instrument satisfactory to the City Planning and Building Services Director over the land conservation bank.
5. The Final Map shall be prepared to include the following:

- a. A permanent conservation bank easement shall be established with the project sponsors, and the US Fish and Wildlife Service for Assessor Parcel Number 573-020-011 for conservation of land dedicated to the loss of endangered species or their habitats, which will serve as the El Sobrante Conservation Land Bank.
 - b. An access easement shall be given to the US Fish and Wildlife Service over the El Sobrante Conservation Land Bank, to be developed with an access road, as presented on the Tentative Tract Map.
 - c. The vegetation management plan for the Land Bank shall be recorded in the Contra Costa Recorder's office and shall serve as the basis for management of the El Sobrante Conservation Land Bank in perpetuity.
 - d. The Final Map shall include the granting of all necessary easements to the City for purpose of accessing on-site utility service systems.
7. Any failure by the City to perform any action specified herein, or failure of any party timely to execute any agreement specified herein, shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval. Any failure by City to insist upon the strict or timely performance of any of the provisions of these Conditions of Approval, irrespective of the length of time for which such failure continues, shall not constitute a waiver of City's right to demand strict compliance with such provisions in the future. No waiver by City of any failure of performance of these Conditions of Approval shall be effective or binding upon City unless made in writing by City and no such waiver shall be implied from any omission by City to take any action with respect to such failure.
8. As used in these Conditions of Approval, references to "City" shall include the City of Richmond and, its respective officials, officers, employees, agents, departments, subdivisions, Boards and Commissions (and individual members of each of the foregoing) and all of respective heirs, legal representatives, successors and assigns of each of the foregoing.
9. Prior to the issuance of grading permits and/or building permits for this project, the Project Applicant shall enter into an agreement to specify how fees and deposits will be managed to implement the project. The City and the Project Applicant acknowledge that the Mitigation Monitoring and Reporting Program (MMRP) requires the Project Applicant to directly contract with a number of independent experts monitoring construction or operation activities, including but not limited to traffic, landscape, cultural resource experts, hazardous materials, geotechnical engineers, air quality and noise monitors, relocation experts, etc. In addition, the Project Applicant shall fund the full costs of all independent technical and other consultants the City reasonably deems necessary to comply with the Conditions of Approval and the mitigation monitoring requirements as set forth in the MMRP, as the final design and building permit plans for each Development Parcel are submitted. All work performed pursuant to this Condition of Approval shall be under the direct supervision of the City and the applicant shall provide the name and phone numbers of one contact person responsible for the management and supervision of consultants or sub-

contractors on sit to the City project manager. Accordingly, the applicant shall deposit funds in amounts acceptable to the City in order to cover the full costs of independent technical and other types of review, monitoring and inspection, including, without limitation, third party plan check fees.

10. Within 90 days following the Effective Date, the Project Applicant shall enter into an Indemnification Agreement in a form acceptable to the City Attorney to establish in more specific detail the terms and conditions of the Indemnity Obligations. Any failure of any party to timely execute such Indemnification .Agreement shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval or any other Project Approval, except that it shall not limit the authority of the Planning and Building Director as set forth in these conditions of Approval.
11. The Indemnity Obligations are in addition to, and in no way shall be construed to limit or replace, any other obligations or liabilities that the Project Applicant may have to the City during the processing of this project.
12. All Mitigation Measures in the EIR as deemed to be required in the Environmental Findings shall be considered Conditions of Approval for the project, as may be further refined and/or clarified by this Approval, including the refinements and clarifications set forth in these Conditions of Approval. Implementation of the Mitigation Measures shall be adhered to in accordance with the MMRP. Implementation of the transportation measures that are not within the sole discretion of the City of Richmond may not be feasible, and therefore, may not be able to be fully implemented. The MMRP identifies the time frame and responsible party for implementation and monitoring of each measure, as modified by this Approval. Overall monitoring compliance with the mitigation measures will be the responsibility of the Planning and Building Services Director or his or her designee. Each of the improvements identified in the MMRP shall be implemented at the Project Applicant's sole cost and expense (except where only a fair share contribution is required as set forth in the MMRP or these Conditions of Approval) or secured with an improvement agreement, or similar financial assurance, acceptable to the City.
13. Prior to final map recordation, the applicant shall designate building envelopes that restrict development to areas below the 400 foot elevation (and outside of the PRA and CRR designations). The Covenants, Conditions, and Restrictions (CC&Rs) developed for the subdivision shall include a condition that prohibits development from occurring in areas above the 400-foot elevation level to ensure compliance with the City's General Plan and Zoning Ordinance requirements (MM LU-2).
14. The Project Applicant shall implement all of the mitigation measures described in "Section 4.2. Soils and Hydrology" of the MMRP. Final grading and improvement plans for the Project shall include all information, analysis and requirements as set forth in the MMRP. (MM # Soil/Hydro -1a, 1b, 1c, 1d,1e, 1f, 1g, 1h, 1i, 1j, 1k, and 1l).
15. Prior to the issuance of a grading permit for any phase of the project, the Project Applicant shall submit a drainage, erosion control and C-3 Storm Water Pollution Prevention Plan (SWPPP) incorporating all City and other requirements, including the State General

Permit for Construction. The applicant shall also submit the detailed design of the storm water control plan that complies with provision C.3 of the Contra Costa NPDES Municipal Stormwater Permit, NPDES Permit No. CAS0029912, Order No. 99-058, or any subsequent tentative order, revision, or new permit.

16. Prior to building permit final and issuance of a Certificate of Occupancy for any of the dwellings, the Project Applicant shall execute any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs.
17. The Project Applicant shall implement all of the mitigation measures described in "Section 4.2. Soils and Hydrology" of the MMRP". All geotechnical reports and recommendations submitted in accordance with final grading and construction specifications shall incorporate the information, standards, and requirements required in that section. Prior to the issuance of a grading permit for the site, the plans, information and analysis required by this Condition of Approval shall be independently reviewed by a qualified geotechnical engineer hired by the City at the Project Applicant's expense and approved by the City Engineer. All of the mitigation measures outlined in the analysis and requirements as set forth in the DEIR for soils/hydrology and numbered as MM # ~~Soil/Hydro~~ -2a, 2b, 2c, 2d,2e, 2f, 3a, 3b, 3c, and 3d.
18. As required by the Stormwater Treatment Plan included in Appendix E of the Draft EIR, the final site design shall limit paving on individual lots and offstreet parking bays. The final site design shall include "porous paving" in areas that will not adversely impact soil stability, as assessed by the applicant's civil and geotechnical consultants. (MM # Soil/Hydro -4a)
19. As required by the Stormwater Treatment Plan included in Appendix E of the Draft EIR, The proposed drainage system shall be designed to comply with requirements of the City of Richmond, Contra Costa County Department of Public Works, Contra Costa County Flood Control & Water Conservation District to reduce stormwater discharges from the Project site so that during rainstorms, downstream flows to San Pablo Creek would remain at existing flow levels or lower when combined with flow from other tributaries. The design shall account for not only volume of site runoff from all potential sources, but also for rate of discharge and trimming of peak flows relative to upstream and downstream peak flow conditions. Ultimately, construction of the Project storm drainage system shall be coordinated, reviewed, and approved by representatives of the governing agencies, the applicant's geotechnical consultant and the City Peer Reviewer(s). (MM SOIL/HYDRO-4b)
20. The Project Applicant shall ensure that the storm water runoff from the Project will be designed in compliance with the City's Subdivision and Grading Ordinances and the Hillside Ordinance requirements for site drainage. Terrace drains would be constructed in the intermediate slope benches and perimeter drainage swales at less visible locations. The storm drain system would include storm runoff detention. Underground storm runoff detention would be provided via over sized storm drain pipes and weir structures to detain and meter out the allowable outflow as capacity becomes available in the system. The runoff detention system capacity would limit the post development site runoff from a 10-

year design storm to not more than pre-development site runoff. Roof drainage would be conveyed through bioswales or pipes to stormwater treatment systems and then to site storm drain lines. (MM SOIL/HYDRO-4c)

21. The Project Applicant shall ensure that Structural water quality BMP's shall be designed to ensure public safety during low and high water conditions in order to minimize nuisance and vectors (e.g., mosquitoes, rodents, excess algae, etc.), and to be compatible with biological habitat considerations along stream corridors and open space areas.
(MM SOIL/HYDRO -4d)

22. The Project Applicant shall comply with requirements of the RWQCB construction stormwater permit. As part of the permit requirements, the Project applicant shall be required to develop and implement a stormwater pollution prevention plan (SWPPP) for the Project site. The SWPPP shall be consistent with the terms of the State Construction Storm Water General Permit, the manual of Standards for Erosion & Sedimentation Control Measures by the Association of Bay Area Governments, policies and recommendations of the City of Richmond and Contra Costa County, and the recommendations of the RWQCB.

The SWPPP shall implement an erosion-control plan during and after construction. The erosion-control plan shall be prepared by the applicant's geotechnical consultant and reviewed by the City's Geotechnical Peer Reviewer for conformance to geotechnical recommendations. The following specific measures shall be considered in developing the erosion control plan and shall be implemented as determined necessary by the SWRCB, the RWQCB, and the City: (1) Phase construction to limit areas of exposed soil and to minimize length of time the site is cleared and graded. The applicant shall submit to the City plans and specifications pertaining to location(s) and methodology for placement/containment of proposed temporary earth stockpiling. (2) Stabilize denuded areas as soon as possible with seeding, mulching, or other effective methods. Replanting of these areas shall be consistent with the requirements of Chapter 12.44 of Article XII of the Municipal Code. In addition, the planting scheme shall be designed and maintained to minimize fire hazards and preserve the aesthetic quality of the area. (3) Coordinate the implementation of the erosion control plan with on-going maintenance practices of the City's Department of Public Works for cleaning, inspection and maintenance of the storm drain system, including cleaning of detention ponds, catch basins and culverts and clearing of stream channels. (4) Strategically place velocity control dikes, hay bales, filter fabrics, silt fencing and/or other applicable erosion-control practices to maximize effectiveness of erosion control and to prevent sediment discharge to streams and waterways. This measure is particularly important for temporary stockpiling of earth during site grading. The applicant shall prepare and submit to the City a specific program for cleaning, repair and replacement of these facilities over the course of construction. (5) Coordinate implementation of the erosion-control measures with the phasing of the construction of the new storm drain system, so that erosion control measures are in place for whichever system(s) or portions thereof are operating for the duration of construction activities at the Project site. (6) Schedule excavation and grading activities during the dry season, between April 15 and October 15. (MM SOIL/HYDRO-5a)

23. The Project Applicant shall ensure that the construction contractors shall enforce strict on-site handling rules to keep construction and maintenance materials out of receiving waters. The rules typically include measures to: (1) Store all reserve fuel supplies only within the confines of a designated construction staging area. (2) Refuel equipment only within designated areas within the designated construction staging area. (3) Regularly inspect all construction vehicles for leaks. (4) Require the preparation of an Emergency Response Plan to be implemented in the event of an accidental spill. (5) Require that the construction staging areas be designed to contain surface runoff so that contaminants such as oil, grease, and fuel products do not drain towards receiving waters. If heavy-duty construction equipment is stored overnight adjacent to potential receiving water, drip pans shall be placed beneath the machinery engine block and hydraulic systems. (6) Require washout area for cleaning construction equipment and vehicles before exiting the site. (MM SOIL/HYDRO-5b)
24. The Project Applicant in consultation with the Contra Costa County Clean Water Program, and the City's Public Works Department shall implement its stormwater management program at the Project site the lots and proposed residences. The applicant shall develop and implement all provisions of the Stormwater Plan dated April 2006 and included in Appendix E of the Draft EIR, including a SWPPP which provides BMP's for both construction and post-construction periods. The City shall review to ensure compliance with the provisions of Article XII of the Municipal Code. Approval of this Plan shall be a Condition of Approval of the Final Development Plan. The proposed development shall meet all County C.3 requirements. (MM SOIL/HYDRO-6a)
25. The Project Applicant shall ensure that all pesticides on the site be restricted to residential use only and of residential use strength to minimize contamination of waterways, and shall not be used for maintenance of open space and other common areas. The vegetation management plan requires implementation of the County's pesticide and vector control program using biological means or other less toxic solutions to pest control and management. The applicant shall retain a City-approved specialist in integrated pest management to develop an effective program. This program should address measures to reduce or eliminate pesticide use on residential property. Program requirements and recommendations shall be submitted to the City Planning and Building Services Department for review and approval, and ultimately reflected in the HOA codes and covenants. (MM SOIL/HYDRO-6b)
26. The Project Applicant shall ensure that all vegetation shall be managed to minimize fire hazards. Mosquito abatement shall be performed in compliance with guidance from the Contra Costa County Mosquito and Vector Control District. (MM SOIL/HYDRO-6c)
27. The Project Applicant shall implement all of the mitigation measures described in "Section 4.4. Infrastructure and Services" of the MMRP and all improvements that are to be funded by the Project Applicant pursuant to these Mitigation Measures.
28. The Project Applicant shall submit appropriate flow and pressure data to EBMUD in advance of construction to determine whether the 1,500 gallons per minute threshold could be achieved on-site. If the data shows that this standard could not be met, all units would be required to have sprinkler systems installed prior to occupancy. If implemented, the addition of sprinklers to augment existing flows would reduce the impact to a less than significant

level. (MM INFRA/SER-1)

29. In order to comply with State mandates regarding the diversion of solid waste, the Project applicant and contractor shall prepare and implement a construction-period recycling plan in consultation with the West County Integrated Waste Management Authority. The plan shall address major materials generated by a construction project of this size, including brush and other vegetative material, dimensional lumber, metal scraps, cardboard, packaging, and plastic wrap, and shall address opportunities to recycle such materials or divert them away from the West Contra Costa County Landfill. (MM INFRA/SER-2a)
30. The Project Applicant shall ensure that all trees of a size and species that are potentially usable as dimensional lumber or finish wood products shall be made available and transported by the Project sponsor to a sawmill or shipping contractor within 50 miles of the site willing to accept said materials. All other vegetation and organic materials not suitable for use as timber that is approved for removal for construction or grading shall be composted on site where practicable or transported by the sponsor to a licensed off-site composting facility. Prior to application for grading permits the Project sponsor shall prepare a lumbering and composting plan covering all phases of grading and site preparation that identifies all trees suitable for use as a lumber. (MM INFRA/SER-2b)
31. The Project Applicant shall ensure that if homes are approved above the 375-foot elevation line, the Project sponsor shall install and maintain an individual pumping facility for each lot, to maintain adequate pressure to the residences at all times. (MM INFRA/SER-3)
32. The Project Applicant shall implement all required off-site improvements including replacement of existing lines, as needed. All work shall be completed to the satisfaction of the West County Wastewater District prior to issuance of occupancy clearance. (MM INFRA/SER-4)
33. The Project Applicant shall implement all of the mitigation measures described in "Section 4.6 Biological Resources" of the MMRP and all improvements that are to be funded by the Project Applicant pursuant to these Mitigation Measures.
34. Prior to the issuance of a grading permit, special status plant surveys shall be conducted following the CDFG and CNPS published survey guidelines. These guidelines state that special-status plant surveys should be conducted at the proper times of the year when special-status and locally significant plants are both evident and identifiable. These guidelines also state that the surveys be floristic in nature with every plant observed identified to species, subspecies, or variety as applicable. Finally, these surveys shall be conducted in a manner that is consistent with conservation ethics and accepted plant collection and documentation techniques. Following these guidelines, surveys shall be conducted during the months when special-status plants species from the region are known to be evident and flowering. For the plants that have potential to occur on the development site, rare plant surveys shall be conducted monthly during the months of February through July. (MM BIO-1a)
35. The Project Applicant shall ensure that if special-status plants are present within the

proposed development area, the feasibility of avoidance shall be evaluated. If avoidance is infeasible, a mitigation plan shall be developed in consultation with CDFG personnel, if the plant is state-listed, or in consultation with the California Native Plant Society for a List 1B or List 2 plant. If the plant is state-listed, an incidental take permit (i.e. a 2081 agreement) shall be acquired for the Project from CDFG prior to any grading or construction. If the plant is federally listed, an incidental take permit shall be obtained from the USFWS prior to any grading or construction. A copy of these permits shall be provided to the City prior to any grading. Any conditions for the Project established by CDFG in the 2081 Agreement, or by the USFWS in the incidental take permit, shall become conditions of the Project also enforceable by the City of Richmond. If a plant is found on the development site that is CNPS List 1B or 2 species, or a federal "species of concern," prior to construction, a qualified botanist shall collect the seeds, propagules, and top soils, or other part of the plant that would ensure successful replanting of the population elsewhere. The seeds, propagules, or other plantable portion of all plants designated as CNPS 1B or 2 species, or federal "species of concern," shall be collected at the appropriate time of year and planted in the fall months after the first rains in an area that is permanently protected through recordation of a Conservation Easement or a Grant of Easement. The proposed 328.9-acre Land Bank site may be an appropriate site to transplant any special-status plants or their seeds found on the development site. The applicant shall then conduct annual monitoring surveys of the transplanted plant population for a five-year period, and shall prepare annual monitoring reports reporting the success or failure of the transplanting effort. These reports shall be submitted to the City of Richmond and to the appropriate resource agency (CDFG or USFWS) no later than December 1st each monitoring year. When implemented, this mitigation measure would reduce significant adverse impacts to special-status plants to a level considered less than significant pursuant to CEQA. (MM BIO-1b)

36. The Project Applicant shall ensure that all components of the vegetation management plan prepared for the development portion of the Project shall be included in the CC&RS. The CC&Rs for the subdivision shall be made available to each property owner so that each owner is clear on what is expected of them in terms of maintenance of their yard. The vegetation management plan shall be revised to incorporate provisions of the County's pesticide and vector control program to reduce or eliminate pesticide use. The vegetation management plan for the Land Bank shall be recorded in the County Records office and shall serve as the basis for management of the Land Bank in perpetuity. Specific measures of the vegetation management plan for the development portion of the site and the Land Bank include maintaining a defensible fire profile zone (DFPZ), promoting native meadow species, and controlling noxious weeds. Grazing by deer and goats (for controlled maintenance of the existing landscape) would be allowed. (MM BIO-1c)

37. Prior to issuance of a grading permit, the applicant shall obtain a streambed alteration agreement (Agreement) from the California Department of Fish and Game and water quality certification and/or waste discharge requirements (WDRs) from the RWQCB if the project results in fill or cut within the RWQCB jurisdiction. The applicant shall implement all mitigation measures included in the Agreement, such as installing retaining walls and/or habitat mitigation and tree replacement pursuant to established replacement ratios. The applicant shall also implement all measures required as part of the water quality certification and/or WDRs issued by the RWQCB if the project results in fill and

cut within the RWQCB jurisdiction. (MM BIO-2a)

38. Prior to the issuance of the grading permit, the applicant shall mitigate for the loss of habitat within the riparian corridor (grading impacts within the tree canopy line and the top of bank) by restoring an equivalent amount of riparian habitat on-site. The applicant shall restore a currently eroded, ephemeral channel located on Lot 17 (Figure 4.6-6). The ephemeral channel shall be stabilized with a variety of biotechnical features and planted with native riparian species. Appendix C of this Final EIR provides the Canyon Oaks Riparian Restoration Program prepared by Zentner and Zentner (January 2007). Additional mitigation for impacts to the creek setback shall include planting of native trees on the project site as shown in Figure 4.6-3—in accordance with Mitigation Measure BIO-4 of the DEIR. (MM BIO-2b)
39. Prior to the issuance of a grading permit, the applicant shall install construction fencing backed by silt fencing around the preserved wetlands to clearly define the work area and to prevent impacts to the wetlands. Such a fence would prevent any side-cast material from impacting the preserved wetlands. (MM BIO-2c)
40. If construction activities take place during the nesting season (February 15 through August), preconstruction nesting surveys for special-status bird species, particularly raptors, within the Project area and the surrounding area of influence (approximately 150 feet from the limits of grading) shall be conducted by a qualified biologist no more than 15 days prior to the commencement of the earth-moving or construction activities. (MM BIO-3)
41. The Project Applicant shall ensure that for each native oak tree measuring 4 inches diameter at breast height (DBH) or larger within CDFG's jurisdiction that is removed by the Project, shall be replaced with five native oaks (this is a 5:1 mitigation ratio). Removal of all other native California trees measuring 6 inches DBH or greater are located outside of CDFG's jurisdiction, shall be replaced at a 3:1 replacement ratio. All replacement trees shall be 15-gallon size or larger and shall be installed 12 feet apart (on average) to ensure that they have adequate light, water, and soil nutrients the first few years until sufficiently established. (MM BIO-4)
42. All oak trees shall remain on site provided that an Arborist report states that the tree is not deceased, and these trees shall be fenced outside drip line to ensure protection during construction on the project site.
43. The Project Applicant shall implement all of the mitigation measures described in "Section 4.7 Cultural Resources" of the MMRP and all improvements that are to be funded by the Project Applicant pursuant to these Mitigation Measures.
44. The Project Applicant shall comply with the mitigation measure outlined in the analysis and requirements as set forth in the DEIR for cultural resources and numbered as MM # CULT-1 and Cult-2 as set forth in the MMRP.
45. The Project Applicant shall implement all of the mitigation measures described in "Section 4.8 Noise" of the MMRP and all improvements that are to be funded by the Project Applicant pursuant to these Mitigation Measures.

46. The Project Applicant shall comply with the mitigation measure outlined in the analysis and requirements as set forth in the DEIR for noise and numbered as MM #NOI-1 and NOI-2 as set forth in the MMRP.
47. The Project Applicant shall implement all of the mitigation measures described in “Section 4.9 Air Quality” of the MMRP and all improvements that are to be funded by the Project Applicant pursuant to these Mitigation Measures.
48. The Project Applicant shall comply with the mitigation measure outlined in the analysis and requirements as set forth in the DEIR for Air Quality and numbered as MM # AIR-1a, AIR-1b, AIR-1c and AIR-2 as set forth in the MMRP.
49. The Project Applicant shall implement all of the mitigation measures described in “Section 4.10 Schools, Parks, and Recreation” of the MMRP and all improvements that are to be funded by the Project Applicant pursuant to these Mitigation Measures.
50. The Project Applicant shall pay in-lieu fees mandated by the City to provide funding for the acquisition and maintenance of park lands throughout the City. (MM PARK-1)
51. The establishment of a homeowner’s association is required. The association shall include the 4 estate lots; dues from the homes on these lots shall be apportioned according to the actual share of costs incurred by these lots. The homeowner’s association shall be responsible for maintaining the on-site improvements, which shall be specified in Conditions, Covenants and Restrictions (CC&Rs) prepared and submitted with the Final Map. The CC&R’s shall be reviewed and approved by City Attorney and shall include the following:
 - a. The maintenance and repair of all exterior building improvements, including but not limited to, exterior building surfaces and materials, front yard landscaping, common grounds and recreation facilities and associated improvements.
 - b. All components of the vegetation management plan prepared for the development portion of the Project site (Mitigation Measure BIO-1c). The vegetation management plan shall include provisions of Contra Costa’s pesticide and vector control program to reduce or eliminate pesticide use.
 - c. A program designed to mitigate potential water quality degradation of runoff from all portions of the completed development and schedule for the long-term maintenance of on-site storm water drainage facilities including, but not limited to terrace drains, perimeter drainage swales, catch basins, roof drainage conveyed through bioswales, and underground detention pipes (Mitigation Measure SOIL/HYDRO-5a).
 - d. The maintenance and repair of all common interior building improvements, including services and infrastructure (e.g., water system, utility rooms) and the parking garage.
52. Prior to the approval of the Final Map by the City Engineer, the following shall be met or completed:
 - a. Secure approval of all on-site and off-site improvement and utility plans.
 - b. Provide required security bonds for all improvements for the condominium project.

- c. Pay all applicable fees.
 - d. Submit a complete package for the Final Map including all necessary documents for review and process approval of the map.
 - e. The Final Map shall be prepared in compliance with the Subdivision Map Act and Richmond Municipal Code.
53. The project sponsor shall submit a Final Subdivision Map (or Final Tract Map), prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changes or adjustment of lot lines. The Final Subdivision Map shall be approved by the Department of Public Services and recorded by the County prior to the issuance of the Site Grading Permit or the first building permit. It is the project sponsor's responsibility to check with their title company and the County to determine the time necessary to have the map recorded after City approval.
 54. The subdivider shall enter into a subdivision agreement with the City to guarantee the construction and installation of public and private improvements as required by Chapter 15.08.420 of the Municipal Code. Performance of the subdivision agreements shall be guaranteed by securities as specified in Chapter 5 of the Subdivision Map Act.
 55. Prior to the approval of the Final Subdivision Map, the project sponsor shall obtain sewer main and sewer lateral construction permits, and pay a mandatory Sanitary Sewer Connection fee to the West County Wastewater District. A minimum 10-foot easement with paved access to all manholes and cleanouts would need to be granted to the District along all public sewer mains, in both public and private roadways.
 56. Prior to approval of the Final Subdivision Map, the developer shall work with the Canyon Oaks HOA to identify and fund a permanent improvement to the Canyon Oaks I tot lot. That improvement will consists of a swing set or similar scale improvement and will be completed prior to the issuance of the final occupancy permit, unless the HOA and developer mutually agree upon a time extension that shall be approved by the City's project manager.
 57. Prior to approval of the Final Subdivision Map, the developer shall establish an easement over the Canyon Creek Drive EVA in favor of the Canyon Oaks HOA for the purpose of ensuring that the EVA could not be developed as a public roadway without HOA approval. The easement language will be reviewed and approved by the City of Richmond and the easement recorded prior to the issuance of the final occupancy permit. The roadway shall be constructed and maintained as designed and approved by the City Council on June 19, 2007. The roadway shall be blocked with bollards, removable by the Fire Department in case of emergencies between the two developments and the landscaping installed by the developer and maintained by the Canyon Oaks II HOA. In the future, should the developments determine that the use of the roadway to through traffic is preferred, the change must be approved by a vote of both the HOA of canyon Oaks I and the HOA of Canyon Oaks II.
 58. Prior to approval of the Final Subdivision Map, the developer shall construct a fence separate from the existing Canyon Oaks subdivision fence for the southern border of the Canyon Oaks II project on the south side of Canyon Oaks II lots 28 through 36. The

developer shall plant vegetation and the Canyon Oaks II HOA shall maintain a 10 ft wide landscaped buffer between the two fences.

59. If by October 1, 2009, the US Fish and Wildlife Service has not approved the establishment of the Conservation Bank, the applicant shall place a Conservation Easement over the proposed conservation land bank lands that shall preclude any development on the proposed Bank lands. Other conservation measures, such as oak tree planting or other efforts to conserve or protect rare or sensitive species, may still occur on the proposed Bank lands but the easement shall ensure that no development can occur on these lands.
60. Fire Department Conditions of Approval:
 - a. Fire apparatus roadways shall have a minimum unobstructed width of 12 feet and unobstructed vertical clearance of not less than 13ft. 6inches (4m). Vertical clearances may be increased when in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access. (UFC, 2001, Sec. 902.2.2.1)
 - b. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. (UFC, 2001, Sec. 902.2.2.2)
 - c. (Dead-ends) Fire apparatus access roads in excess of 150ft. in length shall be provided with approved provisions for the turning around of fire apparatus. (UFC, 2001, Sec. 902.2.2.4)
61. To the fullest extent permitted by law, the subdivider shall defend, indemnify, and hold harmless the City of Richmond, its council, boards, commissioners, agents, officers, employees, consultants, successors and assigns from and against any and all claims, demands, obligations, proceedings, actions, causes of action, suits, losses, judgments, fines, penalties, damages, liabilities, costs and expenses (including without limitation attorney's fees, disbursements, and all other professional or expert fees and costs) (individually a "Claim," collectively "Claims") which may arise to attack, set aside, void, or annul the CEQA documents prepared for the Project or any Project approvals, or related to any actions taken or not taken in connection with Project approvals, which Claim, is brought in accordance with all applicable laws related thereto and within the time period provided by law, including but not limited to any claim for private attorney general fees claimed by or awarded to any party from City. This condition is binding upon the subdivider only if the City promptly notifies the subdivider of any such claim.
62. Prior to issuance of a grading permit, the project sponsor shall submit written proof of permit approval and/or clearance from other regulatory or responsible agencies, which may include the US Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), and California Regional Water Quality Control Board (RWQCB).
63. Prior to issuance of a grading permit, special status plant surveys shall be conducted following the CDFG and CNPS published survey guidelines. (Mitigation Measure BIO-1a)
64. If grading is to occur within the RWQCB's jurisdiction, the project applicant shall obtain a water quality certification from the RWQCB prior to issuance of a grading permit. (Mitigation

Measure BIO-2)

65. Prior to issuance of a building permit, a roof plan shall be submitted to include a detailed program for the screening of rooftop mechanical equipment. The roof material that is selected shall have a minimum 30-year guarantee.
66. Prior to issuance of a permit, the project is subject to the payment of pertinent fees including West Contra Costa Unified School District school impact fees, park fees and in-lieu fees, as per the City of Richmond's development fee schedule.
67. The project shall be subject to and comply with City Public Works Department standard conditions of approval.
68. All public improvements shall be made in accordance with the latest adopted City Standard Drawings and Specifications. All work shall conform to the applicable City ordinances. Good housekeeping practices shall be observed at all times during the course of construction. Adjacent public right-of-way shall be kept clear at the end of each day of all job related dirt and debris. Dirt and debris shall not be washed into storm sewers. The storing of goods and materials on the sidewalk and/or street will not be allowed unless a special permit is issued therefore. The owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way in accordance with this condition may result in the City performing the required maintenance at the project sponsor's expense.
69. The project sponsor shall notify the Department of Public Services' Inspection Division at least twenty-four (24) hours prior to starting any work pertaining to on-site drainage facilities, grading, or paving and all work in the City's right-of-way. Failure to do so will result in rejection of work that proceeded without inspection.
70. The project sponsor shall repair or replace all existing improvements not designed for removal which are damaged or removed as a result of his operations. Improvements such as, but not limited to, curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, or signs shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvements to be repaired or replaced shall be at the direction of the Public Services inspector. Project sponsor shall request a walk-through with the Public Works inspector prior to the start of construction to verify existing conditions.
71. The project sponsor shall install all utility services, including telephone, electric power, cable and other communication lines underground in accordance with City of Richmond policy.
72. All storm drainage runoff shall be directed to the public street with a minimum grade of two (2) percent over landscaped areas and one-half (1/2) per cent over paved areas. Where necessary, sidewalk drains per City Standard Drawing 5-AA-1059 shall be provided to direct the water under the sidewalk and through the curb. In addition, discharge must conform to any non-point source permit issued by the Regional Water Quality Control Board. A

detailed drainage plan shall be submitted for review and approval by the Public Works Department. The drainage plan shall be prepared by a registered civil engineer and shall include the following:

- a. All storm drainage shall be designed to collect onsite and be conveyed underground to the public storm drain system. This requirement shall be shown on the construction plans.
 - b. Pretreatment of storm drainage water runoff is required. Storm drainage runoff shall be conveyed over landscaped areas, bio-swales or similar natural filtration feature, before discharging into the public system.
 - c. The area within all refuse/trash enclosures shall drain to the sanitary sewer system. The outside perimeter of the enclosure shall be graded to prevent storm water from draining into the sanitary sewer system.
 - d. All storm water catch basins within the parking garage shall be provided with oil traps and/or other filtering devices as per Department of Public Services specifications.
73. For all storm water discharges associated with construction activity which involved land disturbance of one or more acres, including clearing, grading, or excavation, the project sponsor shall submit a Notice of Intent (NOI) form with the applicable fees.
74. Prior to issuance of a grading permit, the project sponsor shall submit 'will serve' letters from the appropriate utilities and agencies demonstrating that utilities and services are provided to the project.
75. Prior to issuance of a grading permit, a General Construction Activity Storm Water Permit shall be secured from the RWQCB. Approval shall require compliance with erosion and sediment control measures/standards and implementation of Best Management Practices (BMPs). See conditions below regarding the preparation and submittal of an Erosion Control Plan and implementation of BMPs. (Mitigation Measure SOIL/HYDRO-6a)
76. Prior to issuance of a grading permit, a detailed grading plan shall be submitted for review and approval by the Public Works Department and/or Building Department. The grading plan shall include all proposed and finished grades and quantities of cut and fill.
77. Prior to issuance of a grading permit, a detailed drainage plan shall be submitted for review and approval by the Public Works Department. The drainage plan shall be prepared by a registered civil engineer and shall include the following:
- a. All storm drainage shall be designed to collect onsite and be conveyed underground to the public storm drain system. This requirement shall be shown on the construction plans.
 - b. Pretreatment of storm drainage water runoff may be required as determined by the Public Works Department.
 - c. The area within all refuse/trash enclosures shall drain to the sanitary sewer system. The outside perimeter of the enclosure shall be graded to prevent storm water from draining into the sanitary sewer system.
 - d. All storm water catch basins within the parking garage shall be provided with oil traps and/or other filtering devices as per Department of Public Services specifications.

- e. On-site and immediately adjacent off-site storm drain inlets shall be marked with signage indicating that the drains discharge to the bay and that dumping substances such as oil, paints and other contaminants is prohibited.
78. Prior to issuance of a building permit, a detailed site utility plan shall be prepared and submitted for review and approval by the Public Works Department. The plan shall show the existing and proposed sanitary sewer and storm drainage facilities, mains, laterals, connections, and etc.
 79. Prior to issuance of a building permit, detailed improvement plans and supporting documentation shall be prepared and submitted for proposed sanitary sewage and storm drainage work shall be submitted for review and approval.
 80. Prior to issuance of a grading permit, the project sponsor shall prepare and submit complete structural calculations to verify that soil, foundation and other structural members are adequate for all structures.
 81. Prior to issuance of a building permit, the project sponsor shall obtain written approval from the Richmond Sanitary Service that the proposed refuse collection plan is sufficient for the development prior to issuance of a building permit.
 82. All work completed within the City right-of-way shall require an encroachment permit.
 83. BEST MANAGEMENT PRACTICES (BMPs) - The project design shall include features and operational Best Management Practices to reduce potential impacts to surface water quality associated with operation of the project to the maximum extent practicable. These features shall be included in the project drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. In general, "passive", low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred over active filtering or treatment systems. An operations and maintenance plan shall be developed and implemented to inspect and maintain BMPs in perpetuity. The final design team for the development project shall review and incorporate as many concepts as practicable from Start at the Source, Design Guidance Manual for Storm water Quality Protection and the California Storm water Quality Association's Storm water Best Management Practice Handbook, Development and Redevelopment. The final design team should also consider installing "end-of-pipe" treatment systems, including, but not limited to, baffle boxes, catch basins, and hydrodynamic vortex-type separators. Any use of end-of-pipe treatment systems must be accompanied by a viable maintenance program to be administered by the home owners association or similar entity. Underground parking areas shall not be drained to the storm water conveyance system. The garages should be dry-swept or, if wash down water is used the effluent should be discharged to the sanitary sewer system under permit from the West County Wastewater District. The City Public Services Department shall review and approve the SWPPP and drainage plan prior to approval of the grading plan. City staff may require more stringent storm water treatment measures, at their discretion. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level. (Mitigation Measure SOIL/HYDRO-6).

84. Any grading work done between the months of October 1st and April 15th require an erosion control plan subject to review and approval by the City Engineer or Director of Public Works.
85. Any graded areas that will be left incomplete or un-landscaped by October 1st will require an erosion control plan which must be submitted for approval.
86. All exposed slopes shall be re-vegetated for erosion and sediment control, refer to A.B.A.G. "Manual of Standards for Erosion and Sediment Control Measures."
87. The project sponsor shall repair and replace to existing City standards, any sidewalk that is damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design. Limits of sidewalk repair will be determined by the Public Works Construction Inspector during the construction phase.
88. The project applicant shall remove and replace to existing City standards any curb and gutter that are damaged now or during construction of this project. Limits of curb and gutter repair will be determined by the Public Services Construction Inspector during the construction phase.
89. Existing driveway approaches that are to be abandoned shall be removed and replaced with curb, gutter, and sidewalk. Any existing commercial driveway approaches not equipped with curb ramps at the returns shall be modified to match current standards.
90. The project sponsor shall install, as a minimum, a six (6) inch City Standard sewer lateral connection from the property line to the sewer main located in the street right-of-way to the satisfaction of the City Engineer. The installation shall be done in accordance with City Standard Drawing including a 6" property line clean-out.
91. The project sponsor shall install a standard sewer lateral clean-out in accordance with City Standard Drawing No. 10-AA-1956.
92. Prior to the commencement of site grading, prepare and submit a Construction Noise Management Plan specifying hours of construction. The developer/project contractor shall comply with the following noise measures:
 - a) Limiting noise generating construction activities to hours of 7am to 7pm, Monday through Friday, and 8:30 am to 6:00 pm on Saturday, Sunday and on holidays.
 - b) Restrict vibration-generating activity (pile driving) to between the hours of 7:00am and 7:00pm, Monday through Friday (not permitted on weekends or holidays). (Mitigation Measure NOI-2)
 - c) Pre-drilling of pile holes shall be investigated as an option to minimize the number of percussions required to 'seat' any pile.
 - d) Noise and vibration abatement measures such as mufflers, barriers or noise dampening devices shall be installed on construction equipment and vehicles.
 - e) Quiet construction equipment, particularly air compressors, shall be used whenever feasible.
 - f) A Noise Disturbance Coordinator shall be designated who is to be responsible for responding to local complaints. The name and phone number of the designated person shall be made available on site in the construction office ob by sign.

- g) All occupants of land uses located within 500 feet of the site shall be notified, in writing, of the project construction schedule, as well as the name and telephone number of the Noise Disturbance Coordinator. Proof of notification shall be submitted to the City.
 - h) All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle code during transit to and from the site.
93. The project sponsor shall provide a construction parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be provided. Said plan shall be subject to the review and approval by the City Engineer prior to issuance of City permits and shall be enforced during construction. Failure to enforce the parking plan may result in suspension of the City permits.
94. The project sponsor shall install necessary street markings of a material and design approved by the City and replace any which are damaged during construction. These include but are not limited to all pavement markings, painted curbs and handicap markings. All permanent pavement markings shall be thermoplastic. Color and location of painted curbs shall be shown on the plans and subject to approval by the City Engineer. Any existing painted curb or pavement markings no longer required shall be removed by grinding if thermoplastic, sand blasting if in paint.
95. Prior to plan checking, the project sponsor shall deposit with the City, funds to pay for, at the adopted rate, all engineering, inspection and survey services that may be required during plan check and construction of project. The amount of the deposit shall be determined by the City based on the amount of work estimated. The project sponsor shall be required to increase the deposit or be billed monthly at the discretion of the City for any costs in excess of the deposit. If billed monthly, invoices shall not become delinquent (must be paid within 30 days of receipt). Prior to final occupancy, the bill shall be paid in full. The City will refund any portion of the deposit not utilized.
96. The project sponsor shall have street improvement plans prepared for all work in the public right-of-way by a licensed civil engineer and obtain Department of Public Services written approval prior to the issuance of the encroachment permit.
97. The project sponsor shall submit to the Public Works Department a proposed address plan. Said plan shall include the proposed address of each building and its relative location to other buildings, location of all streets, public or private and their names. Said submittal shall be approved by Building Regulations, Police Dept. and Fire Dept. prior to issuance of the Building Permit.
98. Project sponsor shall obtain an encroachment permit, posting the required bonds and insurance, for all work to be done in the City's right-of-way. This encroachment permit shall be obtained prior to any work being done in the City's right-of-way.
99. Project sponsor shall submit a site grading and drainage plan with all supporting data, including hydraulic calculations, in accordance with requirements of the City's Subdivision Ordinance. No overloading of downstream drainage facilities will be allowed. A non-

refundable fee and deposit in accordance with the City's most current fee schedule is required. Plan checking and inspection time will be charged to the above deposit. The project sponsor shall be required to increase the deposit or be billed monthly at the discretion of the City for any costs in excess of the deposit. If billed monthly, invoices shall not become delinquent (must be paid within 30 days of receipt). Prior to final occupancy, the bill shall be paid in full. The City will refund any portion of the deposit not utilized. Plan checking cannot proceed until fee and deposit are paid. A Permit shall not be issued until plans are approved. The plan shall be prepared by a registered Civil Engineer and be approved by the Department of Public Services prior to the issuance of any City permits.

100. All grading and earth work performed under this permit shall be in accordance with the approved plans and soils report and shall be under the continuous supervision of Soils Engineer. Upon completion of the work, project sponsor shall submit a letter to the City, from its soils engineer, describing the work that had taken place and that the work authorized by this permit was performed in accordance with the approved plans and soils report recommendations.
101. Upon completion of the grading and excavation, project sponsor shall submit a letter to the City, from its soils engineer, verifying the adequacy of the foundation excavations along with describing the work that has taken place and that the work authorized by this permit was performed in accordance with the approved plans and soils report recommendations.
102. A design-level geotechnical report shall be prepared and submitted to the City of Richmond Department of Public Works for review and approval and in accordance with adopted City standards. The structural designs shall adhere to the latest UBC requirements for Seismic Zone 4. Examples of the kinds of measures typical to meet these requirements include pile-supported foundations, use of pre-stressed concrete materials, slab reinforcement, compaction specifications, drainage requirements, use of control joints, and appropriate safety factors. The report shall identify specific building techniques appropriate for minimizing damage from seismic events, including liquefaction (e.g. pre-stressed concrete pile or H-pile foundations that are founded in bedrock or a properly designed friction pile foundation). In addition, the following requirement for the geotechnical and soils report shall be met:

All design criteria and specifications set forth in the design-level geotechnical report shall be implemented as a condition of project approval. This report shall address the final specifications for design and construction intended to limit the effects of seismic hazards to structures and utilities, including but not limited to: foundation design, driven piles, utility corridor design, excavation subgrade preparation, fill materials and compaction specifications, retaining walls and concrete pavement specifications, and drainage and dewatering design. (Mitigation Measure SOIL/HYDRO-1a, b, c, and d)

103. The project sponsor shall submit a proposed material hauling route, disposal areas, stockpile sites and schedule. Said submittal shall be approved by the Department of Public Works prior to issuance of a Building or Grading Permit. All material hauling activities, including but not limited to adherence to approved route, hours of operation, dust control and street maintenance shall be the responsibility of the Developer. Tracking of dirt onto City streets and walks will not be allowed. The project sponsor shall provide an approved

method of cleaning tires and trimming loads on-site. Any job-related dirt and/or debris deposited on the public right-of-way shall be removed immediately. All material hauling activities shall be done in accordance with applicable City ordinances and conditions of approval. Violation of such may be cause for suspension of work and/or fine.

104. AS-BUILT DRAWINGS – All design plans and final ‘as-builts’ must be submitted in both hard copy version and electronic format. Electronic format should be on standard compact disk (CD-R/CD-R/W) and provided in one of the following acceptable formats:
 - a) CAD (.dxf – preferred; .dwg – OK)
 - b) shapefile (.shp)
 - c) coverage
 - d) geodatabase (.mdb)
 - e) For all the above, attributes need to be stored as database fields and not simply as annotation.
 - f) Geographic Parameters:
 - g) Precision: Up to 10 digits
 - h) Coordinate system: State Plane Coordinate System (SPCS), Zone 3
 - i) Unit of measurement: Feet
 - j) Projection system: Lambert conformal conic
 - k) Horizontal Datum: NAD83
 - l) Vertical Datum: NAVD1988
105. The project sponsor shall secure an encroachment agreement from the Public Services Department prior to performance of any work in the public right-of-way.
106. All roof downspouts shall be piped to the gutter under sidewalk through curb.
107. Retaining wall design shall be approved and reviewed jointly by the Planning and Building Regulations Director prior to the issuance of building permits.
108. The project sponsor shall submit drainage calculations to the Public Services Department to demonstrate whether a catch-basin is needed.
109. The project sponsor shall strategically position the subdivisions’ street lights in a manner that is made to the satisfaction of the City Engineer.
110. Prior to issuance of a building permit, a Hydrant Plan shall be submitted for review and approval by the Fire Marshal.
111. Automatic fire sprinkler systems are required for all buildings including any parking garages. This project will also require interior standpipes with fire hose connections. Automatic Fire Sprinkler Systems must comply with NFPA 13. Fire Standpipes must comply with NFPA 14. All fire pumps must comply with NFPA 13, and NFPA 20. The Fire Department shall determine the connection locations.
112. Fully automatic and manual fire alarm systems are required for the entire building including the parking garage. All fire alarm systems shall comply with NFPA 72.

113. Prior to issuance of a building permit, building construction plans and plans required for fire protection systems shall be submitted to and approved by the Fire Prevention Division. The plans shall include engineering drawings demonstrating that use of the fire roads for an emergency vehicle access road is designed to support the weight of emergency vehicles. All applicable plan review and inspection fees shall be paid at the time of plan submittal. The entire project must comply with NFPA 1, 2001 California Building Code and 2001 California Fire Code.
114. All security gates including the garage access gate shall be specified on the building construction plans and approved by the Fire Department. The security gates shall be designed and equipped with a locking system and “Knox Box” acceptable to the Fire Department.
115. All perimeter walls, fences and trash enclosure areas shall be designed and built to prevent unintended access to the upper floors.
116. All vehicle entrance gates shall be equipped with ‘Click to Entry’ access system, which allows access for emergency vehicles by use of Police/Fire radios. The system shall be indicated and described on the building construction plans and installed prior to building occupancy.
117. Emergency phones designed for 911 ‘dial-out’ shall be installed in the parking garage. The location and specifications of these emergency phones shall be indicated and described on the building construction plans and installed prior to building occupancy.
118. A comprehensive sign program for on-site building identification and addressing shall be developed and submitted to the Planning Department for review and approval prior to the first occupancy.
119. All trees and shrubs (i.e., oaks brush and blue gum) within the construction zone that will be removed as part of the project should be cut during the non-breeding season (September 1 – January 31) in the year prior to the start of grading. If tree and shrub removal cannot occur in the non-breeding season then a pre-construction survey for active bird nests will be required. During the breeding season (February – August), pre-construction surveys to determine the presence of nesting birds will be conducted by a qualified wildlife biologist no more than 30 days prior to the initiation of any construction activities. If birds (excluding non-native species) are observed nesting on or adjacent to the site during these surveys, minimum 250-foot construction buffers will be established around all active nests. All project-related activity will occur outside of the exclusion area until a qualified biologist has determined that the young have fledged from the nest. (Mitigation Measure BIO-1)
120. Prior to the commencement of site grading, prepare and submit a Construction Impact Management and Traffic Control Plan (addressing construction logistics). This plan shall include a details and specifications showing the extent of the construction zone (fenced area) all staging areas, truck routes, off-haul destination and hours of operation.
121. Prior to the commencement of site grading, prepare and submit a Dust Control Plan to

control construction dust and emissions. The plan shall be implemented through all phases of site grading and project construction. Project compliance with City and Bay Area Air Quality Management District (BAAQMD) engineering and building standards shall include the following dust control measures:

- a. All active construction areas shall be watered at least twice daily.
- b. All trucks hauling soil, sand, and other loose materials shall be covered with tarpaulins or other effective covers.
- c. All unpaved access roads, parking areas, and staging areas at the construction site shall be paved; otherwise, water or non-toxic soil stabilizers shall be applied to all unpaved access roads. In addition, paved access roads, parking areas, and staging areas shall be swept daily with a water sweeper. Streets shall be swept daily with a water sweeper in areas where visible soil material is carried onto adjacent public streets.
- d. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded area inactive for ten days or more).
- e. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- f. Limit traffic speeds on unpaved roads to 15 miles per hour.
- g. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- h. Replant vegetation in disturbed areas as quickly as possible.
- i. The Project Applicant shall construct a gravel pad at all exits used by construction equipment or trucks to minimize soil adhering to the vehicle tires or tracks from leaving the construction site. The pads would be constructed by placing crushed aggregate (greater than 3 inches and smaller than 6 inches) over geotextile fabric to at least 12 inches in depth. The pad shall be a minimum of 20 feet wide and 50 feet in length.
- j. During periods when trucks are transporting soil to or from the site, dirt that may have been tracked off the site shall be removed daily from the street. The area to be cleaned is to extend to the limit of noticeable dirt tracked from the site or for a distance of 75 feet on each side of a vehicle entrance or exit, whichever is greater. If water is used to clean the street then the quantity of water used shall not result in sediment being washed into the storm sewer catch basins. Street sweepings shall be disposed of as a waste along with waste soil in accordance with applicable regulations.
- k. The Project Applicant shall terminate excavation and grading activities when winds exceed 25 mph or when fugitive dust emissions are visible for a distance of at least 100 feet from the origin of such emissions, and there is visible evidence of wind driven fugitive dust. Wind speed will be determined when an on-site anemometer registers at least two wind gusts in excess of 25 miles per hour within a consecutive 30-minute period.
- l. The idling time of all construction equipment used at the site shall not exceed 5 minutes. Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

- m. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications. Emissions from all off-road diesel powered equipment used on the project site shall not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. A visual survey of all in-operation equipment shall be made at least weekly throughout the duration of the project construction. A record of the inspection shall be maintained on-site. The BAAQMD and/or other officials may conduct periodic site inspections to determine compliance.
 - n. Require construction contractors to install particulate traps when appropriate on diesel engines. Use the minimum practical engine size for construction equipment.
 - p. Gasoline-powered equipment shall be equipped with catalytic converters, where feasible. (Mitigation Measure AIR-1a through AIR-1c).
122. Prior to the commencement of site grading, prepare and submit a detailed Erosion and Sediment Control Plan for approval by the Public Works Department. The plan shall include best management practices (BMPs) to control erosion of stockpiled dirt and exposed soil per the mitigation measure. The plan shall be implemented through all phases of site grading and project construction (Mitigation Measure AIR-1a).
123. Prior to the commencement of site grading, prepare and submit a Construction Noise Management Plan specifying hours of construction. The developer/project contractor shall comply with the following noise measures:
- a. Limiting noise generating construction activities to the hours of 7am to 7pm, Monday through Friday and 8:30am to 6:00pm on Saturday, Sunday and on holidays.
 - b. Restrict vibration-generating activity (pile driving) to between the hours of 7:00am and 7:00pm, Monday through Friday (not permitted on weekends or legal holidays) (Mitigation Measure NOI-2).
124. An encroachment permit shall be obtained from the Department of Public Works prior to performing any work within City streets or rights-of-way, or prior to any cutting and restoration work in existing public streets for utility trenches, which issuance shall not be unreasonably withheld or delayed. All work shall conform to City standards.
125. Prior to approval of construction plans, provide bonds and pay applicable fees. Bonding shall be provided to the City in the form of a "Performance Surety" and a separate "Labor and Materials Surety" in amounts stipulated by City ordinance.
126. During construction, it shall be the responsibility of the contractor to provide for safe traffic control in and around the site. This may include but not be limited to signs, flashing lights, barricades and flag persons.
127. As a requirement of each submittal of demolition, grading or building permit plans for a Development Parcel(s), the Project Applicant shall submit a Construction Phasing and Management Plan, incorporating all applicable mitigation measures in the MMRP including Air Quality (MM AIR-1); Cultural Resources (MM CULT-1, and CULT-2); Noise (MM NOI-2); Infrastructure/Services (MM INFRA/SER -2a, INFRA/SER-2b,

INFRA/SER -3, and INFRA/SER -4); and Biological Resources (MM BIO-1a., BIO-1b, BIO-1c, BIO-2a, BIO-2b, BIO-2c, BIO-3, and BIO-4). The plan shall also include the following additional measures and standards:

- a. A site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours.
 - b. A fire safety management plan for all phases of work, including provisions for access, water, and other protection measures during grading and construction activities.
 - c. All parcels not under active construction shall be graded to drain to an approved runoff storm water treatment facility. Such facility may be located on the specific parcel not under active construction. Surfaces shall be treated with hydro-seed made up of a mix of native grasses and wildflowers. Slopes that are in excess of 2(h):1(v) shall also have a jute mesh blanket, or similar material, placed on the slope. The parcel shall have perimeter control to prevent either water or wind borne silt and pollutants from leaving the parcel. Access to the parcel shall be controlled by fencing approved by the Planning and Building Regulations Director.
128. All construction inspection shall be coordinated with the Public Works Department and Building Department and no construction shall deviate from the approved plans.
 129. The City will hold the project sponsor/developer responsible for repairing any and all public improvements that are damaged by the project sponsor's contractor during project grading and construction.
 130. All landscaping as shown on the final, approved landscape plan shall be installed and properly maintained prior to the issuance of the last certificate of occupancy for the buildings herein approved.
 131. The project landscape architect shall confirm, in writing, that the landscaping has been installed in accordance with all aspects of the approved landscape plans, that the irrigation has been installed and tested for timing and function.
 132. All of the improvements required by the Public Works Department shall be installed, including but not limited to streets and utilities.
 133. Prior to occupancy/final building inspection, any broken curb, gutter, sidewalk or driveway approach caused by the project sponsor's contractor shall be removed and replaced as directed in the field by the Public Works Department.
 134. At least 45 days prior to recording each Final Map, plans shall be submitted for review by the City Building Services Department to obtain addresses and for street name approval. Alternate street names should be submitted in the event of duplication and to avoid similarity with existing street names. Final Maps shall not be certified as ready for approval without the approved street names.
 135. Prior to occupancy/final inspection, "Knox Boxes"; shall be installed and approved by the

Fire Department.

136. Illuminated diagrams of the building complex shall be installed at each building entrance, which shows the location of the viewer and the location of uses throughout the building.
137. Following building occupancy, the project sponsor shall contact the Public Works Department for an inspection of all exterior lighting. Inspections shall occur thirty (30) days following installation and full operation of the on-site lighting (exterior and street lighting). All lighting shall be in general conformance with the approved photometric plan.

SECTION 4. Based on the above findings, the City Council hereby approves the Tentative Tract Map for the Canyon Oaks II residential project, and approves the Project subject to the conditions as revised by the City Council on June 19, 2007;

SECTION 5. The custodian and location of the documents or other materials which constitute the record of proceedings upon which the decision in this matter is based are as follows:

City of Richmond
Planning and Building Services Department
1401 Marina Way South
Richmond, CA 94804

SECTION 6. Interested parties are hereby notified that legal challenges to this action must be filed within ninety (90) days of the date of hereof (Code of Civil Procedure section 1094.6).

SECTION 7. The applicable provisions of the City Charter and Municipal Code, the minutes from the applicable Planning Commission and City Council meetings, and all documents in connection with the project which were received and filed, are incorporated herein by reference.

SECTION 8. The City Clerk shall certify the passage and adoption of this resolution.

ATTEST:

I, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the City Council of the City of Richmond, California, at a meeting of said City Council held on the 31st day of July, 2007, by the following roll call vote:

AYES: Councilmember Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSENT: None

ABSTAIN: None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

APPROVED:

GAYLE McLAUGHLIN
MAYOR

APPROVED AS TO FORM:

LOUISE RENNE, Interim
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution 89-07, finally passed and adopted by the Council of the City of Richmond at a meeting held on July 31, 2007.