

CONTINUED FROM OCTOBER 18, 2011
CONTRA COSTA COUNTY PLANNING COMMISSION
TUESDAY, OCTOBER 25, 2011

SUFISM REORIENTED RELIGIOUS SANCTUARY

I. INTRODUCTION

SUFISM REORIENTED (Owner and Applicant), County Files LP08-2034 and MS09-0008:
Applicant requests approval of a Land Use Permit AND Minor Subdivision as follows:

Land Use Permit # LP08-2034: This is a request for a Land Use Permit to allow construction of a new sanctuary on approximately 3.12 acres. The proposed project includes: (1) a 66,074 square foot sanctuary building that includes a prayer hall, administrative offices, a library, classroom, archives, art and music program space, and related ancillary uses. Approximately 46,074 square feet of the building would be located below ground, including the administrative offices, bookstore, art studio, art storage, chorus rehearsal, video and audio production, music mixing and scoring, reception area, multi-purpose room, film/video and photo library, a music, drama, and dance studio, a coat room, women's and men's restrooms, and a kitchen. The 46,074 square feet includes approximately 13,800 square feet as open areas referenced as a rotunda, plaza, and east and west galleries (hallway) and a grand staircase; (2) a request for parking reduction based on a Transportation Demand Management Program (TDM) which includes the promotion of carpool, shuttle service, pedestrian and secure bicycle parking; (3) the removal of approximately 58 trees and the planting of at least 165 new trees; (4) the excavation and removal of soil (approximately 40,000 cubic yards of soil) an estimated 3,300 truck load of soil to be exported; and (5) demolition of three existing single family residences.

Minor Subdivision # MS09-0008: The applicant requests approval of a minor subdivision for the merging of seven (7) lots into one (1) parcel to create approximately 3.12 acres. The project addresses are 11 White Horse Ct., 1354, 1360, 1364, 1366, and 1384 Boulevard Way within the unincorporated (Saranap) Walnut Creek area of Contra Costa County [Zoning: Single Family Residential, 10,000 square foot minimum parcels (R-10); (General Plan: Single Family Residential High Density (SH), (Census Tract: 3410.00) (Parcel Nos. 184-450-006, 007, 012, 031, 032, 033, 034) (Zoning Atlas page:N-13)]

II. RECOMMENDATION

Staff recommends that the County Planning Commission take the following actions:

- A. ACCEPT the recommendation from the County Zoning Administrator regarding the adequacy and completeness of the Final Environmental Impact Report (Final EIR).

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- B. CERTIFY the Final Environmental Impact Report ("Final EIR") dated September 2011, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis, and specify that the Community Development Division (located at 651 Pine Street, Martinez, CA) is the custodian of the documents and other material which constitutes the record of proceedings upon which this decision is based.
- C. CERTIFY the contents of the Final EIR and that the information was reviewed and considered prior to making a decision on the project.
- D. ADOPT CEQA findings that address environmental impacts and mitigation measures, and that adopt a Mitigation Monitoring and Reporting Program. (Exhibit A)
- E. APPROVE the minor subdivision, County File #MS09-0008 and the land use permit, County File #LP08-2034 with a minor modification to Project Variant B, based on the CEQA Findings, Growth Management Standards and Land Use permit findings and subject to the attached conditions of approval (Exhibit B).
- F. APPROVE the Final Transportation Demand Management Program (TDM) as set forth in the conditions of approval.
- G. DIRECT staff to file a Notice of Determination with the County Clerk.

III. PROJECT BACKGROUND

On October 18, 2011, a brief presentation was given by staff. Presentations from the applicant and the opposing party were also provided. Additional testimony was received from members of the public who were both in support and opposed to the Project. Due to the high volume of public speaker cards submitted for this agenda item the meeting was adjourned at 10:15pm and continued to October 25, 2011 as an open hearing.

Staff recommended that the County Planning Commission take action as listed above in Section II of the staff report with modifications to the conditions of approval. The changes consisted of the elimination of partial language for condition # 2 and all mitigation measures with the language "DCD shall ensure" was to be replaced with the "Project Sponsor shall ensure". The changes to the mitigation measures are not substantive and the County remains responsible for monitoring compliance.

The specific condition and mitigation measures that have been modified are #2, #26, #30, #31, #32, #33, #34, #37, #46 and #47 which are attached and highlighted in yellow.

Modified

Conditions of Approval

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILES LP08-2034 and MS09-0008, SUFISM REORIENTED (Applicant and Owner).

A. General Plan Growth Management Element Performance Standards

1. Traffic: The County's Growth Management Plan (as part of voter approved Measure C) establishes that no traffic study is required when a project would add fewer than 100 vehicle trips during the peak hour of adjacent street traffic. However, should a project be expected to generate more than 100 peak hour trips a full transportation impact analysis would be required. The project sponsor submitted a Transportation Management Plan (TDM) for the reduction of parking spaces indicating the trip contribution would not exceed the CCTA threshold. As a result a traffic analysis was prepared for an understanding of traffic impacts in the neighborhood and effectiveness of the TDM program. The finding of the traffic study was that all intersections along Boulevard Way would continue to operate at acceptable conditions of (Level of Service) LOS B or better with small increases in daily volume during the AM and PM peak commute hours with project volumes but would continue to function within the capacity of the roadways.
2. Water: The project site is located within the service area of the East Bay Municipal Utilities District. Potential significant impacts mainly would result due to the "New Sanctuary" to generate an increase in demand for water supply over existing uses. The potential impacts would be mitigated to less-than-significant levels through implementation of the mitigation measure 4.14-1 described in the Draft EIR. All infrastructure and service to be reviewed and approved by the District.
3. Sanitary Sewer: The project site is served by the Contra Costa County Central Sanitary District. The project applicant intends to install and/or upgrade the existing infrastructure for the new facility. The project sponsor will be required to obtain the necessary permits from the District prior to issuance of any building permits from the County Building Inspection Division.
4. Fire Protection: The project site is within the service area of the Contra Costa County Consolidated Fire Protection District. The District has commented on the project in reference to the widening of a secondary access drive from Warren Road, hydrant locations, turnarounds, and paving systems for the facility. The project sponsor shall comply with all Fire District requirements for the proposed development.
5. Public Protection: The performance standard is 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population. Implementation of the project would not create new housing opportunities or permanent new jobs, so no population growth is expected. Therefore, the facility would not result in an impact to the demand on public protection from the proposed use.
6. Parks and Recreation: Implementation of the project would not create new housing opportunities, so no population growth is expected, therefore no impact to existing parks

and recreation facilities. The completed landscaped grounds proposed for the sanctuary is an additional source for a park setting within the neighborhood.

7. Flood Control and Drainage: The site is located within Flood Zone X, which is not within the 100-year flood plain. The proposed project has been reviewed by the Public Works Department and shall be required to comply with their requirements for C.3 and drainage. Compliance with standard conditions of approval and the hydrology and water quality mitigation measures described in the Draft EIR would ensure the onsite and offsite drainage is adequate.

B. Land Use Permit Findings:

1. The proposed project as conditioned will not be detrimental to the health, safety and general welfare of the County.

Project Finding: The conditions of approval and mitigation measures will adequately mitigate and minimize all known health, safety, and general welfare impacts. These include implementation of the control measures to minimize construction related air pollutant emissions; pre- construction -survey protection measures for animal species; protection of archaeological and paleontological resources. All potentially significant impacts will be mitigated for air quality, aesthetics, biological, cultural, geologic and soils, hazards and hazardous material hydrology and water quality, noise, traffic and circulation, and utilities and service systems. Based on above, the Sufism Reoriented “New Sanctuary” will not be detrimental to the health, safety, and general welfare of the County.

2. The proposed project as conditioned will not adversely affect the orderly development of the property within the County.

Project Finding: The proposed project will not adversely affect the orderly development in the area. The project site is located in the (SH) Single family residential High Density General Plan designation and the (R-10) Single Family Residential, 10,000 square foot minimum parcel sizes as designated by the County Zoning Code. The project is a secondary land use that is permitted within the SH designation upon the issuance of a land use permit. The proposed project is within the boundaries of existing developed parcels and will consolidate the existing parcels for construction. Implementation of the project would not adversely affect the orderly development of the property within the County.

3. The proposed project as conditioned will not adversely affect the preservation of the property values and protection of the tax base within the County.

Project Finding: Property values and the protection of the tax base within the County will not be adversely impacted by allowing the proposed project to be constructed on the existing parcels. The facility is a use that is compatible with the surrounding residential development with the granting of a land use permit. The project will help preserve the property value of the project site as a church facility without having a detrimental impact

on other uses on site and within the community. The project will not change the current zoning or general plan land use designation of the site. Typically Religious facilities do not adversely affect the preservation of property values and tax base related to surrounding properties. There is no evidence that implementation of the project would adversely affect the preservation of property values and tax base related to surrounding properties.

4. The proposed project as conditioned will not adversely affect the policy and goals as set by the General Plan.

Project Finding: The project site is designated (SH) Single family residential high density under the County's General Plan Land Use designations. The purpose of the (SH) designation is to allow for residential development as a primary use and secondary uses such as home occupations, small residential care and childcare facilities, churches and other similar places of worship. The General Plan states that the designation is compatible with the R-10 zoning district. The R-10 zoning district allows religious facilities with a use permit. Hence, Sufism Reoriented sanctuary is a compatible use in the single family residential zoning designation.

5. The proposed project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.

Project Finding: The project's conditions of approval and mitigation measures require reporting on the Transportation Demand program, a off-site parking agreement along with monitoring of the project by the Department of Conservation and Development and several conditions of approval will be in place to further ensure the proposed project would not create a nuisance and/or enforcement problem within the neighborhood. In addition, the project must comply with the building and zoning codes, which are designed to avoid the creation of nuisances. Based on the above, and because the proposal is a compatible use for the area and the General Plan, there is no substantial evidence that implementation of the project would create a nuisance or enforcement problem.

6. The proposed project as conditioned will not encourage marginal development within the neighborhood.

Project Finding: Sufism Reoriented operated at 1300 Boulevard Way for the past 20 years. This project has not encouraged marginal development. The proposed use permit for the facility would be privately owned and maintained. Therefore, there is no substantial evidence that the project will result in marginal development in the neighborhood.

7. That special conditions or unique characteristics of the subject property and its location or surroundings are established.

Project Finding: The applicant had indicated other parcels in the area are not available for the project or are not contiguous. Several hundred members of Sufism Reoriented

reside within one mile of the locations. In addition, the Murshida parsonage currently exists on this property. Hence, the proposed location is ideally suited for this facility. All parcels associated with this project are held by the project sponsor. The combination of above scenarios is already established and is also a unique characteristic of the area.

C. Minor Subdivision Findings

The advisory agency shall not approve a tentative map unless it shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general and specific plans required by law. When approving the tentative map for a minor subdivision, the advisory agency shall make findings as required concerning the fulfillment of construction requirements.

This Project if approved merges the existing adjacent parcels into one parcel, rather than subdividing an existing parcel into additional parcels. The merger is consistent with the General Plan, as the General Plan does not prohibit the resulting parcel size. Construction requirements are detailed in the attached conditions of approval. The application meets the requirements for a merger. The parcels are under common ownership, and the resulting parcel size conforms to General Plan and Zoning requirements.

D. Criteria for Review of the Tree Permit

1. **Required Factors for Granting Permit.** The County Planning Commission is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied as marked:
 - a. ____ The arborist report indicates that the subject tree is in poor health and cannot be saved.
 - b. ____ The tree is a public nuisance and is causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means.
 - c. ____ The tree is in danger of falling and cannot be saved by some other means.
 - d. ____ The tree is damaging existing private improvements on the lot such as a building foundation, walls, patios, decks, roofs, retaining walls, etc.
 - e. ____ The tree is a species known to be highly combustible and is determined to be a fire hazard.
 - f. ____ The proposed tree species or the form of the tree does not merit saving.

- g. X Reasonable development of the property would require the alteration or removal of the trees and this development could not be reasonably accommodated on another area of the lot.
- h. ____ The tree is a species known to develop weaknesses that affect the health of the tree or the safety of people and property. These species characteristics include but are not limited to short-lived, weak wooded and subject to limb breakage, shallow rooted and subject to toppling.
- i. X Where the arborist or forester report has been required, and the Director of the Department of Conservation and Development is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.
- j. ____ None of the above factors apply.

2. **Required Factors for Denying a Tree Permit.** The County Planning Commission is satisfied that the following factors as provided by County Code Section 816-6.8010 for denying (or modifying) a tree permit application have been satisfied as marked:

- a. ____ The applicant seeks permission for the alteration or removal of a healthy tree that can be avoided by reasonable redesign of the site plan prior to project approval (for non-discretionary permits).
- b. ____ It is reasonably likely that alteration or removal of a healthy tree will cause problems with drainage, erosion control, land suitability, windscreen, visual screening, and/or privacy and said problems cannot be mitigated as part of the proposed removal of the tree.
- c. ____ The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival.
- d. ____ The value of the tree to the neighborhood in terms of visual effect, wind screening, privacy and neighboring vegetation is greater than the hardship to the owner.
- e. ____ If the permit involves trenching or grading and there are other reasonable alternatives including an alternate route, use of retaining walls, use of pier and grade beam foundations and/or relocating site improvements.
- f. ____ Any other reasonable and relevant factors specified by the Director of the Department of Conservation and Development.
- g. X None of the above factors apply.

**CONDITIONS OF APPROVAL FOR COUNTY FILES #LP08-2034 AND #MS09-0008;
SUFISM REORIENTED (APPLICANT AND OWNERS).**

General/Administrative

1. _____ This approval is to allow development of the Sufism Reoriented “New Sanctuary” project based on the following revised exhibits and documents:
 - A. Land Use Permit application received on July 3, 2008 and revised supporting material received on July 31, 2008 and Minor Subdivision application received June 15, 2009 by the Community Development Division.
 - B. Draft Environmental Impact Report and Appendices dated March 2011, as supplemented and revised by the Final Environmental Impact Report and Appendices (reports) dated September 2011.
 - C. Mitigation Monitoring Reporting Program dated September 2011.
 - D. Updated Transportation Demand Management Plan submitted in March 2009.
 - E. Revised site plans, elevations, floor plans, sections, and topographic map submitted on July 1, 2009.
 - F. Vesting Tentative Parcel Map dated June 15, 2010.

Indemnity/Hold Harmless Agreement

2. _____ ~~Upon approval of this Land Use Permit,~~ The Applicant agrees to defend, indemnify, and hold harmless Contra Costa County and its agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, and employees to attack, set aside, void or annul this approval. The project sponsor also agrees to defend, indemnify, and hold harmless Contra Costa County and its agents, officers, and employees from any and all liability caused by negligent or wrongful acts of the project sponsor, its agents, or employees arising out of the issuance or exercise of this Land Use Permit or the interpretation of any of its provisions, and to pay all claims, damages, judgments, legal costs, adjuster fees, and attorney fees incurred by the County or its agents, officers, and employees related thereto. The project sponsor shall be entitled to select its own legal counsel in the defense of all such actions. The project sponsor shall submit a letter on company letterhead verifying acknowledgment and acceptance of this condition of approval.

Fees

Payment of Outstanding Application Processing Fees

3. _____ This application is subject to an initial application deposit of \$2,700 for the land use permit and \$4,800 for the minor subdivision, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed

100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The project sponsor may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

Payment of CEQA Notice of Determination Filing Fee

4. _____ **Within two (2) business days of project approval**, the Project Sponsor shall pay the California Department of Fish & Game (CDFG) CEQA filing fee of \$2,839.25. Payment of this fee is mandated by Assembly Bill 3158, which became effective on January 1, 1991. Pursuant to Fish & Game Code Section 711.4(c)(3), the project will not be operative, vested, or final, and any local permits issued for the project will be invalid until the fee is paid. If the fee is not paid by the date specified, then the 30-day statutory time limit to file a legal challenge against the approval will automatically extend to 180 days.

Payment of Mitigation Monitoring Fees

5. _____ If the County elects to hire a third-party consultant to assist in monitoring the environmental mitigation measures set forth in the Final EIR and this permit, then the project sponsor shall be responsible for payment of all fees associated with the consultant's contract.

Permit Compliance

Application for Condition of Approval Compliance Verification

6. _____ **Prior to commencing construction-related activities, issuance of grading permits or issuance of building permits, whichever occurs first**, the project sponsor shall submit an application for Condition of Approval Compliance Verification. The initial deposit for a project of this size is \$5,000, which is subject to staff time and materials costs. Should staff costs exceed the deposit, additional payment will be required. Submittals for this application shall include a checklist describing how each condition of approval has been or will be satisfied and applicable proof that each condition has been satisfied (i.e. appropriate documentation, plans, photographs, etc.). This application will remain active throughout the life of the project and additional submittals will be required to ensure compliance with each phase of the project (demolition, grading, building, reclamation, etc.).

Transportation Demand Management Program (TDM)

7. _____ The TDM program shall be monitored periodically, a Final TDM Plan, and a TDM Program Monitoring Report (TDM PMR) shall be submitted to DCD for review by the County Zoning Administrator, or designee. Reporting requirements for the TDM PMR are established as follows:

TDM PMR Reporting: (Transportation Demand Management-Program Monitoring Report)

The first report shall be submitted to DCD no later than **3 months after the date of the issuance of Building Inspection final**;

After the initial report submittal, subsequent reports are to be submitted to DCD every **6 months**;

The frequency of TDM reporting to the Department of Conservation and Development (DCD) may be reduced administratively by the County Zoning Administrator, or designee, if over time it is demonstrated that the TDM program is performing successfully on a consistent basis. Requests for reporting modifications shall not be made sooner than 1 year after final build-out.

The contents of the TDM PMR shall include, but not be limited to:

Parking demand/on-site lot occupancy counts for no less than 3 Fridays, or any peak demand period during a non-special event (which ever has greater attendance), within the 6 month monitoring period;

Parking demand/on-site lot occupancy counts for the March special event and at least one rehearsal occurring February through March;

Walking and carpool pledge list (Updated TDM Plan – DCE, Attachment 1, Walking Program Participants) to be updated to reflect most accurate level of membership participation in these alternative transportation modes. The updated list shall be signed and dated by property owner/project applicant;

In the event the Zoning Administrator determines that the TDM program is not consistently successful in reducing parking demand, or the program is not enforced or reported, the County may consider revocation of the land use permit.

Off-site Parking Agreement

8. _____ The Project Sponsor shall maintain a written parking agreement with The Meher Schools for use of the parking lots for overflow parking for evening and weekend events held at the subject site. If the site becomes unavailable, the project sponsor shall notify Department of Conservation and Development and provide another off-site location within two miles of the site, for the parking of no fewer than 54 vehicles.
9. _____ The Project sponsor will provide for off-site pedestrian safety improvements along the pedestrian routes to the project site. These are necessary because the TDM Program in COA #7 cannot be safely accomplished unless the pedestrian routes to the project site are made safe. The pedestrian safety improvements will be made at

locations near the project site, as determined by the Contra Costa County Public Works Department in roadway improvements.

Additional Requirements

10. _____ No loudspeakers or amplified music shall be permitted outside the enclosed building.
11. _____ All on-site storage of excavated soil shall be covered and watered at least once per day or if necessary twice per day.

Signage

12. _____ No signs shall be permitted with the exception of a sign not exceeding 12 square feet in area for purposes of identification and announcement of church services. The design, color and location of the sign and any size modification shall be subject to Zoning Administrator review and approval. No interior illumination shall be allowed. Signage shall be a monument style.

Submittal of Grading Plans

13. _____ Prior to issuance of grading permits, the Project sponsor shall submit grading plans for review and approval by the County Zoning Administrator. The grading plans shall be compliant with the requirements of the County Code and shall incorporate all applicable mitigation measures identified in the Final EIR. The grading plans shall be accompanied with a \$750 deposit.
14. _____ Haul routes shall be generally limited to those areas of the site which are proposed to be graded to avoid unnecessary disruption.
15. _____ The transporting of all debris material from the construction site shall be covered when in transition from project site to Landfill.
16. _____ This use permit is approved for a religious facility comprising of members and invited guests. The events at the facility may include night classes, annual celebrations, devotional gatherings, taverns, chorus rehearsals and other ancillary activities.

Events

17. _____ The facility shall not be leased or rented for special events. The dome lights shall be turned off at 11pm.
18. _____ The granting of this use permit does not allow Temporary Events, as defined in the Temporary Events Ordinance (County Code Chapter 82-44), except such events as are allowed subsequently by issuance of a temporary event permit pursuant to that Ordinance.

Parking

19. _____ Prior to issuance of building permits, the Project Sponsor shall record a statement to run with the deeds to the property acknowledging the approved Final TDM program and on site parking reduction to 74 parking spaces in lieu of 125 spaces is mandatory. Handicapped spaces shall be appropriately identified. The deed disclosure shall be subject to review and approval of the Zoning Administrator.

Site Inspections for Compliance

20. _____ The Project sponsor shall allow staff of the Contra Costa County Department of Conservation & Development, California Department of Fish & Game, and any other responsible agency to conduct site inspections during construction and operation of the project in order to ensure compliance with approved permits, plans, and conditions of approval. Inspections shall be conducted at the discretion of said agencies. Discovery of noncompliance may be cause for commencement of proceedings to revoke this Land Use Permit, and for payment of applicable bonds.

Grading Bond

21. _____ Prior to the issuance of a grading or building permit, a grading bond shall be required for the work necessary to carry out the recommendations of the soils engineer, reviewed and approved by the Building Inspection Division and Zoning Administrator. Sufficient subsurface information shall be provided to estimate the cost of the required soil improvements.

Performance Bond Amount: The amount of bond shall be based upon the number of cubic yards of material in excavation or fill, whichever is greater, plus the cost of all drainage and other protective devices or work necessary to eliminate geological hazards. That portion of the bond valuation based on the volume of material in excavation or fill shall be computed as set forth:

- Ten thousand cubic yards (7646 cubic meters) or less, one hundred (100) percent of the estimated cost of grading work; Over ten thousand cubic yards, one (100) hundred percent of the cost of the first ten thousand cubic yards, plus fifty percent of that portion in excess of ten thousand cubic yards.
- When the rough grading has been completed in conformance with the requirements of this code, the County Building Official may at his discretion consent to a proportionate reduction of the bond to an amount estimated to be adequate to insure completion of the grading work, site development, or planting remaining to be performed. The cost referred in this section shall be estimated by the County Building Official.

Performance bond- Conditions: Every bond shall include the conditions that the principal shall comply with all the provisions of Article 716-4.12 of the County Code, applicable laws and regulations and all terms and conditions of this permit. No extension of time under the permit shall release the surety upon the bond.

Performance bond- Term: The term of each bond shall begin on the date of its posting and shall end on the satisfactory completion of the terms and conditions of the permit as evidenced by a certificate of completion, a copy of which will be sent to any surety on request.

Performance bond- Notice of default: Whenever the County Building Official finds that a default has occurred in the performance of any term or condition of any permit, he or she shall give written notice thereof to the principal and surety on the bond, stating the work to be done to achieve a safe and satisfactory condition, its estimated cost, and the period of time deemed reasonable and necessary to complete the work. If a cash bond has been posted and the notice of default has been given to the principal and if the principal does not comply within the specified time limit, the building official may use the deposited cash to have the required work done, by contract or other means to the discretion of the County Building Official.

If the County Building Official finds that a default has occurred in the performance of any term or condition of the permit, the surety, County Building Official, or any person employed on behalf of either shall have the right to go on the site to complete the required work or make it safe.

Restitution for Approved Tree Removal

22. _____ Required Restitution for Approved Tree Removal - The following measures are intended to provide restitution for the trees that have been approved for removal.

- A. Tree Restitution Planting/Irrigation Plan - *Prior to issuance of a grading permit, building permit, or occupancy*, the applicant shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of the Zoning Administrator. The plan shall provide for the planting of at least 165 trees, minimum 24-gallons in size either on the owners property or within the area of the right of way easements with approval of the respective County agency. (Also, note below requirement that plans include a provision for other tree plantings for purposes of contingency restitution in the event that trees to be replanted are nonetheless damaged.) The plan shall be accompanied by an estimate prepared by a licensed landscape architect or arborist of the materials and labor costs to complete the improvements on the plan.
- B. Required Security to Assure the Completion of Plan Improvements - *Prior to issuance of a grading permit, building permit, or occupancy*, the applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to the Zoning Administrator. The bond shall include the amount of the approved cost estimate, *plus* a 20% inflation surcharge. Until evidence is submitted that the applicant has satisfactorily installed the required improvements, the County may hold the security for up to three years following the exercise of this permit.

- C. Initial Fee Deposit for Processing a Security - The County ordinance requires that the applicant pay fees for all time and material costs of staff for processing a landscape improvement security (Code S-060B). At time of submittal of the security, the applicant shall pay an initial deposit of \$100.
- D. The landscaping and irrigation plan shall include select plants that will have foliage year-round that are endemic to the vicinity of the subject property. The plan shall comply with the State's Model Water Efficient Landscape Ordinance, if the County's Ordinance has been adopted, and verification of compliance shall accompany the plans.

Merging of Parcels

23. _____ Prior to the issuance of a grading or building permit , the Project Sponsor shall provide documentation to the Public Works Department and Zoning Administrator, for the review and approval of the Zoning Administrator, the separate parcels have been merged and recorded.

Monitoring of Groundwater

24. _____ A. Prior to requesting a building permit for the Sanctuary, the Project Sponsor shall submit a comprehensive plan for monitoring of groundwater levels. That plan shall be subject to review by the Peer Review Geologist and review/ approval of the Zoning Administrator. The purpose of the monitoring plan is to ensure that fluctuations in the elevation of the water table are consistent with the criteria provided by the geotechnical engineers. If the water level begins to rise after the construction period, monitoring will allow early recognition of the changing water levels. That in turn would provide an opportunity to identify the source of the water (e.g. leaking utility pipes) and take corrective action.
- B. The plan shall include (a) a map showing the location of monitoring stations, (b) provide details on the equipment and approaches to be used to measure water levels, (c) provide standards for the frequency of water level readings, (d) provide thresholds for notifying the geotechnical engineers of the situation, and (e) identify the responsible parties/ staffing positions for compliance with the monitoring requirement.
- C. The monitoring data shall be submitted to the Zoning Administrator and Public Works Department annually by July 1st. Monitoring shall go on for a period of at least 5 years beyond the certificate of occupancy. It may be extended if there is evidence of water levels that rise above elevation + 222½ ft . (i.e. bathtub foundation)
- D. After the construction period, it is anticipated that no groundwater will be pumped. If ultimately there is a need for pumping ground-water, no groundwater may outfall into storm drainage facilities without first obtaining

the approval of the Public Works Department. Prior to making a request to the Department for approval the Project Sponsor would need to provide data on the duration and maximum rate of pumping, along with water quality data and any other technical data that may be required by the Public Works Department.

Mitigation Measures for Impacts to Aesthetic Resources

25. _____ **Mitigation Measure 4.1-1.** The Project Sponsor shall submit a lighting plan and a photometric study which shall demonstrate, to the satisfaction of the Zoning Administrator, that no bare bulbs will be visible from offsite. The plan shall also demonstrate that no lighting will be directed across property lines, and all lighting visible from offsite – including spillover onto adjacent properties – will be compatible with offsite private and public right-of-way lighting in the vicinity. The plans shall reflect the effect of lighting both before and after proposed site landscaping achieves maturity. If needed, the plans may include recommendations for turning off lights at specific times to reduce effects to nighttime views.

Mitigation Measures for Impacts to Air Quality

26. _____ **Mitigation Measure 4.2-1.** Prior to the approval of a grading plan, ~~County DCD~~ the project sponsor shall ensure that grading and demolition plans include the following measures for all phases of construction as recommended by BAAQMD to reduce the air quality impacts of particulate matter (PM10 and PM2.5) associated with grading and new construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered a minimum of two times per day;
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered;
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. No dry power sweeping shall be performed (i.e., prohibited);
- All vehicle speeds on unpaved roads shall be limited to 15 mph;
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as feasible. Building pads shall be laid as soon as feasible after grading unless seeding or soil binders are used;
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points;

- All construction equipment and haul trucks shall be maintained and properly tuned in accordance with manufacturer's specifications. All construction equipment and haul trucks shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and
- A publicly visible sign shall be posted with the telephone number of the Construction Manager and BAAQMD to report dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD complaint line telephone number shall also be visible to ensure compliance with applicable regulations.

27. _____ **Mitigation Measure 4.2-2.** Emissions of NO_x from construction activities shall be limited to less than 54 pounds per day. This performance standard would be achieved by limiting vehicle miles traveled (VMT) for standard hauling trucks to 1,872 VMT per day. Assuming 13 cubic-yard-trucks and delivery to the Acme landfill, and assuming a round trip of 31.2 miles, this would mean that soil hauling would be capped at 60 round trips per day, which would extend the excavation schedule from an earlier projection by the project sponsor of 35 working days to 55 working days. If other sites at a different distance were identified to accept the fill, the schedule could be revised accordingly to fit within the same VMT limitation. However, all hauling trucks must use a haul route that leaves the project site, heads east on Boulevard Way, and enters Highway 24 near Mt. Diablo and Boulevard Way.

28. _____ **Mitigation Measure 4.2-3** Prior to the approval of a grading permit, County DCD shall verify that grading plans include a requirement that limits the allowable idling time of diesel-powered construction equipment to two minutes or less.

Mitigation Measures for Impacts to Biological Resources

29. _____ **Mitigation Measure 4.3-1:** If the project sponsor purchases the Odell property, compliance with the CCCFPD condition to widen the secondary access drive to Warren Road shall be required. In compliance with Chapter 816-6.8002 of the Tree Protection and Preservation Ordinance, a permit shall be obtained for the removal of all protected trees. If the project sponsor purchases the Odell property after August 2012, a qualified arborist shall examine the property and the recommendations of the arborist reports dated June 22, 2009 and August 4, 2009, included as Appendix G to this EIR, to confirm and/or append to the conditions included in the earlier reports.

Mitigation for Impacts to Roosting Bats

30. _____ **Mitigation Measure 4.3-2a:** Given the potential for occurrence of roosting bats on the project site, the ~~Contra Costa County Department of Conservation and Development (DCD)~~ *project sponsor shall hire a qualified biologist to conduct pre-construction surveys for roosting bats prior to issuance of demolition permits. The request shall be reviewed and approved by the Zoning Administrator.*

If roosting bats are detected, ~~DCD shall require that~~ a the qualified biologist, in consultation with the California Department of Fish and Game (CDFG), shall exclude/evict the bats prior to removal of the occupied structure or tree. Abandoned structures or trees that are proposed for removal shall be removed before ground-disturbing activities begin to avoid conflicts with potential nesting periods. Immediately prior to construction, ~~DCD~~ *the project sponsor* shall require another pre-construction survey to be conducted to detect presence and confirm absence of active nesting in the trees that will remain.

During the pre-construction survey, the qualified biologist may enact other measures to protect roosting bats on the project site. These measures must be followed throughout the pre-construction and construction period.

31. **Mitigation Measure 4.3-2b.** Given the potential for occurrence of special-status bird species on the project site and the possibility for overlap of demolition and tree removal with the nesting season, ~~DCD~~ *the project sponsor* shall ~~require~~ hire a qualified biologist to conduct pre-construction surveys for nesting birds prior to issuance of demolition permits and no more than one week prior to tree removal. If an occupied bird's nest is detected, a buffer zone of 50 to 300 feet shall be implemented to protect adults and nestlings from construction disturbances. If occupied nests are detected, exclusion areas are required until young birds have fledged. *The report shall be submitted for the review and approval of the Zoning Administrator.*

During the pre-construction survey, the qualified biologist may enact other measures to protect raptors and birds on the project site. These measures must be followed throughout the pre-construction and construction period. Destruction of occupied nests would be in violation of the Migratory Bird Treaty Act (MBTA) and the CDFG Code.

Mitigation Measures for Impacts to Cultural Resources

32. **Mitigation Measure 4.4-1a.** When demolition and site clearing activities are complete, a qualified archaeologist, hired by the project sponsor, shall reinspect the project site to ascertain whether clearance activities exposed any previously undetected archaeological resources. *The findings shall be submitted for the review and approval of the Zoning Administrator.* In the event that any buried cultural (historical, archeological, and/or paleontological) resources are encountered, the ~~Contra Costa County Department of Conservation and Development (DCD)~~ *project sponsor* shall ensure that construction, excavation, and/or grading activities within 100 feet of the find are temporarily halted until a qualified archaeologist or paleontologist, hired by the project sponsor, can assess the significance of the find and provide proper management recommendations to be incorporated in to the Project Variant ultimately selected. Prehistoric cultural materials include, but is not limited to, shell midden deposits, hearth remains, stone and/or shell artifacts, and/or

burials. Historic materials, including but not limited to, whole or fragmentary ceramic, glass or metal objects, wood, nails, brick, or other materials may occur on the project site in deposits such as old privies or dumps. If the site is found to contain significant cultural or paleontological resources (as determined by the CEQA Guidelines) by a qualified archaeologist or paleontologist, funding shall be provided by the project sponsor to identify, record, report, evaluate, and recover the resources as necessary. Construction within the area of the find shall not recommence until impacts to the cultural or paleontological resource are mitigated. Additionally, as required by Public Resources Code Section 5097.993, the project sponsor must inform project personnel that collection of any Native American artifact is prohibited by law.

33. _____ **Mitigation Measure 4.4-2.** In accordance with Public Resource Code Section 5097.98, should human remains be found on the site at any time during pre-construction or construction activities, the *project sponsor* ~~Contra Costa County Department of Conservation and Development (DCD)~~ shall ensure that no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall be disturbed until:

- The County Coroner in which the remains are discovered is contacted and determines that no investigation of the cause of death is required; and
- If the County Coroner determines the remains to be Native American then:
 1. The coroner shall contact the Native American Heritage Commission within 24 hours;
 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased native American; and
 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

The landowners or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the following conditions occur:

- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;

- The descendent identified fails to make a recommendation; or
- The landowners or their authorized representative reject the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

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Mitigation Measures for Impacts Related to Geology and Soils

34. _____ **Mitigation Measure 4.5-1.** Prior to the issuance of a building permit, the *project sponsor County Building Official* shall *submit for the review and approval of the County Building Official* plans which incorporate the following CBC seismic site categorization and design coefficients, in conformance with the most recent version of the California Building Code as shown in the table below:

Categorization/Coefficient	Design Value
Site Class (Table 1613.5.2)	C
0.2 Second Spectral Response Acceleration, S _s (Figure 1613.5(3))	1.5g
1.0 Second Spectral Response Acceleration, S ₁ (Figure 1613.5(4))	1.6g
Seismic Site Coefficient, F _a (Table 1613.5.3(1))	1.0
Seismic Site Coefficient, F _v (Table 1613.5.3(2))	1.3
Long-period Transition Period, T _l (Figure 22-6) ¹	1.0

¹From ASCE/SEI 7-05 (2006)

Source: DCM Engineering, October 2008.

The *project sponsor County Building Official* shall submit evidence ~~certify~~ that a qualified geotechnical engineer has reviewed final plans and specifications for consistency with CBC and UBC design standards *to the satisfaction of the County Building Official*. ~~The County Building Official shall verify that all pertinent recommendations of the geotechnical engineer are incorporated into final building plans.~~

35. _____ **Mitigation Measure 4.5-2a.** Where permitted by the owner or tenant in possession, the County Building Official shall direct the project sponsor or their contractor to complete the following actions:

- inspect existing structures/utilities to document any evidence of then existing damage, cracking, distortion, weaknesses in structural elements, deterioration, corrosion, excessive stress, overloading, or use of the structure in a manner which may not have been intended by its design prior to issuance of any construction permits.

The inspection shall include an assessment of the condition of the following structures and facilities:

- structures on properties adjacent to the project site

- Boulevard Way
- potentially affected utilities within the project site, as determined by a qualified engineer

All inspections and notations of pre-existing damages shall be thoroughly documented, to the extent permitted by the relevant owner or tenant in possession, prior to the issuance of a demolition or grading permit by photographs and mapping, and reference markings or measurement points shall be established on critical or previously damaged structures/utilities to assist in determining whether any damage or movement has occurred as a result of construction.

Such inspections shall be completed before issuance of the grading permit and again, after construction of the building shell is substantially complete. To the extent required by Civil Code Section 832, the applicant shall be responsible to repair or compensate for damage caused by the project. The County Building Official shall, prior to issuance of an occupancy permit: (a) confirm that the project sponsor has undertaken a written obligation to repair or compensate for damage caused by the construction of the project as recommended by the architect of record, or has established procedures that assure such repairs will be made or such compensation will be paid; and (2) confirm that any such repairs or payment of compensation is planned to be completed within a time frame the Official deems reasonable under the circumstances.

Where existing structures are in close proximity to the excavation, additional measures beyond pre-construction inspection, such as building underpinning, shall be required as determined by the geotechnical consultant.

36. _____ **Mitigation Measure 4.5-2b.** Prior to the issuance of a grading permit, the County Geologist shall review the final plans to ensure that proposed excavation shoring and dewatering systems meet minimum performance requirements. These minimum performance requirements include:

- Protect personnel that enter excavations;
- Protect adjacent existing utilities, pavements, and structures;
- Installation should not cause settlement or heave of the ground surface nor produce construction vibrations that could damage adjacent utilities or structures;
- Prevent caving or lateral movement of excavation walls and associated loss of adjacent ground and adjacent ground surface settlement, even when subjected to construction vibration;
- Prevent heave and or piping (boiling) of the excavation bottom; and

- Where applicable, resist hydrostatic pressures and lateral loads for adjacent structural foundations, vehicular traffic, construction equipment and spoils.

37. _____ **Mitigation Measure 4.5-2c.** Prior to the issuance of a grading permit, the project sponsor ~~County Building Official~~ shall ensure that grading plans show a requirement that a qualified geotechnical engineer monitor and document soil and groundwater conditions on an ongoing basis during excavation, grading, and construction. The geotechnical engineer shall anticipate changes and modifications to shoring systems and sloping (on the west side) in response to changes in soil and groundwater conditions. All sheeting and shoring shall be evaluated for stability by the geotechnical consultant prior to entry by personnel. The County Building Official and County Geologist shall review and consider the recommendations of the geotechnical engineer and incorporate any or all recommendations. *The project sponsor shall incorporate the recommendations into final grading plans.*

38. _____ **Mitigation Measure 4.5-4a.** Prior to the issuance of a grading permit, the County Building Official shall ensure that plans for building foundations have been reviewed by a qualified geotechnical engineer to ensure measures are included to reduce potential future structural damage to the religious facility from expansive soils. Such measures shall include but are not limited to minimum requirements for the expansion potential of fill material, soil compaction, and soil moisture content. The County Building Official and County Geologist review and approval shall ensure that all pertinent recommendations of the geotechnical engineer are incorporated into final grading plans.

39. _____ **Mitigation Measure 4.5-4b.** Prior to the issuance of a building permit, the County Building Official shall ensure that plans are revised as necessary to show that foundations for the new facility consist of a reinforced concrete floor slab or a mat slab, consistent with recommendations of the County Geologist.

Mitigation Measures for Impacts Related to Hazards and Hazardous Materials

40. _____ **Mitigation Measure 4.7-1a.** At least fifteen days prior to issuance of a demolition permit, a state certified contractor shall complete an asbestos and lead-based paint survey for all structures proposed for demolition that were constructed prior to 1980. The survey shall be submitted to the Department of Conservation and Development, Community Development Division for review and approval. If LBP or asbestos-containing materials are identified in the survey, they shall be removed from the site and properly disposed of in accordance with CAL/ OSHA requirements:

- Known or suspected asbestos-containing materials shall be abated by a certified asbestos abatement contractor in accordance with BAAQMD regulations and notification requirements.
- Intact lead-based paint found to be secure (not flaking, peeling or cracked) may be discarded along with demolition debris during the demolition of the structure.

- Loose and peeling paint shall be disposed of as state and/or federal hazardous waste if the concentration of lead exceeds applicable waste thresholds.
- Hazardous wastes shall be appropriately managed, labeled, transported, and disposed of by trained workers in accordance with local requirements.
- The demolition and removal of materials potentially containing lead-based paint would be required to follow the CAL/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR).
- Other hazardous materials associated with buildings, such as fluorescent lights and electrical switches, shall be disposed of in accordance with DTSC hazardous waste regulations.

41. _____ **Mitigation Measure 4.7.1b.** Prior to the issuance of grading or demolition permit, the County Building Official and Community Development Division shall review a Risk Management Plan prepared for the Project Variant ultimately selected by a qualified professional. The plan shall include, but is not limited to the following conditions:

- Should tanks, drums, free product, or other potential chemical hazards be encountered during excavation, the County, environmental consultant and the owner shall be consulted prior to proceeding. Excavated material shall be segregated and stockpiled in a designated area and covered in plastic. Stockpiles shall be maintained for profiling and disposal. A qualified environmental consultant shall take samples of each stockpile for analysis. Stockpiles and other hazardous wastes shall be appropriately managed, labeled, transported, and disposed of by trained workers in accordance with all applicable laws and regulations.
- The contractor shall include specific information related to chemical hazards that could be present during the excavation. This information shall include, but shall not be limited to, the proper use of personal protective equipment (PPE), worker air monitoring, and action levels for use of PPE and stop work. Workers engaged in the excavation of petroleum-affected soil shall be trained per OSHA standards for hazardous waste operations and emergency response.

Mitigation Measures for Impacts Related to Hydrology and Water Quality

42. _____ **Mitigation Measure 4.8-1a.** Prior to the approval of a building permit, the County Department of Conservation and Development shall ascertain that final landscaping plans for the Project Variant ultimately selected shall:

- Be designed to minimize irrigation and runoff and to minimize use of fertilizers and pesticides that can contribute to stormwater pollution.

- Specify plantings within planters and swales that are tolerant of the sandy loam soils and periodic inundation.
- Include pest-resistant plants.
- Include plantings appropriate to site soils, slopes, climate, sun, wind, rain, land use, air movement, ecological consistency and plant interactions.
- Note that all on-site storm drain inlets shall be marked with the words “No Dumping! Drains to Creek” or similar language.

43. _____ **Mitigation Measure 4.8-1b.** Prior to the approval of a building permit, the project sponsor shall submit a Final Storm Water Control Plan to the Public Works Department in general conformance with the Preliminary Drainage Report for review and approval. The Final Drainage Report and Storm Water Control Plan shall demonstrate use of GrassPave2 and pervious pavers or pervious concrete with comparable or better infiltration and storage capacity.

44. _____ **Mitigation Measure 4.8-1c.** Prior to the approval of a building permit, the project sponsor shall submit a Maintenance Program to the Public Works Department. The Maintenance Program shall include procedures for maintaining the pervious surfaces employed within the project site in the Operation and Maintenance Plan of the SWCP. The Maintenance Program shall include the following measures:

- Landscaping grades shall follow a post-project Sediment Control Plan. Landscape areas shall be designed to drain away from pervious surfaces in the parking lot area wherever possible in order to curtail run-off from carrying silt onto the pervious pavements. The Sediment Control Plan would be included in the Storm Water Control Plan and grades directing water away from the parking lot area shall be shown on the Grading plan.
- The project sponsor shall engage an outside contractor experienced in maintenance of pervious pavers. The contractor will follow the procedures listed in the Operation and Maintenance Plan of the Storm Water Control Plan.
- Permeable paver surfaces will be kept clean of organic materials. Leaves and other organic material shall be swept and removed from the paver surfaces periodically when debris accumulates and weekly during the rainy season (October 15 to April 15), or as otherwise directed by the Public Works Department for any other wet times of the year.
- Periodic vacuuming should be used to clear out voids with conventional street sweepers or like equipment with vacuums and brushes, a minimum of two (2) times a year, but the actual required frequency shall be determined by conditions of the site. With an interlocking paver system, additional aggregate fill material

will be added after cleaning, if needed to return aggregate fill material to its initial installation levels.

- The landowner shall be obligated to comply with the Operation and Maintenance Plan and Agreement. The landowner's maintenance obligations shall be reflected in such recorded documents as the County lawfully and routinely requires.

45. _____ **Mitigation Measure 4.8-2.** Prior to the issuance of a grading permit, the County Building Official shall approve a Storm Water Pollution Prevention Plan a (SWPPP) prepared by the applicant. The SWPPP shall comply with current San Francisco Bay Regional Water Quality Control Board guidelines and shall adopt acceptable best management practices (BMPs) for control of sediment and stabilization of erosion in the project area. The SWPPP shall include acceptable BMPs for the protection of water quality.

Mitigation Measure for Impacts Related to Noise

46. _____ **Mitigation Measure 4.10-1.** The project sponsor DCD shall ensure that project sponsor adheres to the following mitigation measures in order to generate the least noise impacts feasible during construction:

- All construction activities shall be limited to the hours of 8:00 AM to 5:00 PM, Monday through Friday, and shall be prohibited on state and federal holidays, except as provided below;
- The project sponsor shall hold a pre-construction meeting with the job inspectors and the general contractor/onsite manager to confirm that all noise mitigation measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed prior to beginning construction;
- The project sponsor shall notify neighbors within 300 feet of the construction area, at least 30 days in advance of excavation and grading activities, about the estimated duration of the activity;
- The project sponsor shall designate a construction noise coordinator who will be responsible for implementing the noise control measures and responding to complaints. This person's name and contact information shall be posted clearly around the project site and shall also be distributed to properties within 200 feet of the site boundaries. The construction noise coordinator shall be available during all times during construction activities and shall maintain a log of complaints. A copy of the log shall be provided to the DCD monthly on the 30th day of each month;

- The project sponsor shall require construction contractors to limit noise generating construction activities as required by the DCD. No construction activities shall be allowed **before 8 AM or after 5 PM**, or on weekends without prior authorization of the Zoning Administrator, and excavation and grading activities shall be allowed after hours or on weekends and holidays;
- The project sponsor shall require construction contractors to implement the following measures to reduce daytime noise due to construction activities:
 1. Equipment and trucks used for construction shall utilize the best available noise control techniques wherever feasible (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds).
 2. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever feasible possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is not feasible, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
 3. Stationary noise sources shall be located as far from adjacent receptors as feasible possible, and shall be muffled and enclosed within temporary sheds, insulation barriers, or other measures to the extent feasible.
- Prior to the start of construction, the project sponsor shall construct a temporary sound barrier along those portions of the northern and southern property lines that do not, at the time of grading and construction, already have a wall that meets the following standards, to provide the maximum protection feasible for the residential uses to the north and south. The barriers can be constructed out of wood or other materials as long as they have a minimum surface weight of approximately 2.5 pounds per - square foot. Possible materials include 1-1/8-inch-thick plywood or fully overlapping 1x redwood boards (1-1/2-inch thick total). The barriers would likely be 6 to 8 feet tall but this would be refined and approved by a qualified acoustician prior to the issuance of grading permits. Issues to consider when determining the ultimate height, length, and location of the barriers are the actual construction practices, including equipment to be used and the location and duration of noisier activities. The topography will also need to be considered in the final determination of barrier heights and effectiveness.

47. _____ **Mitigation Measure 4.10-2** The project sponsor ~~DCD~~ shall ensure that ~~the project sponsor isolates~~ the equipment in the mechanical well per the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidelines.

ASHRAE is considered the industry standard for mechanical system design standards.

Mitigation Measure for Traffic and Circulation

48. _____ **Mitigation Measure 4.13-1.** If Project Variant A is ultimately selected and approved, the County Department of Conservation and Development and County Public Works Department shall verify that final plans incorporate a sidewalk on the Boulevard Way frontage similar to that incorporated in Project Variant B. Plans shall show the sidewalk along all project frontage and extending to Warren Road. Sidewalk plans shall conform to prevailing County standards. In addition, if Project Variant A is approved, prior to the approval of any building or grading permit, the County Department of Conservation and Development and County Public Works Department shall verify that final plans for the public right-of-way area show a north-south crosswalk at a location mutually acceptable to the aforementioned County departments and the project sponsor. The crosswalk shall conform to any pertinent state or County regulations regarding crosswalk location and safety. As appropriate, final plans for the crosswalk shall incorporate features to help reduce conflicts between vehicles and pedestrians. Such features may include but are not limited to signage advising motorists of the crosswalk, lighting at the crosswalk, and the use of contrasting color and/or reflective paint to improve nighttime visibility of the crosswalk area.
49. _____ **Mitigation Measure 4.13-2** If Project Variant A is ultimately selected and approved, the County Department of Conservation and Development and County Public Works Department shall verify that final plans reflect the inclusion of adequate sight distance to the west of the project driveway. This can be achieved by relocating the proposed perimeter wall from its current location to the same location as shown in the plan for Project Variant B (Figure 3-8) and keeping the area north of the wall free of potential visual obstructions (trees or other tall vegetation).

Mitigation Measure for Utilities and Service Systems

50. _____ **Mitigation Measure 4.14-1.** In the event of multiple drought years, the project sponsor shall comply with EMBUD's then-applicable Drought Management Program and reduce water usage by 20 percent. In the event of critical shortages (shortages of 25 percent or more), the project sponsor shall comply with reduction goals based on customer categories set by EBMUD.

Construction of Sound Barriers

51. _____ Prior to the Zoning Administrator approval of the temporary sound barriers located on the north and south property lines, a brief report shall be submitted by an approved qualified acoustician indicating how the noise reduction is achieved in mitigation measure 4.10-1.

Litter Control and Recycling

52. _____ The project sponsor shall maintain the project site and surrounding areas in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be disposed promptly. All construction materials and construction-related debris shall be removed following cessation of construction activity.
53. _____ To the extent possible, demolition debris and construction waste shall be diverted from the waste stream. Prior to commencing demolition or construction, the Project sponsor shall consult with Department of Conservation & Development – Conservation Programs Section staff to identify opportunities for debris/waste diversion.

Geologic/Soils Report

54. _____ The project sponsor shall record a statement to run with deeds to property acknowledging the approved report by title, author (firm), and date, calling attention to approved recommendations and noting that the report is available from the seller.

Setbacks

55. _____ The building shall comply with the building setbacks of the R-10 Zoning District, including the portion of the building located underground.

Construction Trailers

56. _____ The Project sponsor must remove construction trailers from the project site within 30 days following completion of construction activities.

CONDITIONS OF APPROVAL ENFORCED BY THE PUBLIC WORKS DEPARTMENT

Unless otherwise stated, the Project sponsor must comply with the following conditions of approval prior to obtaining building permits or initiation of the use authorized by this Land Use Permit County File # LP082034 and Minor Subdivision # MS09-0008

General Requirements

57. _____ Improvement plans prepared by a registered Civil Engineer shall be submitted, as necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this land use permit. These plans shall include any necessary traffic signage and striping plans, for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Boulevard Way)

58. _____ The Project Sponsor shall construct a 5-foot wide concrete sidewalk, curb and gutter, necessary longitudinal and transverse drainage, re-striping, street lighting (as necessary), pavement widening and transitions along the frontage of Boulevard Way. The Project Sponsor shall construct face of curb 17-feet from the existing striped centerline of Boulevard Way, providing a paved half-width consisting of a 12-foot wide travel lane and a 5-foot wide paved shoulder. Parking in the shoulder shall not be permitted. Striping or other pavement delineation shall be installed to clearly identify the shoulder along the Boulevard Way frontage.
59. _____ The Project Sponsor shall extend sidewalk and pavement conformance from the southwestern limits of the project frontage to the Warren Road intersection. A curb ramp, meeting minimum County standards, shall be constructed at the terminus of the sidewalk extension at the northeastern corner of the Warren Road and Boulevard Way intersection.
60. _____ The Project Sponsor shall construct a street-type connection with minimum 20-foot radius curb returns in lieu of a standard driveway depression at the intersection of the main on-site driveway and Boulevard Way. A standard driveway ramp may be used for the utility/emergency access driveway proposed at the eastern end of the property limits.
61. _____ Any vehicular entrance gate shall be a minimum of 20 feet from the edge of pavement to allow vehicles to queue without obstructing through traffic. Any proposed gate and the associated improvements shall be outside the public right of way.
62. _____ The Project Sponsor shall enter into a landscape maintenance agreement for any landscape improvements proposed within public right-of-way.

Construction Traffic

63. _____ Prior to the start of construction-related activities, the project sponsor shall prepare a Traffic Control Plan (TCP), including a haul route, for the review and approval of the Public Works Department.
64. _____ The Project sponsor shall perform a pre-construction survey of the roadways to be used as part of the haul route.
65. _____ The project owner shall restore any public roads, easements, and/or rights-of-way that have been damaged due to project-related construction activities to the pre-project conditions.

Access to Adjoining Property:

Proof of Access

66. _____ The Project Sponsor shall furnish proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

67. _____ The Project Sponsor shall obtain an encroachment permit from the County's Application and Permit Center, as necessary, for construction of any improvements within the Boulevard Way or other public road rights of way.

Sight Distance

68. _____ The Project Sponsor shall provide sight distance along the curve and at the intersection of the on-site driveway(s) and Boulevard Way for a design speed of 35 miles per hour pursuant to Figure 3-8 in the Final EIR. The project sponsor shall trim vegetation, as necessary, to provide sight distance at the intersection. Any new landscaping, fencing, retaining walls, or other obstructions proposed at the intersections shall be setback to ensure that the sight lines are clear.

Parcel Map

69. _____ The Project Sponsor shall record a parcel map to merge the separate parcels.

Right of Way Dedications

70. _____ The Project Sponsor shall dedicate on the parcel map or convey by a separate instrument, the right of way necessary to accommodate the required frontage improvements. The right of way shall be a minimum 10 feet back from the improved face of curb except east of the entrance driveway the applicant may dedicate a public utility easement for areas beyond the sidewalk. The sidewalk, bus pullout, and curb ramps must be contained within the public right of way.

Annexation to Lighting District

71. _____ The Project Sponsor shall annex to the Community Facilities District formed for Countywide Street Light Financing (CFD 2010-1).

Utilities/ Undergrounding

72. _____ All new utility distribution facilities shall be installed underground. Existing utility poles located along Boulevard Way shall be relocated to accommodate the required frontage improvements.

Drainage Improvements

Collect and Convey

73. _____ The Project Sponsor shall collect and convey all storm water entering and/or originating on this property without diversion to a different watershed and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility which conveys the storm waters to a natural watercourse, in accordance with Division 914 of the Ordinance Code.
74. _____ Prior to issuance of building permits or approval of the parcel map, the Project Sponsor shall submit to the Public Works Department for review, an updated drainage study and analysis that details how stormwater runoff is collected and discharged into the area wide storm drain systems. The drainage study and analysis must confirm that post-project drainage flows do not exceed pre-project flows for the 10-year storm event.
75. _____ The Project Sponsor shall replace the existing 12-inch diameter culvert crossing Warren Road with an 18-inch diameter pipe.

Miscellaneous Drainage Requirements

76. _____ The Project Sponsor proposes to utilize pervious paving systems for the parking lot to reduce the stormwater runoff and maintain the post-project design flows below the pre-project levels. Since certain types of pervious paving systems become silted in and clogged over time, the applicant shall develop a long-term maintenance plan to guarantee the infiltration performance of these systems.

Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) Permit

77. _____ Improvement Plans shall be submitted to the Public Works Department to verify compliance with Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
78. _____ A final Storm Water Control Plan (SWCP) shall be submitted to and approved by the Public Works Department for consistency with Provision C.3 prior to issuance of building permits. All time and materials costs for review and preparation of the SWCP shall be borne by the project sponsor.
79. _____ Storm water management facilities shall be subject to inspection by Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
80. _____ A final Storm Water Control Operation and Maintenance Plan (O+M Plan) shall be submitted to and approved by the Public Works Department for consistency with Provision C.3 prior to final building permit inspection.

81. _____ The property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for operation and maintenance of the stormwater facilities and grant access to relevant public agencies for inspection of stormwater management facilities. Such an agreement shall be fully executed and recorded prior to obtaining building permits.
82. _____ The property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners. Annexation to CFD 2007-1 shall be completed prior to obtaining building permits.
83. _____ Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

National Pollutant Discharge Elimination System

84. _____ The Project Sponsor shall comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board.

Compliance shall include developing long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate, wherever feasible, the following long-term BMP's in accordance with the Contra Costa County Clean Water Program for the site's storm water drainage:

- Minimize the amount of directly connected impervious surface area.
- Place approved markers ("No Dumping, Drains to Creek") on all storm drains.
- Construct concrete driveway weakened plane joints at angles to assist in directing runoff to landscaped/pervious areas prior to entering the street curb and gutter.
- Shallow roadside and on-site grassy swales.
- The owner shall sweep the paved portion of the site quarterly, at least once a year with a vacuum type sweeper. Verification (invoices, etc.) of the sweeping shall be provided to the County Clean Water Program Administrative Assistant at 255 Glacier Drive, Martinez CA 94553 (925) 313-2238

- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Project Sponsor shall incorporate the use of pavers and/or pervious pavement on-site to reduce the amount of directly connected impervious surface area.
- Other alternatives, equivalent to the above, as approved by the Public Works Department.

Area of Benefit Fee Ordinance

85. _____ The Project Sponsor shall comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the South Walnut Creek Area of Benefit, as adopted by the Board of Supervisors. This fee shall be paid prior to the issuance of a building permit.
86. _____ The applicant shall comply with all mitigation measures recommended in the Final EIR, and with the Mitigation Monitoring and Reporting Program for Project Variant B.

ADVISORY NOTES

A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the project sponsor that pursuant to Government Code Section 66000, et seq., the project sponsor has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90)-day period in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Community Development Department within 90 days of the approval date of this permit.

- B. Project must comply with the requirements of the Contra Costa County Department of Conservation & Development – Building Inspection Division. The Building Inspection Division will require three complete sets of plans that are approved by the Community Development Division.
- C. Project must comply with the requirements of the California Department of Fish & Game. It is the Project Sponsor's responsibility to notify CDFG (P.O. Box 47, Yountville, California 94599) of any activities that may affect any fish and wildlife resources, per the Fish and Game Code.
- D. Comply with the requirements of the Central Contra Costa Sanitary District,

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- E. Comply with the requirements of the East Bay Municipal Utility District,
- F. Project must comply with the requirements of the County Health Services Department, Hazardous Material Division.
- G. Project must comply with the requirements of the Bay Area Air Quality Management District.
- H. Project must comply with the requirements of the Regional Water Quality Control Board.
- I. Project must comply with the requirements of the Contra Costa County Fire Protection District.

lcc 10/3/11(mod. 10/19/11

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