

**FINDINGS AND CONDITIONS OF APPROVAL FOR DEVELOPMENT PLAN #~~DP043099~~ and ~~SD058950~~ AS APPROVED BY THE COUNTY PLANNING COMMISSION ON MAY 24, 2005  
DEVELOPMENT PLAN #153001**

**FINDINGS**

1. Growth Management Element Performance Standards Findings:

- a) Traffic: Traffic impacts have been addressed in the DEIR for the Pleasant Hill BART Station Specific Plan. A comparison of the Preliminary Development Plan's trip generation characteristics with the alternatives evaluated in the 1998 EIR showed that the traffic generated by the project is within the lower and upper range of impacts and mitigation measures identified in the 1998 EIR. The Traffic Operations Analysis prepared for the Final Development Plan confirmed that traffic generated from the Final Development Plan is lower than that of the Preliminary Development plan scenario. Modifications to Block C would generated approximately 30-35 additional peak hour trips. The proposed change from 100 condominiums to 200 apartments would result in a *less-than-significant impact* to the transportation system.
- b) Water: The project site is within the Contra Costa Water District. Under California Water Code, a water supply assessment and affirmative written verification of sufficient water supply for projects that contain more than 500 dwelling units indicated they have capacity to serve the project.
- c) Sanitary Sewer: The project is within the boundaries of the Contra Costa Central Sanitary District, service is planned for the area.
- d) Fire Protection: The subject property is within the Contra Costa Fire Protection District Boundaries and the project is required to comply with all of the District's requirements, including the payment of fees.
- e) Public Protection: Comments were received from the Sheriff's Department on the Final Development Plan. Implementation of Mitigation Measure #XIIIb, including working with the Sheriff's Department to identify design features of the project which discourage criminal behavior will reduce impacts to Police Services. In addition, the project proposes to activate the area with people, which has been shown in numerous studies to discourage criminal activity.
- f) Parks and Recreation: Park dedication fees are required per County Ordinance for residential projects. The fee is used to provide parks/recreational opportunities within the area and would offset any impacts to parks.
- g) Flood Control and Drainage: The project will be required to meet all collect and convey requirements.

2. Findings For Approval of a Final Development Plan:

The proposal is consistent with Section 84-66.1406 of the zoning ordinance which requires the following findings be made prior to granting the preliminary development plan approval:

- a) The applicant intends to start construction within two and one-half years from the effective date of zoning change and approval. *The applicant has expressed their desire to begin construction of the beginning phase (Blocks A, B and E) of the proposed project once the plan is finalized and a final development plan is approved. The business arrangement between BART, and the County, the County Redevelopment Agency is expected to be finalized*

- and approved shortly, allowing initial construction in 2005. Construction of Block C will commence well within two and one-half years from the effective date of approval.*
- b) *The proposed planned unit development is consistent with the County general plan. The proposed project is consistent with the mixed-use general plan designation, the policies of the Pleasant Hill BART Station area Specific Plan, and compatible with other uses in the vicinity.*
  - c) *In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community. The proposed development locates high-density residential uses in close proximity to existing high-density residential uses. The project is located at a transit center, near existing and proposed neighborhood retail services.*
  - d) *In the case of commercial development, it is needed at the proposed location to provide adequate commercial facilities of the type proposed, and that traffic congestion will not likely be created at the proposed center, or will be obviated by presently projected improvements and by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking, and that the development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development. The proposed commercial development meets the policies of transit-oriented development and the Pleasant Hill BART Specific Plan. Traffic impacts have been adequately addressed in the DEIR for the Pleasant Hill BART Specific Plan. No variances to the number of parking spaces are requested. In addition, the Conditions of Approval require participation in the Transportation Demand Management program.*
  - e) *The development of a harmonious, integrated plan justifies exceptions from the normal application of this code. The planned-unit zoning district is the appropriate zoning designation for the proposed project and is consistent with the principles of transit-oriented development, and the goals of the Pleasant Hill BART Station Area Specific Plan and County General Plan.*

### ~~3. Approval of Tentative Map:~~

- a) ~~The County Planning 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. The proposal includes the subdivision of the existing six parcels on the site into nine parcels. The reconfiguration of lots reflects the five development blocks and the BART facilities. This parcelization is consistent with the General Plan and Specific Plan. With the mitigation measures the project would not cause significant impacts to the environment.~~
- b) ~~The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements. The Public Works Department requires that the project comply with collect and convey regulations. The design of roadways reflect the design standards approved in the Preliminary Development Plan. New frontage improvements are necessary. Buildings must comply with the requirements of the Uniform Building Code, which includes provisions for special interior noise reduction, which is made necessary by proximity to Treat Blvd. and the BART line.~~
- e) ~~Advisory agency findings for exceptions 92-6.002: Subject to the Subdivision Map Act, the advisory agency may authorize exceptions to any of the requirements and regulations set forth in this title. Application for such exception shall be made by the subdivider, stating fully the grounds for the application and the facts relied upon, and the subdivider shall grant such additional time as may be required by the advisory agency for the consideration of the exception. Before granting any such exception, the advisory agency shall find:~~
  - (1) ~~That there are unusual circumstances or conditions affecting the property. The subject site is a Transit Oriented Development accommodating multiple modes~~

~~of transportation. In addition to the BART transportation system, the surface roads will accommodate buses, autos, pedestrians and bicyclists. The premise of this development is to design roadways that calm vehicular traffic, resulting in a safer environment for pedestrians and bicyclists. The calmer traffic also results in a better environment for this mixed use (i.e., residential, office and retail) neighborhood.~~

- ~~(2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant has requested an exception to the standards to allow narrower lanes than that required by the County. The reduction in lane width is necessary to calm the traffic on the street that will now have high density residences fronting it. The slower traffic will result in safer and more enjoyable environment for the residents and visitors, will help set the tone of a multi modal transportation hub where motor vehicles are not the dominant mode, and improve safety and mobility for both pedestrians and bicyclists.~~
- ~~(3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated. The County has specific street widths identified in its Ordinance Code. Caltrans standards for lane widths are referenced for various projects including highways, arterials, collectors, and/or residential neighborhood streets. The project streets are consistent with the American Association of State Highway and Transportation Officials (AASHTO) guidelines, which state "Street lanes for moving traffic preferably should be at least 3.0 m [9' 10"] wide. Where feasible they should be 3.3 m wide [10' 10"]; and in industrial areas they should be 3.6 m wide [11' 10"]". Although the County does not commonly reference AASHTO guidelines, the AASHTO guidelines are widely recognized as safe standards for street design. The reduction in lane width provides a safer pedestrian crossing by reducing the distance and time required of the large numbers of pedestrians that must cross these lanes. The reduced lane widths provide not less than 20 feet unobstructed width for emergency vehicle access to all buildings. Granting the exception provides an optimal configuration that balances the County's goals calm pedestrian character, adequate vehicle capacity, and fully responsive emergency vehicle access.~~

#### 4. Findings For Approval of Variances to Aisle Width and Parking Stall Size Requirements:

- a) That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located. Other projects in the area have received variances from zoning requirements when circumstances have warranted. Aisle widths of 25 ft. were recently approved for the Amerisuites, Homestead Village, Spieker (EOP) office buildings, and the Bridge Housing Projects. An aisle width of 26 ft. was approved for the Station Oaks project to the west of the site. It should be noted that although the proposed parking aisle width does not comply with the County's 28 ft. parking aisle width, it is close to the 25 ft. parking aisle width for the City of Walnut Creek. The Specific Plan policies for commercial parking allows for 50 percent of the parking spaces to be small cars spaces (pg. 34). However, the County Zoning Ordinance does not have regulations for compact parking spaces. When needed, the approval of compact spaces are generally handled through variances. The City of Walnut Creek's ordinance allows for 50 percent of parking spaces,

intended for long-term employee parking, to be compact spaces. Walnut Creek's minimum requirements for compact spaces is 7.5 ft. in width and 15 ft. in depth. Other projects have received variances from zoning requirements when circumstances have warranted. Station Oaks, and the Bridge Housing project received variance approval for compact parking spaces and over one-half of the parking spaces in the Treat Towers project are compact spaces.

- b) That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district. *Based on the County's past experience, double loaded garages are necessary to reduce the overall mass and impact of the garage, and a reduction in aisle width is justified if necessary to achieve this objective. Strict application of the requirements would require parking garage redesign and massing in undesirable locations, resulting difficulty in meeting the overall objectives of the Specific Plan. The property's size and shape, combined with the Specific Plan objectives to maximize pedestrian circulation on the site. Thus, staff recommends the Planning Commission's approve the variance to the aisle width and parking stall size.*
- c) That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which it is located. *The applicant intends to provide universal size parking spaces in the majority of the project. Although the Specific Plan allows for up to 50-percent compact spaces, the applicant plans to include a much smaller number of compact spaces, which will be located in areas where the garage structural beams are located. Thus, staff recommends the Planning Commission approve the variance to the parking stall size and aisle width.*

5. Required Factors for Granting Tree Permit:

~~The Redevelopment Director Zoning Administrator 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:~~

- ~~X 1. The arborist report indicates that the subject trees are in poor health and cannot be saved. *The arborist report identified nine trees that should be removed due to poor health.*~~
- ~~2. 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.~~
- ~~3. The tree is in danger of falling and cannot be saved by some other means.~~
- ~~4. The tree is damaging existing private improvements on the lot such as building foundation, walls, patios, decks, roofs, retaining walls, etc.~~
- ~~5. The tree species is a species known to be highly combustible and is determined to be a fire hazard.~~
- ~~6. The proposed tree species or the form of the tree does not merit saving.~~
- ~~X 7. Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot. *The development will occur in an existing parking lot and require the removal of approximately 77 trees on site.*~~
- ~~8. The tree is a species known to develop weaknesses that affect the health of the tree of 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.~~
- ~~9. Where the arborist or forester report has been required, and the Director is satisfied~~

~~that the issuance of a permit will not negatively affect the sustainability of the resource.~~

~~10. None of the above factors apply.~~

## CONDITIONS OF APPROVAL

1. This approval is based upon the following documents received by the Community Development Department:
  - a) Pleasant Hill BART Station Area Community Plan Summary Report (October 2001)
  - b) Regulating Plan
  - c) The New Pleasant Hill BART Station Property Code – Architectural Standards (adopted November 5, 2002)
  - d) The New Pleasant Hill BART Station Property Code – Principles and Regulations for Redevelopment of the BART Station Property (adopted November 5, 2002)
  - e) Pleasant Hill BART Preliminary Development Plan (adopted November 5, 2002)
  - f) Pleasant Hill BART Final Development Plan Application (November 9, 2004) and revised plans (April 26, 2005)
  - g) Pleasant Hill BART Subdivision Application (January 31, 2005)
  - h) Traffic Operations Analysis for Pleasant Hill BART Transit Village, prepared by Fehr & Peers (August 24, 2004)
  - i) Pleasant Hill BART Transit Village, Walnut Creek, California: Pre-construction Archaeological Testing Program, Prepared by Archeo-Tec (April 19, 2005)
  - j) Pleasant Hill/Contra Costa Centre BART Modified Final Development Plan Application (January 21, 2015)
  - k) Preliminary CEQA Air Quality Screening and Greenhouse Gas Analysis for Proposed Avalon Walnut Creek Village Development (February 23, 2015)
  - l) Traffic Analysis for the Proposed AvalonBay Pleasant Hill BART Apartments, prepared by Fehr & Peers (February 24, 2015)
2. Tree Preservation Report, Pleasant Hill BART Transit Village, Contra Costa County, CA (June 29, 2004)
3. The Final Development Plan request is for the development of 549\_622 multi-family residential units; 35,590 sq. ft. retail; 12,130 sq. ft. (10 units) of live-work/retail; 270,000 sq. ft. of commercial office; 19,400 sq. ft. conference area; and 1,816 structured parking spaces for the proposed uses.

## Indemnification

4. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the Contra Costa County Planning Agency and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to

attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

### **Phasing**

5. ~~A detailed plan specifying the pattern of phasing, including common area improvements, shall be submitted for review and approval of the Redevelopment at least 30 days prior to filing the Final Map.~~
6. ~~The Applicant shall obtain approval of a subdivision application for the approximately 100 for sale units on Lot 1/Block C, prior to issuance of a building permit for Lot 1. Any deviation to this Condition shall be subject to a modification to the Development Plan.~~

### **Modification to Final Map**

7. ~~The final map shall reflect a change to the adding Parcel 9, encompassing the Coggins Street extension between the westernmost corner of Lot 8 and Jones Road as this are will be retained by BART and not be made a public road.~~

### **CC& R's**

8. A copy of the project's Covenants, Conditions and Restrictions shall be submitted to the Community Development Department prior to filing a Final Map.

### **Street Names**

9. ~~At least 30 days prior to filing the Final Map, proposed street names (public and private) shall be submitted for review by the Community Development Department, Graphics Section (Phone #335-1270). Alternate street names should be submitted. The Final Map cannot be certified by the Community Development Department without the approved street names.~~

### **Variances**

10. Approval is granted to allow for a variance to the standard parking space to 8.5 ft wide and 18 ft. deep and up to approximately 50 percent of those spaces as compact spaces, and drive aisle width of 24 ft., subject to the plans submitted with the application and received by the Community Development Department and subject to the following conditions of approval.

### **Trees and Tree Preservation**

11. ~~The following condition shall be incorporated to protect oak trees:~~

- a) ~~Existing native oaks shall be retained and protected from encroachment by structures and paving damage to their root structure except as other wise noted in the arborist's report.~~
  - b) ~~Hard surface areas shall be restricted and no change in finish grade shall be permitted beneath their drip line.~~
  - c) ~~Surface drainage shall be maintained to promote healthy root growth.~~
  - d) ~~Development of the Specific Plan are shall comply with the County's Tree Preservation Ordinance.~~
  - e) ~~Protected trees, as defined in the County's Tree Preservation Ordinance that have a circumference exceeding 20 inches measured 4.5 feet from the ground, shall be replaced at a ratio of 2:1. *MITIGATION MEASURE Ia*~~
12. ~~Construction Period Restrictions: No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the dripline of any existing mature tree other than the tree proposed for removal.~~
13. ~~Construction Tree Damage: The development's property owner or developer shall notify the Community Development Department of any damage that occurs to any tree during the construction process. The owner or developer shall repair any damage as determined by an arborist designated by the Director of Community Development.~~
- ~~Any tree not approved for removal that dies or is significantly damaged as a result of construction or grading shall be replaced with a tree or trees of equivalent size (i.e., cumulative diameter of several trees) of a species approved by the Director of Community Development to be reasonably appropriate for the particular situation.~~
14. ~~Prohibition of Parking: No parking or storing vehicles, equipment, machinery or construction material, construction trailers and no dumping of oils or chemicals shall be permitted within the dripline of any tree to be saved.~~
15. ~~Site Preparation: Prior to the start of any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on site with trees to be preserved, the applicant shall install fencing at or beyond the dripline of all areas adjacent to or in the vicinity of the trees. Prior to grading or issuance of any permits, the fences may be inspected and the location thereof approved by appropriate County staff. Construction plans shall stipulate on their face where temporary fencing intended to trees to be protected is to be placed, and that the required fencing shall be installed prior to the commencement of any construction activity.~~
16. ~~Deposit conditions: Prior to the issuance of any grading or building permit the applicant shall deposit cash or other acceptable security with the department on a per tree basis in the amount established by the involved development's condition of approval or approved application. As required, the county may hold the deposit for a two year period to guarantee the health of the trees for a two year period upon completion of construction.~~
17. ~~Additional Tree Replacement Area: In addition to park dedication fees, the applicant is~~

~~to be affirmatively obligated to mitigate for the loss of Walden Green Property when Jones Road is relocated. This will mean tree replacement, and future phase 2 Walden Green improvements such as installing the main irrigation line north from its current terminus to Mayhew Road. Such improvements should be subject to this review and approval of the Redevelopment Director, with the underlying requirement that the applicant install improvements equal to or greater in value than the property being lost to road relocation.~~

## **Archaeology**

18. A qualified archaeologist conduct on-site monitoring of project activities (excavation, grading, pile driving, etc.) that could potentially impact buried cultural resources.
19. If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 10 feet of the find, the Community Development Department shall be notified within 24-hours and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, shell, bone, and historic features such as privies or building foundations.
20. In the event of discovery or recognition of any human remains on the site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of Contra Costa County has been contacted, per Section 7050.5 of the California Health and Safety Code.

## **Geologic Conditions**

21. A geotechnical report shall be submitted for the review and approval of the ~~Redevelopment Director~~ Zoning Administrator prior to issuance of a building permit.. The geotechnical report shall include methods to mitigate effects of engineered fills, settlement and liquefaction.
  - a) Engineered fills in the planning area shall be properly designed and adequately compacted (i.e. minimum 90% relative compaction as defined by ASTI D1557) to significantly reduce both seismically induced and natural fill settlement.
  - b) All roads, structural foundations and underground utilities shall be designed to accommodate estimated settlement without failure.
  - c) Final design of improvements shall be made in conjunction with a design level geotechnical investigation submitted to the County for review. The investigation shall include deep borings and evaluation of liquefaction potential and the report shall estimate the magnitude of differential settlement. If a high liquefaction potential exists, the report shall include measures to control drainage, including measures aimed at controlling damage to buildings, buried pipelines and surface parking.



*MITIGATION MEASURE VIa*

22. The following conditions address expansive soils and/or bedrock and the potential to cause significant damage to foundations, slabs and pavements.
- a) The recommendations of a qualified geotechnical engineer shall be followed. Design-level geotechnical investigation for individual projects shall provide criteria for foundation or pavement design developed in accordance with the Uniform Building Code (UBC) and County Code requirements on the-basis of subsurface exploration. and laboratory testing.
  - b) Foundation design shall include drilled pier-and-grade beam foundations, reinforced slabs and thicker pavement sections designed using criteria provided by the design-level geotechnical investigation. MITIGATION MEASURE #VIb

**Erosion Control**

23. During construction require implementation of BAAQMD construction dust control measures such as the following:
- a) Water all active construction sites at least twice daily.
  - b) Water or cover stockpiles of debris, soils, sand and other materials that can be blown by the wind daily.
  - c) Cover all trucks hauling soils, sand and other loose material or require all material-hauling trucks to maintain at least two feet of freeboard.
  - d) Pave, apply water 3 times daily or apply non-toxic soil stabilizers on all unpaved access roads, parking lots and staging areas at construction sites.
  - e) Sweep street daily, preferably with water sweepers, if soil is carried onto adjacent streets.

*MITIGATION MEASURE IIIa*

23. At least 30 days prior to the issuance of a grading permit, an erosion control plan shall be submitted for the review and approval of the Grading Section of the Building Inspection Department. The erosion control plan shall provide for the following measures: All grading, excavation and filling shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be replanted to minimize erosion and subsequent sedimentation. After October 15, the grading permit shall allow only erosion control work. Any modification to the above schedule shall be subject to review by the Grading Section of the Building Inspection Department and the review and approval of the Zoning Administrator. Implementation of this mitigation measure will reduce this impact to less than significant. The applicant shall prepare a SWPPP (Stormwater Pollution Prevention Plan) obtain an NPDES General Permit for Stormwater prior to Construction *MITIGATION MEASURE #VIIIa*

**Construction Conditions**

24. Contractor and/or developer shall comply with the following construction, noise, dust and litter control requirements:

- a) All construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on state and federal holidays, unless otherwise approved by ~~Redevelopment Director~~ Zoning Administrator.
- b) The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and concrete pumps as far away from existing residences as possible.
- c) At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the 24-hour emergency number, shall be expressly identified in the notice. The notice shall be re-issued with each phase of major grading and construction activity. A copy of the notice shall be concurrently transmitted to the Community Development Department. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.
- d) A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
- e) The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits, the proposed roads serving this development shall be constructed to provide access to each portion of the development site. This shall include provision for an on-site area in which to park earth moving equipment.
- f) Transporting of heavy equipment shall be limited to week days between the hours of 9:00 AM and 4:00 PM. and prohibited on Federal and State holidays.
- g) The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

## **Lighting**

- 25. 30 days prior to the issuance of a building permit, the applicant shall submit for review and approval of the ~~Redevelopment Director~~ Zoning Administrator a Lighting Plan. Light standards shall be low-lying and exterior lights on the building shall be deflected so that lights shine onto applicant's property and not toward adjacent properties; all subject to review and approval by the ~~Redevelopment Director~~ Zoning Administrator prior to issuance of a building permit. Implementation of this mitigation measure will reduce this impact to less than significant. *MITIGATION MEASURE 1b*

## TDM

26. Implement measures to promote non-auto travel such as the alternative travel modes. To mitigate regional air quality impacts:
- a) Provide secure and convenient residential and non-residential bicycle parking facility and/or program subject to the review and approval of the ~~Redevelopment Director~~ Zoning Administrator.
  - b) Provide preferential parking for low emission vehicles and carpools within parking garages.
  - c) Promote programs and advertising to induce site users to use BART.
  - d) Adopt trip reduction goals identified in the transportation section of the EIR.
  - e) Adopt enforcement procedures for trips reduction measures to the extent legally possible.
27. Applicant shall apply for annexation to County Service Area M-31 District to fund area-wide trip reduction measures and participate in Transportation Demand Management (TDM) for the Pleasant Hill BART station area administered by the Contra Costa Center. The application shall consist of a letter of request to the Public Works Department; a metes and bounds description; and, pay current LAFCO fees. Annexation shall occur prior to filing the Final Map. The applicant shall be aware that this annexation process must comply with State Proposition 218 requirements that state that the property owner must hold a special election to approve annexation. This process takes approximately 4 to 6 months to complete. Membership in the Contra Costa Centre Association will be required.

### MITIGATION MEASURE IIIb

28. At least 30 days prior to issuance of building permits, the ~~Redevelopment Director~~ Zoning Administrator shall review and approve the location of the bicycle parking areas within the parking garages.
29. ~~The Pleasant Hill BART Specific Plan presently requires a pedestrian overcrossing of Treat Blvd. from Area 15 to Area 12 in the general vicinity of the intersection of Oak Road and Treat Blvd. On December 14, 2004 the Board of Supervisors expressed its intent to amend the Specific Plan to remove this facility from the Plan at a future date subject to a determination by the Board of Supervisors that the Iron Horse overcrossing of Treat Blvd. a block east is certain to proceed. At this time the final design and contract award for this facility has not occurred, therefore the Board has not yet acted on its expressed intent. Therefore the applicant may have an obligation to participate in the Oak/Treat pedestrian overcrossing should the requirements of the Board of Supervisor's, December 14, 2004 intent action not be fulfilled.~~

~~In view of the foregoing, the applicant is subject to the following requirement, which requirement maybe waived after a future Board of Supervisors action to eliminate the Oak/Treat pedestrian overcrossing from the Specific Plan. The requirement is:~~

- ~~▪ The applicant shall enter into a Deferred Improvement Agreement for the project's~~

~~proportionate obligation (50%) related to the construction of a pedestrian overcrossing at Treat Blvd. and Oak Road. This obligation is shared with property owners in Area 15 of the Pleasant Hill BART Station Specific Plan. The applicant shall also enter into a Maintenance Agreement, which will assure their fair share of maintenance for the Treat/Oak pedestrian overcrossing. The fair share shall be based on the applicant, percentage of traffic generation compared to total traffic generation in this block time, one half of the maintenance costs.~~

30. Loading hours for the retail uses shall be limited to 8:00 a.m. - 4:30 p.m.

### **First Source Hiring**

31. The applicant shall execute a first source hiring agreement with the County Redevelopment Agency. This requirement shall be included in operating agreements for the residential and office elements and shall be included in retail leases.

### **Noise**

32. The following condition shall be incorporated to address potential noise impacts:
- a). Exterior noise levels should be reduced to acceptable levels through appropriate site planning and/or use of soundwalls; and
  - b). interior noise levels should be reduced to acceptable levels through inclusion of sound rated windows, insulation, full air-conditioning, or building facade treatments.
- MITIGATION MEASURE #Xia*
33. Implement County construction noise policy limiting construction to the hours of 7:30 AM – 5:00 PM Monday-Friday. Require construction contractors to include measures to reduce equipment noise such as:
- a) All internal engine-driven equipment shall be equipped with mufflers that are in good condition;
  - b) Use 'quiet' gasoline-powered compressors or other electric-powered compressors wherever possible.
  - c) Retain a disturbance coordinator to monitor construction activity and to identify additional mitigation measures as needed, consistent with the impacts and mitigation measures identified in the EIR.
- MITIGATION MEASURE #Xib*
34. Exterior noise levels, emitted from the parking structure, shall not exceed County established acceptable level of 70 dBA. This may be accomplished through appropriate site planning and/or use of design features of the parking structure. The projected noise level of the parking structure shall be verified by an acoustical study to be submitted prior to issuance of the building permits. *MITIGATION MEASURE #Xic*

## **Fire Protection**

35. The following conditions address the increase in traffic which would have the effect of increasing response times for fire trucks and emergency medical services.
- a) Require sponsors of new development projects to prepare a life safety plan in consultation with the Contra Costa County Fire District.
  - b) Require new commercial buildings to have life safety systems that include sprinklers, smoke detectors, early warning system, fire rated walls and other requirements of the building code.
  - c) Include in the Pleasant Hill BART Station Area Specific Plan life safety policies and features that address fire suppression, training, and traffic signalization to accommodate the needs of emergency vehicles, street widths and setbacks to facilitate fire protection.  
*MITIGATION MEASURE #VIIa*
  - d) Mitigations that reduce traffic congestion would mitigate impacts on response times.  
*MITIGATION MEASURE #XIIIa*

## **Police Protection/Crime Prevention**

36. In addition to the Specific Plan Guidelines to encourage “defensible” space design, incorporation of the following mitigation measure will further reduce impacts to Police Services to a less than significant level:
- a) For new developments, work with Sheriff’s office to identify design features of project which discourage criminal behavior.
  - b) Development on Subarea 12 may be required to provide a BART police station depending on the scale of development.
  - c) As an increase in traffic is expected to have an increased demand for BART police services, the BART should be involved in developing the circulation plan at the station area.
  - d) Office development will include an on-site security program that includes security guards, electronic surveillance systems, and alarms.
  - e) A clean-up program to manage litter and patrol the perimeter of the BART station area will be implemented to control littering, loitering and vandalism adjacent to residential areas. Such a program may be implemented by retail and restaurant development that attracts transient visitors to the site.  
*MITIGATION MEASURE #XIIIb*
37. Prior to the establishment of the use, the plans for this project shall be submitted for review by the County Sheriff’s Department for suggestions or changes that could be made to design defensive crime prevention measures. If agreement cannot be reached, the matter can be brought back to the ~~Redevelopment Director~~ Zoning Administrator for decision.

## **Schools**

38. Both the residential and commercial development components of the proposed project would be required to provide school impact fees. The total fees collected would be available to add portable classrooms and support other educational needs to offset the impacts of the proposed project. *MITIGATION MEASURE #XIIIc*
39. ~~Will serve letters from the School Districts shall be submitted to the Redevelopment Director Zoning Administrator prior to recording the Final Map.~~

## **Utilities**

40. ~~A will serve letter from the Central Sanitation District shall be submitted prior to recording the Final Map.~~
41. ~~A water supply assessment shall be prepared for the project. A will serve letter from the Contra Costa Water District shall be submitted prior to recording the Final Map.~~

## **Park Dedication Fees**

42. Comply with Chapter 920-2 of the County Ordinance related to Park Dedications. Compliance may be met by paying park dedication fees pursuant to Section 920-6.204, or through the provision of improvements described in Section 920-8.002 through 920-8.006, or a combination thereof as determined by the ~~Redevelopment Director~~ Zoning Administrator to be consistent with Chapter 920-2. Fees in effect at the time of issuance of the building permit shall apply. *MITIGATION MEASURE #XIIId.*

## **Childcare**

43. At least 30 days prior to the issuance of building permits, the applicant shall execute a child care agreement with the County.

## **Sign Program**

44. ~~The applicant shall submit a signage program for the development, including directional signage within the public areas, as well as signage for the development for the review and approval of the Redevelopment Director Zoning Administrator, following a review by the Town Architect. No other outside displays are permitted.~~

## **Landscaping**

45. A landscaping and irrigation plan for all areas shown on the plan shall be submitted for review and approval of the ~~Redevelopment Director~~ Zoning Administrator at least (30 or 60) days prior to recording of Final Map. A cost estimate shall be submitted with the landscaping program plan. Landscaping shall conform to the County Water Conservation Landscape Ordinance 82-26 and shall be installed prior to approval of final building

permit. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the County Water Conservation Ordinance.

### **Multiple-family Recycling Area**

46. Development plans for multiple-family residential projects shall indicate a recycling program that meets county standards for a high-density mixed-use project. This area will be included in the computation of the 25 percent of lot "open area" required for the development.
47. The refuse area shall be properly screened and gated. The ~~Redevelopment Director~~ Zoning Administrator shall review and approve the location and screening of the refuse area.

### **Take-out Food**

48. At least three times a week, pick up and properly dispose of trash, litter and garbage originating from such take-out food establishment, deposited on public property within four hundred feet of any boundary of the premises on which such take-out food establishment is located.
49. Upon the request of any owner of private property located within four hundred feet of any boundary of the premises on which the take-out food establishment is located, at least three times a week, pick up and properly dispose of trash, litter and garbage originating from such take-out food establishment, deposited on such private property visible from a public street. (Ordinance 89-5     □2).
50. Prior to issuance of a building permit, the proprietor shall post a cash deposit, in the amount of \$1,125 to cover possible costs of trash, litter or garbage removal should the proprietor of the take-out food establishment fail to properly police the area. If the cash deposit, falls below \$1,125, then the proprietor of the take-out food establishment shall deposit the difference forthwith. If inflation makes an increase necessary in the security amount, the ~~Redevelopment Director~~ Zoning Administrator may make the necessary changes at a public hearing.

### **Home Occupation**

- ~~51. The application to conduct a home occupation within and of the residential units is approved subject to the following conditions:~~
  - ~~a. There shall be no merchandise or services for sale on the site.~~
  - ~~b. The use shall not generate vehicular traffic in excess of that normally associated with single family residential use.~~
  - ~~c. Not more than one room or 25 percent of the habitable floor area of the unit shall be used for the home occupation.~~
  - ~~d. There shall be no exterior indication of the home occupation.~~
  - ~~e. No exterior signs shall be used.~~

- ~~f. No noise, odor, dust, fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties shall be created.~~
- ~~g. No persons shall be employed, except the applicant, in the conduct of the home occupation.~~
- ~~h. There shall be no outside storage or advertising product display in off-street parking stalls or driveway areas.~~

## **Fees**

52. This application is subject to an initial application fee, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial fee. Any additional fee due must be paid within 60 days of the permit effective date or prior to use of the permit whichever occurs first. The fees include costs through permit issuance plus five working days for file preparation. Current costs may be obtained by contacting the project planner. If the applicant owes additional fees, a bill will be sent to the applicant shortly after permit issuance.



**PUBLIC WORKS RECOMMENDED CONDITIONS OF APPROVAL FOR  
PERMIT DP 15-3001 ~~SUBDIVISION 8950/PERMIT DP 04-3099~~**

**Applicant shall comply with the requirements of Title 8, Title 9, and Title 10 of the County Ordinance Code. Any exceptions must be stipulated in these conditions of approval. Conditions of Approval are based on the ~~Vesting Tentative Map~~ Site Plan dated ~~January 31, 2005~~ January 16, 2015.**

**COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO RECORDATION OF THE FINAL MAP AND/OR ISSUANCE OF BUILDING PERMITS.**

**General Requirements:**

53. ~~In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions from must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the vesting tentative map dated January 31, 2005.~~
54. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all street or drainage improvements required by the County Ordinance Code for the Conditions of Approval of this Development Permit. These plans shall include any necessary traffic signage and striping plans for review by the Transportation Engineering Division.
55. ~~Applicant shall provide evidence to the Public Works Department that all on-site roadways and access points (parking, lanes, curb radii, driveways, etc.) have been reviewed and approved by the Fire District.~~

**Roadway Improvements (Frontage):**

56. The applicant shall construct all project improvements, with the exception of frontage improvements (i.e. curb, gutter, and sidewalk), outside road right of way and in conformance with the typical sections and site plans dated January 31, 2005, unless specifically stated in these conditions of approval. Any modification to existing road right of way, road alignment or lane configuration for Treat Boulevard, Jones Road, Coggins Drive Las Juntas Way and Oak Road shall be submitted to Public Works for review and approval.
57. ~~Applicant shall modify the proposed typical sections for Jones Road to provide for 12-foot travel and turn lanes from Treat Boulevard to Coggins Drive to accommodate bus movements into and out of the station area. This may require the applicant to reduce the proposed sidewalk width, building setbacks and median widths to accommodate the~~

~~required lane widths. 11-foot lanes may be utilized subject to the review and approval of the Public Works Department.~~

58. ~~Applicant shall submit a striping plan for Jones Road indicating the appropriate lane configuration and striping for southbound traffic. This plan shall take into account the fact that parking will be allowed on Jones Road during weekends. This plan shall be subject to the review and approval of the Public Works Department.~~
59. ~~Applicant shall submit to the Public Works Department for review and approval, a sketch plan of the proposed improvements for Las Juntas Way, from Oak Road to Coggins drive, prior to the initiation of improvement plan preparation. The plan shall be to scale, show road right of way, horizontal and vertical alignment changes, necessary transitions, frontage improvements (both sides of road), lane striping, and parking (both sides of road).~~
60. ~~Applicant shall submit to the Public Works Department for review and approval, a sketch plan of the proposed Treat Boulevard improvements from Jones Road to Oak Road. The plan shall be to scale, show road right of way, horizontal and vertical alignment changes, necessary transitions, frontage improvements, lane striping, and parking (# of spaces, dimensions and time limits/restrictions). A minimum of 22 feet shall be provided from the face of curb to the edge of travel way of the outside westbound lane on Treat Boulevard along those areas where parking is proposed. Alternative pavement treatments or other means (such as raised medians, islands, etc.) shall be provided in order to create a visual differentiation between the travel way and parking areas, subject to the review of the Public Works Department.~~
61. Any existing curb, gutter, and/or sidewalk that will remain as part of the project frontage along existing streets and that is cracked and/or displaced shall be removed and replaced along the project frontages. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doveled into existing improvements.
62. The applicant shall construct a street-type connection with minimum 20-foot radii curb returns in lieu of standard driveway depressions at all major project entrances/exits on to ~~Treat Boulevard, Jones Road, Coggins Drive, Las Juntas Way and Oak Road~~. 15-foot radii curb returns will be allowed at the garage entrances/exits onto Jones Road and Las Juntas Way.
63. The applicant shall install safety related improvements on all streets, including traffic signs and striping, as necessary, and pedestrian ramps at the curb returns, as approved by Public Works. Curb ramps shall be designed and constructed in accordance with current County standards. Truncated domes shall be installed on all curb ramps.

### **Roadway Improvements (On-Site):**

64. ~~All on-site roadways shall be constructed per the typical sections indicated on the Vesting Tentative Map dated January 31, 2005, unless stated otherwise in these conditions of approval.~~
65. ~~Typical Section E-E (Retail Drive) shall be modified to provide for lane widths of 12 feet, both directions from Treat Boulevard to the parking garage entrance.~~

### **Access to Adjoining Property:**

#### Proof of Access

66. Applicant shall furnish proof to Public Works 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. Applicant shall obtain an encroachment permit from the Application and Permit Center for construction of driveways or other improvements within the right of way of ~~Oak Road, Treat Boulevard, Las Juntas Way, Jones Road, Coggins Drive and Wayne Drive.~~

#### Site Access

68. Applicant shall only be allowed access to the project site at those locations shown on the approved site plan, unless approved by the Public Works Department.
- 68.5 Garbage collection shall not be scheduled during peak hour traffic. Garbage trucks shall not block traffic for extended periods of time. If it is determined by Public Works that garbage truck operations during garbage collection is creating a traffic hazard and poses a risk to the traveling public on southbound Jones Road, the methods, timing and/or location of garbage collection must be modified to remove, or at minimum reduce, the traffic hazard and risk posed to the traveling public.
69. ~~Applicant shall relinquish abutter's rights of access along the Treat Boulevard frontage, Jones Road frontage, Oak Road frontage, Las Juntas Way frontage, and Coggins Drive frontage of this property, with the exception of the project entrances shown on the applicant's Vesting Tentative Map, as specifically approved under these conditions of approval.~~

### **Road Dedications/Road Right Of Way:**

70. ~~The applicant shall convey to the County, by Offer of Dedication, the right of way necessary for the planned width of all internal on-site project streets consistent with the typical sections included as part of the Vesting Tentative Map dated January 31, 2005.~~

71. ~~The Public Works Department will consider requests for the vacation of public interest in any public road right of way along Jones Road, Coggins Drive and Las Juntas Way as shown on the Vesting Tentative Map dated January 31, 2005. The Applicant shall submit a letter to the Public Works Department, Real Property Division requesting the County to initiate the vacation process of the specific road right of way. This process is very specific and is typically a discretionary action by the Board of Supervisors. As part of this process, a determination must be made as to the underlying fee ownership of the property. The property may only be conveyed by the County to an adjacent property owner if the County is the underlying fee owner and the property falls under the Streets and Highway Code. This determination should be made by a title company and will be reviewed by staff during processing of the vacation request. The applicant shall be responsible for all costs and County staff time associated with this request. The exact terms, including, but not limited to, appropriate compensation for the vacation shall be determined at the time the request is acted upon.~~

**Pedestrian/Bicycle Facilities:**

72. Applicant shall design this project to provide for and encourage the use of bicycles. At a minimum, this project shall include bicycle racks and/or lockers accessible to both the BART station and Iron Horse Trail, subject to the review and approval of the Zoning Administrator ~~Redevelopment Director~~.
73. ~~Bike sensitive detection loops shall be incorporated where road modifications are proposed at traffic signal legs that abut this development.~~
74. The applicant shall incorporate a signage program to address potential conflicts of pedestrian, bicycle and vehicular circulation. In addition, surface treatment both within and along the Village Green, Village Green Street, and Treat Blvd. should help define pedestrian, bicycle, parking and vehicle travel ways. Bike traffic should be directed to use the street, while the Village Green should be reserved for pedestrians. The trail crossings at Jones Road and Coggins Drive Extension shall be consistent with intersection design concepts of the Contra Costa County Trail Design Resource Handbook.
75. ~~The Applicant shall to provide cross sections for these sections of Oak Road and Las Juntas Way, adjacent to the project site. These cross sections shall show restriping sufficient for the addition of full-time on-street parking and Class III bikeways along the curb areas bordering the project.~~
76. Applicant shall design this project to provide safe and convenient pedestrian and bicycle access from all sides of the Pleasant Hill BART Specific Plan study area to the BART station.
77. All Curb ramps shall be designed and constructed in accordance with current County standards.

78. The applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and pedestrian ramps. Truncated domes shall be installed on all existing and proposed curb ramps.

**Sight Distance:**

79. ~~Applicant shall provide sight distance at each project entrance/exit on Oak Road for a through traffic design speed of 40 miles per hour.~~
80. ~~Applicant shall provide sight distance at the intersection of Treat Boulevard and "B" Street for a through traffic design speed of 45 miles per hour.~~
81. Applicant shall provide sight distance at all intersections along ~~Las Juntas Way~~, Coggins Drive, and Jones Road for a through traffic design speed of 35 miles per hour.
82. Applicant shall provide sight distance at all on-site horizontal curves and intersections for a design speed of 25 miles per hour.

**Maintenance of Facilities:**

83. ~~The applicant shall apply to Public Works for annexation to the County Landscaping District AD 1979 3 (LL 2) for the future maintenance of public landscaping and automatic irrigation facilities prior to filing of the Final Map. This may entail annexation to the existing zone (Zone 7) and/or formation of a new zone.~~
84. ~~The Applicant shall establish a maintenance entity (i.e., Mello Roos District) for the maintenance of streets and trails in the project area.~~

**Street Lights:**

85. ~~Applicant shall apply for annexation to County Service Area L 100 Lighting District by submitting a letter of request; a metes and bounds description; and, pay current LAFCO fees. Annexation shall occur prior to filing the Final Map. The applicant shall be aware that this annexation process must comply with State Proposition 218 requirements that state that the property owner must hold a special election to approve annexation. This process takes approximately 4 to 6 months to complete.~~

**Parking:**

86. ~~Parking will be allowed along Treat Boulevard in conformance with a sketch plan as required by these conditions of approval and as approved by Public Works. If it is determined by Public Works that the parking along Treat Boulevard is creating a traffic hazard and poses a risk to the traveling public on westbound Treat Boulevard, the parking may be removed subject to the approval of the Board of Supervisors.~~

87. ~~Applicant shall provide a discloser to tenants of the retail spaces fronting on Treat Boulevard indicating the possibility that parking along Treat Boulevard may be removed in the future if Public Works determines that the parking creates traffic hazards and poses a risk to the traveling public on westbound Treat Boulevard.~~
88. ~~“No Parking” signs shall be installed along Jones Road from Treat Boulevard to Coggins Drive with the provision that parking will be allowed on the west side of Jones Road pursuant to an approved sketch plan as required by these conditions of approval. Parking will only be allowed from Friday at 7:00pm to Monday at 5:00am, subject to the review of Public Works.~~
89. ~~“No Parking” signs shall be installed along Oak Road between Treat Boulevard and the extension of Coggins Drive and Coggins Drive between Jones Road and Las Juntas Way, subject to the review and approval of Public Works.~~
90. ~~If full-time, on-street parking is proposed along Oak Road north of the extension of Coggins Drive, the applicant shall submit a parking analysis plan and cross sections that show the proposal is feasible and can accommodate bike lanes, subject to the review of Public Works.~~
91. ~~Parking shall only be allowed on those sides of on-site streets where parking bays are provided as shown on the Vesting Tentative Map. Parking shall be prohibited in all other areas, including along horizontal curves. All on-site street parking shall be subject to the review of Public Works.~~

### **Underground Utilities:**

92. All new and existing utility distribution facilities shall be installed underground.

### **Drainage Improvements:**

#### Collect and Convey

93. The applicant shall collect and convey all storm water entering and/or originating on this property without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.
94. The existing site hydrology shall be maintained. Hydrology calculations and maps that verify the existing hydrology shall remain unchanged and shall be submitted to Public Works, Engineering Services Division and the Flood Control District for review and approval.

95. Applicant shall verify the adequacy of any downstream drainage facility accepting storm water from this project prior to discharging runoff. If the downstream system(s) is/are not adequate to handle the existing plus project condition for the required design storm, improvements shall be constructed to make the system adequate.

**Miscellaneous Drainage Requirements:**

96. Any new drainage facilities shall be designed and constructed in accordance with specifications outlined in Division 914 and in compliance with design standards of the Public Works Department.
97. Applicant shall prevent storm drainage from draining across sidewalk(s) and driveway(s) in a concentrated manner.
98. Applicant shall install within a dedicated public drainage easement any portion of the drainage system which conveys runoff from public streets.

**National Pollutant Discharge Elimination System (NPDES):**

99. The applicant shall be required to 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, or any of its Regional Water Quality Control Boards (San Francisco Bay Region ~~or Central Valley Region~~).
100. 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 some or all of the following long term BMP's in accordance with the Contra Costa County Clean Water Program for the site's storm water drainage.
- a. Stencil advisory warnings on all catch basins.
  - b. Minimize the amount of directly connected impervious surface area.
  - c. Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure, OR, be located on a concrete pad that drains to the sanitary sewer or be a self-contained unit with a fluid retention system.
  - d. Shallow roadside and on-site swales.
  - e. Distribute public information items regarding the Clean Water Program to buyers.
  - f. Slope pavements to sheet flow onto planted surfaces where feasible.
  - g. Develop an employee training and education program to inform employees of the need for the reduction in pollutants leaving the site, and to inform them of appropriate methods of handling potential contaminants.
  - h. Develop a perpetual maintenance program for on-site clean water/drainage facilities.
  - i. The owner shall sweep the paved portion of the site at least once a year between September 1<sup>st</sup> and October 15<sup>th</sup> utilizing 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.

- j. Filtering inlets.
- k. Alternative pavements.
- l. Other alternatives as approved by the Public Works Department.

**Provision “C.3” of the NPDES Permit:**

101. This project is subject to the County’s Stormwater Management and Discharge Control Ordinance. As part of these requirements this project shall incorporate Best Management Practices (BMPs) to the maximum extent practicable into the design of this project, implement them and provide for perpetual operation and maintenance for all treatment BMPs.

**Exception**

102. ~~This project is not subject to Provision “C.3” in the NPDES Permit because the proposed project was deemed complete prior to February 15, 2005. However, this project is still subject to the County’s Stormwater Management and Discharge Control Ordinance.~~
- 102a. The applicant shall submit a FINAL Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County’s National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County’s Stormwater Management and Discharge Control Ordinance (§1014) prior to (STOP choose one: filing of the parcel/final map, issuance of a building permit, initiation of the proposed use). To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
- 102b. Improvement Plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County’s NPDES Permit and the County’s Stormwater Management and Discharge Control Ordinance (§1014).
- 102c. Stormwater management facilities shall be subject to inspection by the Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
- 102d. Prior to initiation of the proposed use, 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 and related to operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.



102e. Prior to initiation of the proposed use, 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.

**Storm Water Pollution Prevention Plan:**

103. Prior to ground disturbance, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) to mitigate construction related impacts and submit it to the Regional Water Quality Control Board. The SWPPP shall be kept on-site at all times and shall be amended whenever there is a change in construction or operations which may affect the discharge of significant quantities of pollutants to surface waters, ground waters, or a municipal separate storm sewer system.

**~~Area of Benefit Fee Ordinance:~~**

~~104. The applicant shall be required to comply with the requirements of the Pleasant Hill BART Station Specific Plan Fee. This fee will fund transportation and circulation projects, such as road widening, intersection modification, and pedestrian facilities. Payment shall be at the commercial rate, or shall be based on \$5464 per unit or peak hour trip generated by the development. This fee shall be adjusted annually by the Caltrans Construction Cost Index. Collected fees shall be recorded and placed in Fund # 2891 Org 7889. The applicant is deemed to have paid \$2,984,785 in Specific Plan Fees upon execution of the Disposition and Development Agreement.~~

### Advisory Notes

- A. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- B. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- C. This project lies within the Pleasant Hill BART Station Specific Plan Area. In lieu of standard County mandated road and drainage impact fees, an overall fee for the Specific Plan Area has been adopted and is managed by the Department of Conservation and Development (DCD) County Redevelopment Agency. The applicant should contact the Agency DCD to determine if additional impact fees will be required prior to issuance of building permits.
- D. Additional requirements may be imposed by the Fire District, the Health Department and the Building Inspection Department. It is advisable to check with these departments prior to requesting a building permit or proceeding with the project.
- E. This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant 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.
- F. 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.
- G. The applicant shall be required to comply with the requirements of the Pleasant Hill BART Station Specific Plan Fee. This fee will fund transportation and circulation projects, such as road widening, intersection modification, and pedestrian facilities. Payment shall be at the commercial rate, or shall be based on \$5464 per unit or peak hour trip generated by the development. This fee shall be adjusted annually by the Caltrans Construction Cost Index. Collected fees shall be recorded and placed in Fund # 2891 Org 7889. The applicant is deemed to have paid \$2,984,785 in Specific Plan Fees upon execution of the Disposition and Development Agreement with Subdivision 8950.