Project Conditions of Approval

1. **Project Approval:** Approval is based on and shall be in substantial conformance with information contained in the Project file and presented to the Planning Commission as noted in the April 24, 2018 Planning Commission staff report; as they relate to the associated Rezoning (to include a Planned Unit Development Concept Plan), Major Subdivision (Vesting Tentative Tract Map) and accompanying environmental document (Initial Study/Mitigated Negative Declaration) and consists of the following:

   - An approximate 4.42-acre project site is proposed to be rezoned from the existing R-10 Single Family, 10,000 square foot lots zoning district to a PUD (Planned Unit District).

   - Approval of an associated Concept Plan for Proposed PUD Zoning District.

   - Approval of Vesting Tentative Map to approve a Major Subdivision that would include 17 residential lots and one common/open space lot, including a private roadway.

   - Approval of four Accessory Dwelling Units within the project site.

   - Approval of the removal of protected trees per the direction of the City Council.

   - Approval of a waiver related to Underground Utilities at the direction of the City Council.

2. **Environmental Mitigation Measures:** The applicant shall incorporate and comply with all of the adopted/required mitigation measures, into the revised plans and/or applicable documents, and provide full compliance with the mitigation monitoring and reporting
program (as cited in Attachment F-1 of Planning Commission staff report dated April 24, 2018).

3. **PUD Concept Plan:** The PUD Concept Plan shall be modified in accordance with Planning Commission direction prior to Final Map approval, including the following:
   a. Incorporate the deviations for lot width and depth;
   b. Require the homes on the southern edge of the project site to remain one-story and recorded appropriately on those lots.
   c. Require the homes adjacent to Pleasant Hill and Boyd Roads to be articulated and not have a “boxy or blocky” appearance, thus, deviations and variety of heights, 2nd floor setbacks (from the 1st story) are required to be incorporated into the home design.
   d. Design recommendations from the noise assessment completed for the project shall be incorporated into the Concept Plan.
   e. Require all retaining walls to be decorative in appearance, and when over four feet tall are to be tiered, buffered with landscaping, and/or the appearance of bulk and mass minimized through other design methods.

**Major Subdivision Conditions of Approval**

1. **Map Recordation:** The applicant shall obtain Final Map approval from the City Council and record the approved Final Map at the Contra Costa County Recorder’s office prior to the issuance of a building permit.

2. **Retaining Wall Design:** Prior to any grading or building permit, the applicant/owner shall submit plans for all retaining walls for the project that reduces the appearance of mass and bulk. The design of the retaining walls shall have decorative features or shall be tiered to reduce the vertical face of the wall. In addition for retaining walls on the eastern edge of the property, additional vegetation (trees and/or shrubs) shall be considered planted fronting the wall to reduce the appearance of mass and bulk.

3. **Establishment of a Homeowner’s Association:** A Homeowner’s Association (HOA) shall be established, and maintained, to create and govern a Covenants, Conditions & Restrictions (CC&R) agreement.

4. **Expiration of Tract Map:** In accordance with Section 66463.5 of the Subdivision Map Act, this Vesting Tentative Tract Map shall expire 24 months after this approval date, unless a time extension is approved by the Planning Commission, or as otherwise provided by any extensions provided for under applicable law.

5. **Street Naming:** The Final Map shall include the proposed street names for review and approval by the City Engineer and Zoning Administrator prior to map recordation.
6. **Parkland Dedication Fee**: The applicant shall submit the required Parkland Dedication fee for the project on a per residential unit basis, in accordance with the City’s Subdivision Ordinance and the project’s zoning designation, prior to issuance of a Certificate of Occupancy for each residential unit.

7. **Final Map Approval**: The City Council shall review and approve all Final Maps in accordance with applicable laws prior to the recordation of any Final Maps.

8. **Federal, State and Local laws**: Development of the Project shall be in compliance with all applicable federal, state, and local laws. The issuance of this Major Subdivision and Rezoning shall not constitute a waiver of the requirements of any federal, state or local law, including the requirements of the California Building Standards Code.

9. **Compliance with Conditions of Approval**: At least 45 days prior to filing the Final Map or issuance of a grading permit, whichever occurs first, the applicant shall provide detailed responses to address compliance with each applicable condition of approval for the review and approval by the Public Works and Community Development Department.

10. **Outside Agencies**: The Project shall be developed in compliance with all standards of any applicable outside agencies such as the Contra Costa County Fire Protection District, Contra Costa County Health Department, Contra Costa County Flood Control District, Contra Costa Water District, Central Sanitary District, Cal Trans, etc.

11. **Indemnification**: The owner/applicant shall defend, (with counsel acceptable to the City) at its sole cost and expense, indemnify, protect, release and hold harmless the City of Pleasant Hill and any agency or instrumentality thereof, including any of its agents, commissions, boards, officers, and employees (“indemnitees”) from any and all claims, actions, or proceedings arising out of or in any way related to the processing and/or approval of this Project and any environmental determination that accompanies it. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties, and the indemnitees, arising out of or in connection with the processing and/or approval of this Project, except to the extent attributable to the sole negligence or willful misconduct of indemnitees.

12. **Inclusionary Housing**: The applicant shall comply with all regulations contained in Section 18.20.060 (Inclusionary Housing) of the Zoning Ordinance. The project shall satisfy inclusionary housing requirements by providing attached secondary dwelling units on four of the 17 lots.

13. **Compliance with PUD Concept Plan**: All development shall be in substantial conformance with the City-Council approved PUD Concept Plan.
14. *Compliance with Project Conditions of Approval:* In the event that any of the aforementioned conditions are not satisfied the Major Subdivision and Rezoning approval becomes null and void.

15. *Project Modifications:* Any major changes to the project description or to any other project conditions shall require an amendment to the applicable permit(s); in accordance with applicable laws, which may include the Major Subdivision and/or Rezoning. Any major changes shall require review and approval by the decision-body that gave final approval to the original permit(s). Any minor changes shall require an application request from the operator/applicant for review and approval by the Zoning Administrator. The Zoning Administrator will determine if a change is considered major or minor. If any changes are within substantial conformance of the originally approved permit(s), they will be considered minor.

16. *Annotated Conditions of Approval:* Prior to issuance of a Final Map, the developer shall submit to the Zoning Administrator and City Engineer an annotated list of these conditions demonstrating proof of compliance.

17. *Engineering Conditions.* Attached Exhibit A contains conditions of approval from the Engineering Division: