

EXHIBIT 15

**Charles M. Salter Associates
Comments on Project Noise Study,
Dated 7/25/2016**

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25 July 2016

David Trotter
Law Offices of David W. Trotter
119 Allen Court
Moraga, CA 94556
Email: david.trotter@dtrotterlaw.com

Subject: **Proposed Diablo MX Motocross Facility
Comments on Wilson Ihrig Noise Study**
CSA Project: 15-0428

Dear Mr. Trotter:

This letter summarizes comments of Charles M. Salter Associates, Inc. (Salter) on the Wilson Ihrig (WI) noise study report dated 8 March 2016 for the proposed Diablo Motocross facility (Diablo MX) at 50 Camino Diablo in Contra Costa County (County). Our comments follow-up the initial Salter ambient noise report dated 20 October 2015. In summary, there are several deficiencies in the WI noise study that should be rectified to properly assess the expected noise impact of the Diablo MX project.

SUMMARY

Our analysis focuses on the following deficiencies in the WI noise study:

1. The Diablo MX noise analysis used an industrial/agricultural DNL 75 dB¹ noise standard for the surrounding properties. The nearest neighboring properties are single-family homes, at which the residential DNL 60 dB standard should be used.
2. Regardless of the noise standard used, the County's policy is to limit noise increases in quiet areas. Noise Element Policy 11-6 states that "*If an area is currently below the maximum "normally acceptable" noise level, an increase in noise up to the maximum should not be allowed necessarily.*" The Diablo MX noise analysis failed to assess the projected significant increase in ambient noise that is expected to impact the neighboring homes.
3. The WI analysis failed to address several noise concerns such as maximum motorcycle noise levels, cumulative noise from daily activity and special events, PA loudspeaker noise, and nighttime noise impact or sleep disturbance. Additional details are provided below.
4. The WI analysis likely underestimated the potential future noise levels by failing to address several conditions and providing no third-party confirmation of the racing simulations. Detailed comments are provided below.

¹ DNL (Day-Night Average Sound Level) – A descriptor for a 24-hour A-weighted average noise level. DNL accounts for the increased acoustical sensitivity of people to noise during the nighttime hours. DNL penalizes sound levels by 10 dB during the hours from 10 PM to 7 AM. DNL is sometimes written as the symbol L_{dn} .

dB (Decibel) – A unit that describes the magnitude of a sound with respect to a reference sound level near the threshold of hearing. Decibels are based on a logarithmic scale. All sound levels listed in this report are A-weighted, a standard weighting that accounts for the sensitivity of human hearing to the range of audible frequencies.

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THE WRONG NOISE CRITERION WAS USED

For their evaluation of motocross noise, WI used a General Plan land-use compatibility guideline of DNL 75 dB based on the A3-Heavy Agriculture zoning. The General Plan does list an "Industrial, Manufacturing, Utilities, Agriculture" land-use category. However, the actual land-use of the nearest neighboring properties is rural single-family residential. This land-use, "Residential – low density" has a "normally acceptable" noise limit of DNL 60 dB.

Furthermore, the County Community Development Division's "Agency Comment Request" and compliance review document for the proposed Diablo MX project identifies a "60-dBA Noise Control" standard (see Enclosure 1). It appears that the County intends to apply a 60 dB standard for planning purposes. This would be consistent with the County's "Residential – Low Density" land-use category, which has a "normally acceptable" limit of DNL 60 dB.

Based on the County standard and the actual use of the surrounding lands, it would have been more appropriate to apply the DNL 60 dB standard to the Diablo MX project, and WI should have done so in its noise study. We note that the Diablo MX noise levels that WI measured and projected, up to DNL 73 dB, far exceed the DNL 60 dB land-use compatibility standard.

For reasons discussed below, we believe that the WI study understated the likely noise levels and impacts on residents living nearby. But even if one applies the WI noise data and the appropriate DNL 60 dBA noise standard, the proposed Diablo MX project would result in a substantial increase in environmental noise and a significant adverse noise impact on the neighboring community.

EXPECTED INCREASES IN AMBIENT NOISE LEVELS WERE NOT STUDIED

WI only compared their projected Diablo MX noise levels to a DNL 75 dB criterion. However, to comprehensively study the potential noise impact of the proposed Diablo MX project, the proper and commonly applied methodology also includes a comparison of projected future noise levels to the existing ambient noise levels. WI did not do this. Following this more rigorous approach would be consistent both with the County General Plan and with CEQA Guidelines² for the evaluation of community noise.

The Noise Element of the current County General Plan (2005 to 2020) contains the following goals, policies, and implementation measures that apply to the project.

Goal 11-A: To improve the overall environment in the County by reducing annoying and physically harmful levels of noise for existing and future residents and for all land uses.

Goal 11-B: To maintain appropriate noise conditions in all areas of the County.

Goal 11-C: To ensure that new developments will be constructed so as to limit the effects of exterior noise on the residents.

Goal 11-D: To recognize the economic impacts of noise control and encourage an equitable

² For example, CEQA Appendix G Section XI. Noise requires that the following question be asked: "Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project."

distribution of these costs.

Goal 11-E: To recognize citizen concerns regarding excessive noise levels, and to utilize measures through which the concerns can be identified and mitigated.

Policy 11-2: The standard for outdoor noise levels in residential areas is a DNL of 60 dB. However, a DNL of 60 dB or less may not be achievable in all residential areas due to economic or aesthetic constraints...

Policy 11-6: If an area is currently below the maximum "normally acceptable" noise level, an increase in noise up to the maximum should not be allowed necessarily.

Implementation Measure 11-a: Continue to require a review and analysis of noise-related impacts as part of the existing project development review procedures of the County.

Implementation Measure 11-b: Evaluate the noise impacts of a proposed project upon existing land uses in terms of the applicable Federal, State, and local codes, and the potential for adverse community response, based on a significant increase in existing noise levels.

Implementation Measure 11-d: Noise mitigation shall be incorporated into the design and construction of new projects or be required as conditions of project approval.

In particular, Policy 11-6 states that it is not necessarily acceptable to allow ambient noise levels to be raised to the maximum limit of the "normally acceptable" land-use standard. Implementation Measure 11-b also requires that the "potential for adverse community response, based on a significant increase in existing noise levels" be studied. Therefore, the expected increase in noise and other pertinent factors (e.g., actual neighboring land-uses) should be considered in the noise study for the proposed Diablo MX project. To put noise increases in context, the County's Noise Element (Page 11-8) also discusses how noise increases are perceived by people, as listed below:

An important factor in assessing a person's subjective reaction is to compare the new noise environment to the existing noise environment. In general, the more a new noise level exceeds the prior existing level, the less acceptable it is. Therefore, a new noise source will be judged more annoying in a quiet area than it would be in a noisier location. Knowledge of the following relationships is helpful in understanding how changes in noise and noise exposure are perceived.

- *Except under special conditions, a change in sound level of 1 dB cannot be perceived;*
- *Outside of the laboratory, a 3 dB change is considered a just-noticeable difference;*
- *A change in level of at least 5 dB is required before any noticeable change in community response would be expected; and*
- *A 10 dB change is subjectively heard as an approximate doubling in loudness and almost always causes an adverse community response.*

Based on the County's Noise Element policies, the proposed Diablo MX project should be considered to have a substantial impact on the neighboring community if it raises ambient noise levels by more than 5 dB. This is consistent with common practice and in-line with standards used by several municipalities and consulting firms in this field of study. The WI noise study ignored these County policies and guidelines for the evaluation of expected increases in ambient noise.

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WI measured ambient noise levels at five (5) locations on the site at 50 Camino Diablo and stated the levels in one section of their report (see Section 3.2 of the WI report). They also calculated projected Diablo MX noise levels at those same measurement locations and reported the levels in a separate section of the report (see Section 6 of the WI report). But, WI did not compare these two sets of data. To put these levels in context, both ambient and projected Diablo MX facility noise data from the WI report are summarized in **Table 1** below.

Table 1. Summary Comparison of WI Measured Ambient and Projected Diablo MX Noise Levels (L_{dn} , dB)

Property Line Location	WI Measured Ambient Noise Levels	WI Projected Diablo MX Noise Levels	Expected Increase in Noise Level
1 (East)	48 to 54	Up to 61	Up to +13 dB
2 (Southeast)	49 to 56	Up to 69	Up to +20 dB
3 (South)	47 to 56	Up to 64	Up to +17 dB
4 (West)	53 to 56	Up to 73	Up to +20 dB
5 (Northwest)	47 to 48	Up to 60	Up to +13 dB

If WI's data is accepted without revision (see subsequent sections of this report), Table 1 shows that Diablo MX noise would increase community noise at adjacent properties by up to 20 dB. This equates to a four-fold increase in perceived loudness. In our professional judgement and per the County Noise Element guidelines (Page 11-8), such an increase would certainly be expected to result in an "adverse community response".

In addition, the WI report state (in Section 7) that projected Diablo MX noise levels are expected to be between DNL 55 dB and DNL 61 dB at neighboring homes (i.e., at the buildings, not the property line). Again, if WI's data is accepted without revision, and assuming similar ambient noise levels at the nearby homes, these noise levels from the project would still increase ambient noise by more than 10 dB at the neighboring homes. This would be perceived as a doubling of loudness and also be expected to trigger an adverse community response (per County Noise Element Guidelines, Page 11-8).

In summary, the WI study indicates that ambient noise levels would be increased by up to 20 dB at the property line and by approximately 10 dB at the neighbors' homes. These changes in ambient noise would be considered significant per the County General Plan Noise Element and common practice. Therefore, projected Diablo MX noise should be deemed to have a significant impact requiring mitigation. For reasons discussed below, we believe that the WI study understated the likely noise levels and impacts on residents living nearby. But even if one applies the WI noise data, the projected Diablo MX motocross noise levels would result in environmentally significant impacts, for which further environmental review and mitigation measures should be required under CEQA and County noise standards.

THE IMPACT OF MAXIMUM MOTOCROSS NOISE LEVELS WAS NOT CONSIDERED

The WI report does not address momentary maximum noise levels (L_{max}) that are generated by motorcycles. These levels would be higher than the reported "average" noise levels reported by WI. Though the County does not specifically regulate such L_{max} levels, it is an important step in the analysis

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of potential noise impact on the community, particularly where the racing tracks are located near adjacent residential property lines.

The WI report does not list the maximum noise levels that they measured. This omission should be rectified.

In a previous project, Salter measured maximum noise levels from motorcycles on a commercial course in Northern California. We found that motorcycle noise varies considerably with vehicle speed, acceleration, hill grade, and direction. Normalized to a distance of 100 feet, we measured maximum noise levels between 75 dB and 95 dB. At other distances, these maximum motorcycle noise levels would be as listed in **Table 2** below.

Table 2. Potential Maximum Motorcycle Noise Levels Based on Measurements at Another Northern California Facility

Distance (ft)	Maximum Motorcycle Noise Levels (L_{max} in dB)
100	75 to 95
175	70 to 90
315	65 to 85
560	60 to 80
1000	55 to 75
1800	50 to 70

The WI report, in Appendix Tables A-1 and A-2, indicates that hourly average ambient noise levels at the 50 Camino Diablo site are typically 45 dB (approximate). By comparison, maximum motorcycle noise levels between 75 dB and 95 dB would be substantially louder than the typical background noise, by 30 dB to 50 dB. There are areas where the proposed Diablo MX motocross tracks would be within 100 feet of neighboring residential properties. At such locations, the noise impacts at these residential properties would be significant and severe. And even at greater distances, the noise levels in Table 2 show that maximum motorcycle noise would likely be substantially greater than the ambient noise level even more than one quarter mile away. This clearly demonstrates the potential impact that motorcycle noise would have on the nearby residential properties. Therefore, such intermittent but severe noise levels should be assessed as part of a thorough environmental Diablo MX noise analysis, complaint with CEQA Guidelines and City Noise Goals.

NO CONFIRMATION THAT THE SIMULATED "RACING" ACTIVITY WAS REPRESENTATIVE OF ACTUAL, LIKELY, OR WORST-CASE CONDITIONS

To develop estimates of race day and practice events, WI and the operators of the proposed Diablo MX facility conducted simulated activities on-site with volunteers. The project applicants and WI did not provide advance notice of their "racing simulation," nor did they give us access to the site so that we could monitor those activities as they were occurring. Thus, there are no independent, third party, observations to confirm that the simulated race and practice events were representative of actual race and practice conditions. As stated above, motorcycle noise levels can vary considerably with speed and acceleration, and engine load. It is unclear how "competitive" the simulated race conditions were. An

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independent observer, familiar with actual racing conditions should have been present to comment on whether the simulation was representative of future conditions.

In addition, we do not know how loud the motorcycles used in the simulation were. The report proposes a mitigation measure that all bikes used on-site meet the State regulation for a maximum of 96 dB at 20 inches from the exhaust at the specified engine RPM. However, WI did not test the motorcycles used in the simulation with regard to this State limit. If the simulation bikes were notably quieter than the limit would allow, then the "racing simulation" would be methodically invalid and not representative of the potential actual, likely, or worst-case conditions which may occur on the site if the project is approved.

QUESTIONABLE ASSUMPTIONS REGARDING MODELED MOTORCYCLE QUANTITIES AND ACTIVITIES WERE USED

To estimate future Diablo MX noise levels, WI made assumptions of how many riders would be on each track under each condition. Their modeling efforts accounted for the following riders:

- For a race, 15 riders on the MX track
- For weekend practice, 10 riders on the MX track and 5 riders on the oval track
- For weekday practice, 5 riders on the MX track and 3 on the oval track
- For the nighttime events, 7 riders on the oval track

These assumptions are questionable and could have underestimated the actual noise impacts to adjacent residences. We note that during their volunteer simulation, the Diablo MX property was able to accommodate 25 riders simultaneously on the motocross track and 10 riders on the oval track. These actual numbers of motorcycle riders exceed all of the calculation assumptions used in the WI noise study.

For an appropriate evaluation of potential noise impact, the analysis should be based on the likely "worst-case" conditions by using a conservative estimate of the maximum number of riders that could be reasonably expected at the facility.

QUESTIONABLE ASSUMPTIONS REGARDING MODELED HOURS OF USE WERE USED

To calculate projected Diablo MX facility daily average noise levels, WI also made certain assumptions for how long the tracks would be used each day. WI limited the number of hours per day of motocross activity as listed below:

- On a race day, 7 hours of racing
- For weekend practice, 4 hours of riding on the MX track and 2 hours of riding on the oval track
- For weekday practice, 1.5 hours of MX track use and 1 hour of oval track use
- For the nighttime event, 4 hours of riding on the oval track

In calculating daily average noise levels (DNL), a longer duration of loud activity would result in higher daily average levels. Therefore, it is methodically important that the noise analysis accurately reflect the amount of time that motocross activity may be permitted at each track. In their noise analysis, WI assumed rather limited total durations of track use, particularly for practice days. Again, WI has provided no confirmation that future use of the facility is properly reflected in their analysis.

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We note that Exhibit 1 to the County's 12 May 2015 staff report Exhibit 1, which states previous conditions of approval, indicates that the facility would be allowed to operate from 8 am to 7 pm daily and from 7 pm to 11 pm at the lighted track on Friday and Saturday nights. Thus, the potential hours of operation would allow for 11 hours (or more on Friday or Saturday) of activity. Therefore, the assumed hours of activity in the WI report are questionable. For an appropriate evaluation of potential noise impact, the analysis should conservatively assess the maximum hours of such motocross activities at the facility. The WI noise analysis failed to do this.

Based on the WI noise data and assumed hours of operation, we estimated the noise levels (DNL) that would occur if the typical motocross activities occur for 11 hours per day, which would be permitted based on the staff report's condition regarding normal hours of operation. We estimate that the worst-case DNL levels would be greater (compared to Table 4 of WI report) by the following amounts for each typical motocross activity:

1. Weekend Race Day: 2 dB louder, and up to DNL 75 dB
2. Weekend Practice: 4 dB louder, and up to DNL 73 dB
3. Weekday Practice: 7 dB louder, and up to DNL 72 dB

These estimated worst-case noise levels are notably higher than those stated in Table 4 of the WI report. For an appropriate evaluation of potential noise impact, the analysis should be based on the likely "worst-case" conditions by using a conservative estimate of the hours of activity that could be reasonably expected at the facility.

THE CUMULATIVE EFFECT OF "NIGHT UNDER THE LIGHTS" NOISE WAS NOT CONSIDERED

In WI's prediction of daily average noise levels, the "Night Under the Lights" levels are generally the quietest of all conditions. However, in a proper DNL analysis, the daily average noise levels of such an event cannot be evaluated separately while ignoring the daytime activities that could occur on the same day (e.g., race or practice). Therefore, the WI noise study did not assess the cumulative effect of 15 hours of daytime and evening/night activities, and thus, has significantly underestimated the actual, cumulative noise levels.

Based on the WI noise data and assumed hours of operation, we estimated the noise levels (DNL) that would occur if the typical motocross activities occur for 11 hours per day and the Friday under the Lights events occur on the same day, which would be permitted. We estimate that the worst-case DNL levels would be greater by the following amounts for each day of cumulative motocross activity as compared to the night event alone (see Table 4 of WI report):

1. Friday Practice + Night Event: up to 16 dB louder
2. Saturday Race + Night Event: up to 19 dB louder

These estimated worst-case noise levels are significantly higher than those stated in Table 4 of the WI report for the Friday under the Lights event. A proper evaluation of noise impact cannot ignore the cumulative effects of various activities that would occur on the Diablo MX site. The WI noise study does not address this cumulative noise impact and is therefore deficient.

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NIGHTTIME NOISE IMPACT ON ADJACENT RESIDENCES WAS NOT CONSIDERED

The proposed Diablo MX project plan includes nighttime activities during the weekend "Night Under the Lights" events. These events would allow motorcycle activities to continue until 11 pm. Beyond calculating daily average noise levels, the WI noise study provides no evaluation of the potential impact of noise at night. Nighttime activities should be addressed carefully due to the sensitivity of neighboring residents and the potential for sleep disturbance.

An appropriate nighttime noise analysis should evaluate the average and maximum noise levels expected during nighttime hours. Noise levels at the property line, outside neighboring homes, and inside homes (with windows in the typical seasonal position) should be evaluated. The potential for sleep disturbance should be addressed and appropriate mitigation proposed, as needed. The WI noise analysis does not do any of this.

Industry references³ indicate that sleep disturbance can begin with intruding noise levels exceed 35 dB to 45 dB. If, on average, sleep disturbance is expected when noise levels exceed 40 dB, then motocross noise should be reduced to 40 dB or quieter inside neighboring homes. With windows open, outdoor noise would need to be limited to 55 dB outdoors at each neighboring home. Based on our previous motocross noise measurements (see above), maximum motorcycle noise levels could be between 50 dB and 70 dB at a distance of 1,800 feet. There are several homes within that distance around the site. Again, the WI noise analysis fails to account for these expected and significant impacts on adjacent residences, nor does it suggest any relevant mitigation measures.

NOISE IMPACT ON ADJACENT RESIDENCES FROM THE PA SYSTEM WAS NOT CONSIDERED

In their noise study, WI assumed that the public address (PA) system would generate a noise level of 90 dB at 50 feet from the Diablo MX loudspeaker. However, WI did not predict or quantify the expected PA noise levels as neighboring property lines. PA could be clearly audible at times. Therefore, we recommend that noise mitigation be incorporated to control PA system noise to meet the project criteria. This could include the following measures:

- The direction of the speaker(s) could be specified (e.g., away from nearby properties)
- Control of loudspeaker dispersion/coverage pattern to reduce stray noise emission to neighbors
- Maximum noise limits at the property lines
- Limits to the type and frequency of use (see below)

The WI study assumes that the PA would be used only on race days for 15 seconds at a time, 8 times per hour for announcements. If the PA were used for a more continuous use, such as music or ongoing race commentary, conceptually, noise exposure from the PA would increase. The noise study should evaluate such effects before the project is approved to determine if limits on the type/frequency of use are appropriately incorporated as mitigation or a condition of approval.

* * *

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³ For more information see: World Health Organization, Guidelines for Community Noise, 1999 (Section 3.4 page 46), U.S. Environmental Protection Agency, Public Health and Welfare Criteria for Noise, 1973 (Page 7-13), or ANSI S12.9-2008 Part 6 "Quantities and Procedures for Description and Measurement of Environmental Sound - Part 6: Methods for Estimating of Awakenings Associated with Outdoor Noise Events Heard in Homes."

This concludes our current comments on the WI Noise Study Report for the proposed Diablo MX project. Should you have any questions, please call.

Sincerely,

CHARLES M. SALTER ASSOCIATES

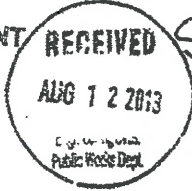


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AGENCY COMMENT REQUEST

We request your comments regarding the attached application currently under review. Date _____

DISTRIBUTION

Internal

- Building Inspection
- Advance Planning
- Trans. Planning
- ALUC Staff
- APC Floodplain Tech
- Grading Inspection
- Housing Programs
- Telecom Planner
- HCP/NCCP Staff
- County Geologist

Health Services Department

- Environmental Health
- Hazardous Materials

Public Works Department

- Engineering Services (Full-size)
- Flood Control (Full-size)
- Traffic
- Special Districts

Local

- Fire District EAST CONTRA COSTA
- Sanitary District
- Water District CCWD

City of _____

School District(s) _____

LAFCO _____

Reclamation District # _____

East Bay Regional Park District _____

Diablo/Discovery Bay/Crockett CSD _____

MAC/TAC BYRON

Improvement/Community Association _____

Others/Non-local

CHRIS - Sonoma State

CA Fish and Wildlife, Region 3 - Bay Delta

Additional Recipients

CONTRA COSTA COUNTY

2013 SEP 26 P

Please submit your comments to:

Project Planner Gary Kupp

Phone # (925) 674-7779

E-mail gary.kupp@cdcd.cccounty.us

County File # LP13-2095

Prior to September 3, 2013

We have found the following special programs apply to this application:

- Active Fault Zone (Alquist-Priolo)
- Flood Hazard Area, Panel # _____
- 60-dBA Noise Control
- CA EPA Hazardous Waste Site

AGENCIES: Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.

Comments: None Below Attached

5-YEAR COMPLIANCE REVIEW OF LP95-2020 (ATTACHED). PLEASE SUBMIT ANY COMMENTS, QUESTIONS, OR CONCERNS REGARDING COAS.

Applicant has complied/coas for PWD of LP95-200

Print Name Jocelyn LaPocque

Signature Jocelyn LaPocque DATE 09/23/13

Agency phone # (925) 319-7215

EXHIBIT 2