

**CITY OF BRENTWOOD**

**STANDARD CONDITIONS OF APPROVAL  
FOR TENTATIVE PARCEL MAPS (MINOR SUBDIVISIONS)**

Responsible  
Dept./Agency

- |             |       |    |  |
|-------------|-------|----|--|
| Engineering | _____ | 1. | Final parcel maps shall be in substantial conformance to the approved tentative parcel map and must be submitted, in English units, to the City Engineering Department for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer or land surveyor, registered in the State of California and licensed to prepare final maps.  |
| Engineering | _____ | 2. | All underground utilities shall be installed in conformance with existing City policy including without limitation Brentwood's Subdivision and Land Development Ordinance (Section 16.120.120)   |
| Engineering | _____ | 3. | Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.  |
| Engineering | _____ | 4. | Prior to final parcel map approval, the developer shall enter into a Deferred Improvement Agreement (if required) for improvements to be constructed along the project boundaries, including, but not limited to, curb, gutter, sidewalk, street paving, street lighting, storm drain, water, sewer and landscaping. These improvements shall be at the developer's expense and constructed when deemed necessary by the City. |
| Engineering | _____ | 5. | An encroachment permit shall be required for any construction to be done in the public right of way, in easements, or on lands to be dedicated to the City of Brentwood upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted development fee schedule.  |
| Engineering | _____ | 6. | Except as shown on the approved tentative map or as modified by the conditions contained herein, all street, thoroughfare or highway improvements shall be constructed as required in the Brentwood Municipal Code and the City Engineering Department's Standard Plans and Specifications. Any adopted precise section not referenced in the General Plan shall be constructed as directed by the City Engineer.              |
| Engineering | _____ | 7. | Each lot or parcel shall drain into a street or public drain to the approval of the City Engineer in such a manner that there will be no undrained depressions.  |
| Engineering | _____ | 8. | Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.   |
| Engineering | _____ | 9. | The developer shall provide joint trenching for telephone, gas, electric, cable  |

TV and fiber optic service for every parcel.

- Engineering    \_\_\_\_\_  10. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the Standard Plans and Specifications and the Engineering Procedures Manual of the City of Brentwood and all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
- Engineering    \_\_\_\_\_  11. All public improvements proposed by the developer or required through these conditions of approval shall be completed and accepted by the City in compliance with the time schedule set forth in the conditions of approval; if no time schedule is provided, then no later than recordation of the parcel map. The developer may apply to the City for a Subdivision Improvement Agreement or Deferred Improvement Agreement in order to postpone completion of the public improvements. In any event, the City shall require the developer to guarantee the performance of the improvements and payment of labor and materials by furnishing security in a form acceptable to the City.
- Building       \_\_\_\_\_  12. Developer shall ensure finished pad elevations are at a minimum one foot above the 100 year base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for Contra Costa County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development. [Letter of Map Amendment Revision (LOMAR)], and for obtaining a Floodplain Permit from the City of Brentwood Floodplain Administrator for all projects on parcels identified in Zone 'A' on the FEMA Flood Insurance Rate Maps for the City of Brentwood. Application for LOMAR shall be prepared and submitted by the developer prior to grading permit issuance or final map approval, whichever occurs first.
- Building       \_\_\_\_\_  13. Regional and Sub-regional Drainage fees shall be paid in an amount acceptable to the Contra Costa County Flood Control and Water Conservation District, and the City Engineer prior to approval of the final map.
- Engineering    \_\_\_\_\_  14. To the extent applicable, the developer shall have an amended assessment diagram approved by the City Engineer.
- Engineering    \_\_\_\_\_  15. All streets and alleys shall be irrevocably offered for dedication and improved to City standards. Street names shall be reflected on the final map and shall be approved by the Community Development Department.
- Engineering    \_\_\_\_\_  16. Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, fiber optics and storm drain, both on- and off-site, shall be in conformance with the adopted Infrastructure Master Plans and as directed by the City Engineer. Developer shall have written approval from the City Engineer for any variations from the

City's Master Plans prior to any final map or plan approval.

- Engineering    \_\_\_\_\_    17.    Prior to approval of the final map the developer shall form or annex into a street lighting and landscape maintenance district, or some alternative financing mechanism acceptable to the City, for maintenance of all street lights and landscaping within or adjacent to the site.
- Engineering    \_\_\_\_\_    18.    In conjunction with the recordation of the map (or by separate instrument), the developer shall provide all necessary easements for streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation district facilities, fiber optics and other facilities as required by the City or serving utility. Utility easements shall be a minimum of a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities or as specified by basic engineering design guidelines. Easements shall not be split between property lines unless determined otherwise by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.
- Engineering    \_\_\_\_\_    19.    When and where applicable, subsurface water rights shall be dedicated to the City of Brentwood on the final map.
- Engineering    \_\_\_\_\_    20.    All on and off site development and improvements shall be designed and constructed at the sole expense of the developer. The developer may apply for reimbursement for those improvements deemed eligible by the City Engineer as oversized in accordance with the City's laws and the State Subdivision Map Act in effect at the time of the developer's application for reimbursement to the City Council. Any such application must be presented to the City Council on or before the City records the first final map. The City's method of reimbursement shall not be limited, and may be memorialized through a reimbursement agreement with the Developer.
- Engineering    \_\_\_\_\_    21.    The developer shall comply with Government Code Section 66436(a) (3) before approval of each final map, and shall provide "no objection" letters from the public entity or utility to the satisfaction of the City Engineer.
- Engineering    \_\_\_\_\_    22.    To the extent applicable under the City's laws, the developer shall participate in the City's Capital Improvement Financing Plan to finance required infrastructure.
- Police           \_\_\_\_\_    23.    With respect to any claim, action of proceeding against the City, its officials, employees or agents relating to the action or inaction of the City in reviewing, approving or denying the tentative or final maps, the Developer shall defend, indemnify and hold harmless the city, its officials, employees and agents from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning a subdivision. With respect to all other claims, actions or proceedings relating to or arising from this subdivision, including without limitation those concerning environmental review, subsequent permit decisions, personal injury, death, property damage or inverse condemnation, the Developer shall also defend,

indemnify and hold harmless the City, its officials, employees and agents. The City retains the option to employ independent defense counsel at Developer's expense. The Developer shall bear the litigation expenses of defense, including attorneys' fees, whether incurred by Developer or the City's counsel, or awarded to any third party. The City must pre-approve any decision in the action, including settlement, in which the City's participation or performance is required.

- |               |       |   |
|---------------|-------|---|
| Planning      | _____ | 24. All activities undertaken in accordance with this parcel map shall comply with the City's General Plan and Municipal Code. In cases of conflict between the City's Municipal Code or map-specific conditions of approval, the governing priority shall be, to the extent legally permitted, as follows: 1) Municipal Code regulations; 2) map-specific conditions; 3) standard conditions.  |
| Building      | _____ | 25. The developer shall pay all applicable processing fees, permit fees, City development fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit.   |
| Engineering   | _____ | 26. In addition to otherwise applicable development fees, if the subject property is located within an existing or a proposed Benefit District, the developer shall pay the Benefit District fee as set forth in the Engineers Report for the applicable Benefit District. Fees shall be charged and paid at the time of building permit issuance. The fee may be adjusted over time by an amount equal to the annual rate of inflation set forth in the Engineering News Record Construction Cost Index.   |
| Engineering   | _____ | 27. If it is determined that the project will impact existing agricultural uses, the construction and maintenance of necessary mitigation measures are the financial responsibility of the developer until the City formally accepts these improvements. Additionally, the developer shall bear the financial responsibility of, and shall dedicate to the City, agricultural runoff control easements, as needed, and may be required to financially support the maintenance of said facilities.   |
| City Attorney | _____ | 28. The subdivider shall record CC&R's at the time of recordation of the final parcel map creating the individual lots of this subdivision. The CC&R's will provide for a manager to be responsible for maintenance and repair, with each lot owner responsible for its pro rata share of the maintenance costs. The manager may be an owner, a third party manager designated by the owners, or a special purpose entity such as an owners' association. The CC&R's shall be subject to the review and approval of the City Attorney and Community Development Director prior to recordation of the final parcel map, and shall include the following: |
| Planning      | _____ | <ul style="list-style-type: none"> <li>a. The manager shall be responsible for the maintenance of all common areas, such as landscaping, parking, and access roads.</li> <li>b. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance</li> </ul>   |

responsibilities of the manager.

- Engineering    \_\_\_\_\_  29.   The developer shall participate in the current Community Facilities District to fund fire, police, open space, clean water and other City facilities and services.
- Engineering    \_\_\_\_\_  30.   Right of way or easement acquisitions necessary to implement any portion of this map, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.
- Engineering    \_\_\_\_\_  31.   The developer shall provide and show on the final map all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.
- Engineering    \_\_\_\_\_  32.   The final parcel map and all related documents shall comply with all regulations and requirements of the Brentwood Subdivision and Land Development Ordinance.
- Planning       \_\_\_\_\_  33.   All housing units built on this parcel map are subject to the Design Review standards of the City of Brentwood.
- Planning       \_\_\_\_\_  34.   If parcels within this subdivision are sold to individuals for custom individual home construction that exempts individual units from the Design Review procedures, then the following additional minimum standards shall apply to the housing units:
- a.       Illuminated (back lighted) house numbers (white background with black numbers) shall be installed on each housing unit in a location that is easily visible from the street and maintained in working order by the homeowner.
  - b.       Sliding window and sliding door locking devices shall be installed to the approval of the City staff.
  - c.       All garage doors shall be insulated roll-up doors with glass inserts and automatic openers.
  - d.       The same floor plan shall be constructed on no more than one parcel within this subdivision.
  - e.       All homes shall be constructed with raised, wood floors, post tensional slabs, or structural slabs. If there is no porch, a

seven-inch (7") transition step up onto a landing with a minimum horizontal distance of three feet (3') from the front door is to be provided. This can be accomplished in increments of not less than two (2) four inch steps. The express purpose is to create a raised entry area to the home and to visually "finish" any exposed foundation.

- f. All housing units shall be built with central heating and air conditioning.

Police            \_\_\_\_\_ 35. The City of Brentwood Police Department shall have the authority to enforce the State Vehicle Code on private streets within this subdivision. This enforcement shall commence only upon receipt of a written request from the developer or individual homeowners in the subdivision. The requesting party shall pay all costs associated with posting the private streets as required by the State Vehicle Code. The Police Department shall have the authority to enforce the State Vehicle Code and all Brentwood laws on future public roads offered for dedication, but not yet accepted by the City.

Planning        \_\_\_\_\_ 36. All conditions of approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the building developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Manager must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.