

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #'s GP14-0003 AND DP14-3041: PANATTONI DEVELOPMENT COMPANY (Applicant), REDUS EL, LLC (Owner).

Findings

A. General Plan Amendment

1. The subject site is located inside the County's Urban Limit Line (ULL), and therefore may be developed with "urban" or "non-urban" uses, as defined in the 2005-2020 Contra Costa County General Plan. The proposed land use designation, Business Park (BP), is categorized as urban. Furthermore, the project does not involve extension of urban services beyond the ULL boundary.
2. Adoption of the proposed General Plan Amendment (GPA) will not cause a violation of the 65/35 Land Preservation Standard (the "65/35 Standard"), originally approved by County voters through adoption of Measure C-1990 and reaffirmed through adoption of Measure L-2006. Under the 65/35 Standard, no more than 35 percent of the land in the County may be developed with urban uses and at least 65 percent of the land must be preserved for non-urban uses such as agriculture, open space, parks, wetlands, etc. The existing land use designation for the subject site, Multiple-Family Residential-Medium Density (MM), is an urban land use designation. The site contains no non-urban land use designations. As the proposed BP designation is also an urban designation, there will be no change in the percentage of land across the County devoted to urban and non-urban uses.
3. The project complies with the objectives and requirements of Measure C-1988 and Measure J-2004, the Contra Costa Growth Management Program and related Contra Costa Transportation Authority (CCTA) resolutions. Adoption of the proposed GPA would change the site's land use designation from MM to BP, which allows a mix of commercial, office, and light industrial uses. The proposed light industrial (warehouse) project would generate 163 a.m. and 179 p.m. peak hour trips, which is well below the 500-trip threshold for the project to be subject to the CCTA GPA Review Process.
4. The General Plan comprises an integrated, internally consistent, and compatible statement of policies for the County. While the proposed GPA involves a change in allowable uses for the site, it does not conflict with any element of the County General Plan. Adoption of the proposed GPA will not cause the General Plan to become internally inconsistent.

5. Pursuant to California Government Code Section 65358 (a), the General Plan may be amended if such amendment is deemed to be "in the public interest." The County General Plan contains numerous goals and policies related to economic development and maintenance of a stable tax base; providing an adequate supply of employment opportunities; and encouraging infill development on under-utilized sites within urbanized areas where necessary utilities and transportation infrastructure already are installed. It is in the public interest to adopt the proposed GPA because the project as a whole is consistent with these goals and policies.
6. The Commission acknowledges that prior to being designated for multiple-family housing, the subject site was designated Heavy Industry and Light Industry. The proposed GPA is intended to re-designate the site to an industrial-related designation (BP) that will allow the developer to be more responsive to current market conditions.
7. Construction and operation of a light industrial/commercial warehouse within the BP designation is consistent with the intended range of uses for that designation. Per the BP designation, the maximum allowable site coverage is 40 percent. As the site consists of 29 acres, the 11-acre building footprint is within the range of allowable site coverage.

B. Growth Management Performance Standards

1. Traffic. The project involves the construction of one building, totaling 482,055 square feet, for warehouse and office uses, with auxiliary parking and internal traffic circulation. The project will also generate 100 or more AM or PM peak-hour trips, therefore, the applicant has contracted Fehr & Peers to prepare a Focused Transportation Impact Assessment (Report) for the project, final report dated July 3, 2017. The Report analyzed existing conditions, project conditions, cumulative conditions and potential for increased cut-through truck traffic in the residential North Richmond neighborhood. Numerous intersections have been studied in preparation of the Report, in part using traffic counts during weekday AM and PM peak hour traffic volumes.

Mitigation measures have been identified aimed at reducing any potentially significant traffic related impacts to less than significant levels. Specifically, stripping and signal light adjustments will be made to the Pittsburg Avenue/Richmond Parkway and Goodrick Avenue/Richmond Parkway intersections. Additionally, the applicant is required to construct truck traffic calming measures (chokers, bulbouts, etc.) within the residential portion of North Richmond to reduce semi-truck traffic and increase pedestrian safety (Traffic-6).

Additionally, the applicant has revised the project's ingress and egress design so that all exiting semi-trucks will be directed towards the Richmond Parkway (preferred truck route) and not the residential portion of North Richmond. Therefore, the project as conditioned will not cause any unacceptable traffic related impacts in the immediate vicinity or area in general.

2. Water. Water service is provided to the subject property by the East Bay Municipal Utility District (EBMUD). In a memorandum dated December 13, 2016, the service provider indicated that a water main located within the Pittsburgh Avenue right-of-way will deliver water to the development. All costs related to this water main connection will be borne by the applicant. Additionally, EBMUD requires all applicable water-efficiency measures to be installed as part of the new service. All new landscaping for the project must meet the requirements set by the State/County Model Water Efficient Landscape Ordinance. Therefore, given that water service is available to the project site, all costs for the connection/service will be borne by the applicant and all applicable water saving measures will be implemented, the project is not expected to create any water related issues.
3. Sanitary Sewer. In a memorandum dated, April 19, 2017, West County Wastewater District (WCWD) staff indicated that the subject property has been successfully annexed into their service boundaries as part of the previous entitlements (major subdivision) for this property. Nevertheless, the applicant will be responsible for all costs associated with connecting to the sewer system. Currently WCWD has sewer mains within the Pittsburgh Avenue right-of-way which will serve the project. WCWD is also planning to increase the size of the sanitary sewer mains between Central Street and Garden Tract Road and along Garden Tract Road to the District's Treatment Plant prior to January 2019. Therefore, according to all available information, the WCWD will be able to accommodate the added demand produced by the project.
4. Fire Protection. The project is within the Contra Costa County Fire Protection District (CCCYPD) service area. The CCCYPD has reviewed the project proposal and returned a memorandum dated April 5, 2017, indicating that the project must comply with all applicable codes and regulations (e.g., installation of new fire hydrants, automatic fire sprinkler systems and other minimum fire related requirements). Compliance with CCCYPD code requirements suggests that the project will not represent an undue fire risk at the site or area in general.
5. Public Protection. The project is not anticipated to significantly increase the demand for police service facilities, as the project will not significantly add to the population of the County or include any marginal uses.

6. Parks & Recreation: The project will not increase the demand for parks or recreation facilities, as the project does not significantly increase the housing stock in the County. Nevertheless, the project sponsor has dedicated a 15-foot-wide pedestrian bridge easement to the East Bay Regional Parks District (EBRPD). The easement will enable the EBRPD to construct a pedestrian bridge over the Richmond Parkway when that entity procures the necessary financing and project approvals. The easement dedication is considered a beneficial contribution to the trail system and community in general.
7. Flood Control & Drainage: The subject site is adjacent to Wildcat Creek on the southern boundary and is protected from potential floodwaters by the existing levee system along the creek's banks. As the levee system in the proximity of the development is in various stages of certification by the U.S. Army Corps of Engineers, the project sponsor is required to obtain a Flood Control Permit to perform all necessary improvements to the levee in order to receive appropriate certifications. The development will also alter the existing drainage patterns on the site and impact drainage facilities in the area with the introduction of new impervious surfaces. The County Public Works Department has reviewed the project and associated Stormwater Control Plan and deemed it preliminarily complete, and has recommended conditions of approval which ensure compliance with federal pollutant discharge and county storm water management regulations. Those recommended conditions of approval (COA) have been incorporated into the project approval as COA's #63 - 69.

C. Development Plan Findings

1. The proposed project is consistent with the purpose of the zoning district.

The purpose of the North Richmond Planned Unit District (P-1) is to allow diversification in the relationship of various uses, buildings, structures, lot sizes, and open space while complying with the General Plan and the intent of the County code. The project involves establishing a warehouse/light industrial building which is specifically encouraged for this portion of North Richmond. Furthermore, the vast majority of surrounding uses are similar in use and will not be negatively affected by the operation of warehouse or the related traffic. Therefore the project is consistent with the purpose of the North Richmond P-1 zoning district.

2. The proposed project is architecturally compatible with other uses in the vicinity, both inside and outside the zoning district.

The project is located within a heavy industrial area of North Richmond. Parcels in the immediate vicinity range in size from 0.25 to 30.0 acres and are mostly developed with industrial uses. The warehouse building will have a maximum height of 40 feet. This height is of a relatively low profile in an area where buildings of similar height are permitted. The building will incorporate a variety of colors and architectural elements which will aid in avoiding any monolithic facades. As mentioned above, the warehouse/light industrial building is compatible with other businesses in the zoning district such as Action Metal Recycling, Household Hazardous Waste Facility, Republic Services West County Recycling Center and the West County Wastewater District's treatment facility. Thus, once constructed, the use and building will be compatible with other uses in the vicinity.

D. Tree Permit Findings

Required Factors for Granting a Tree Permit. The County Planning Commission is satisfied that the following factors as provided by County Ordinance Code Section 816-6.8010 for granting a tree permit have been satisfied:

1. The site contains 21 trees along the Pittsburgh Avenue frontage. The trees are in various stages of health, from poor to good. Notwithstanding the health of any specific tree on site, the site plan indicates that all 21 trees must be removed to accommodate the necessary roadway improvements. Nevertheless, the applicant has submitted a landscaping plan that includes planting of 200 trees which will provide restitution for the tree removal.
2. Removal of the site's 21 trees cannot be avoided as Pittsburgh Avenue is the only available ingress and egress to the property. Additionally, in order to accommodate the increase in vehicular traffic associated with the project, the Pittsburgh Avenue right-of-way will be widened to provide one additional lane of travel. Therefore, reasonable development of the subject property will necessitate the removal of the trees identified with the application submittal.
3. The County Planning Commission is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.

CONDITIONS OF APPROVAL

Project Approval:

1. Development is approved as generally described in the application materials received by the Department of Conservation and Development/Community Development Division (CDD) on October 16, 2014, (including revised plans dated May 25, 2017), and subject to the conditions below.
2. Approval of the project is contingent upon approval of the General Plan Amendment request, County File #GP14-0003, by the Board of Supervisors.
3. At least 45 days prior to requesting a grading or building permit, whichever occurs first, the applicant shall provide a permit compliance report to CDD for review and approval. The report shall identify all conditions of approval that are administered by CDD. The report shall document the measures taken by the applicant to satisfy all relevant conditions. Copies of the permit conditions may be obtained from CDD. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the conditions of this permit prior to requesting County issued permits.

The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$1,000 which shall be paid at the time of submittal of the compliance report.

4. In accordance with the provisions of the North Richmond Planned Unit District, prior to occupancy, prospective tenants of the approved development shall submit a North Richmond administrative review application for review and approval of CDD staff. Application review shall insure strict adherence to all applicable North Richmond Planned Unit District Development Standards.
5. At least 30-days prior to requesting a grading or building permit, the applicant shall apply and record an approved lot line adjustment that re-configures the property boundaries into the configuration approved with this application.

Aesthetics:

6. At least 30 days prior to submittal of a building permit application, a Final Landscape Plan shall be submitted to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. Plant materials shall meet the guidelines specified in the North Richmond Design Guidelines for landscaping in industrial areas. Street-level views of parking areas shall be screened from public streets. The Final Landscape Plan is subject to a

concurrent review for compliance with the State/County Model Water Efficient Landscape Ordinance. **(Mitigation Measure AES – 1)**

7. At least 30 days prior to applying for a building permit, the applicant shall submit for review and approval of CDD staff a Final Lighting Plan. Light standards shall be low-lying and exterior lights on the buildings shall be deflected so that lights shine onto applicant's property. **(Mitigation Measure AES – 2)**
8. Any proposal of new lighting that is not approved with this Development Plan permit shall be submitted to CDD staff for review and approval. **(Mitigation Measure AES – 3)**

Air Quality:

9. The following Bay Area Air Quality Management District, Basic Construction mitigation measures shall be implemented during project construction and shall be included on all construction plans:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - f. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - g. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - h. Replant vegetation in disturbed areas as quickly as possible.
 - i. All vehicle speeds on unpaved roads shall be limited to 15 mph.

- j. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- k. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- l. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- m. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. **(Mitigation Measure AIR - 1)**

10. Implement the following measures during all phases of the project.

- a) 30 days prior to applying for building permits for tenant improvement plans, the applicant/tenant shall submit plans for review and approval of CDD staff, which provide for a trucker's lounge appropriately sized for the square-footage/use intended for the space being occupied.
- b) Applicant/tenant shall electrify all loading docks to accommodate diesel-powered Transport Refrigeration Units (and similar pieces of equipment) and future use of electric trucks, both semi-trucks and delivery trucks (e.g., installation of conduit specifically designated for truck charging equipment in the future).
- c) All Transportation Refrigeration Units and similar pieces of equipment shall be plugged-in as soon as feasibly possible when entering the property.
- d) Applicant/tenants shall inform all truck drivers that idling is strictly prohibited on the warehouse property and adjacent streets in North Richmond.
- e) Applicant/tenant shall periodically sweep warehouse property to remove road dust/tire wear/brake dust in parking lots.

- f) Applicant/tenant shall not use diesel back-up generators on property unless absolutely necessary. If absolutely necessary, generators shall have Best Available Control Technology (BACT) that meets CARB's Tier 4 emission standards or meet the most stringent in-use standard, whichever has the least emissions.
- g) Applicant/tenant shall use a "clean fleet" (e.g., Zero or very low emissions, high efficiency, electric and/or alternative fuel vehicles) to the maximum extent possible. At a minimum, the applicant/tenant shall demonstrate compliance to the satisfaction of CDD staff, that all CARB requirements to control emissions from diesel engines have been met.
- h) Install sound walls and/or vegetation, when appropriate, to effectively block diesel emissions from nearby sensitive receptors (e.g., schools and residential neighborhoods).
- i) Within 30-days of occupancy, applicant/tenant shall demonstrate to the satisfaction of CDD staff, that zero-emission technology forklifts (e.g., battery electric and hydrogen fuel cell) are being used for all operations (both indoor and outdoor) on the subject property.

Solar Power:

- 11. Prior to building permit issuance, the applicant shall submit evidence to CDD staff for review and approval, demonstrating that the subject buildings have been made solar ready by meeting or exceeding the current California Building Code (e.g., structurally able to support solar panels on roofs, appropriately sized electrical panels and conduit, etc.).
- 12. The project sponsor shall include with the tenant improvement building permit application, sufficient solar panels to provide power for the tenant's base power use. Project sponsor shall include analysis of projected power requirements and generating capacity for solar installation. Completion of the solar project will be a condition of the occupancy of the tenant's space. The minimum amount of solar installed will be sufficient for warehouse use which is .06kw/SF or 28,923 kw.
- 13. Prior to issuance of the initial building permit, the applicant shall also pay the Contra Costa County, Department of Conservation and Development, Current Planning Division, a flat not-to-exceed amount of \$195,000 as its fair share contribution towards the cost of planning and/or constructing a Solar Project for the benefit of the North Richmond area. The Solar Project must benefit North

Richmond residents as mitigation for the construction of a warehouse project with its associated emissions and truck traffic. The County will work with the District One Supervisor and the North Richmond Community to define and develop the Solar Project.

Biological:

14. Pre-construction nesting surveys shall be conducted for any nesting birds protected by the Migratory Bird Treaty Act. Surveys shall be conducted by a qualified biologist within 14 days of the onset of disturbance to affected areas. If nests are found, they will be flagged and a suitable buffer area established. No work will be conducted within this buffer area until young have fledged and are independent of the nest. Breeding bird surveys are not needed if work is conducted outside the nesting season (between September 1 and January 31).

(Mitigation Measure BIO – 1)

15. A qualified biologist shall conduct pre-construction surveys for bats and suitable bat roosting habitat at sites where culverts, structures and/or trees would be removed or otherwise disturbed prior to the initiation of construction. If bats or suitable bat roosting habitat is detected, CDFW shall be notified immediately for consultation and possible on-site monitoring.

(Mitigation Measure BIO - 2)

16. Pre-construction surveys carried out for California clapper rail and California black rail would also detect other wildlife species of concern such as the San Pablo Vole. Exclusion fencing shall be installed along the southern border of the property prior to construction, and vegetation shall be cleared in phases using hand tools, exclusion fencing shall be installed as quickly as feasible, and special status species sensitivity training shall be conducted, and/or biological monitors shall be on-site to monitor pre-construction work related activities.

(Mitigation Measure BIO – 3)

17. To avoid potential indirect impacts on Wildcat Creek and its associated riparian habitat, the development shall observe a 45-foot setback from the southern property line. Levee/drainage improvements required by the County Flood Control District shall be allowed with the proper review and approval.

(Mitigation Measure BIO – 4)

Cultural Resources:

18. Stop work and conduct an evaluation of accidental discovery of human remains or find.

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a

dedicated cemetery, 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 the county in which the human remains are discovered has determined whether or not the remains are subject to the coroner's authority. If human remains are encountered, work shall halt within 50-feet of the find and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendent to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. All work shall be postponed until a qualified archaeologist has had an opportunity to evaluate any potential find. **(Mitigation Measure CUL – 1)**

Geotechnical:

19. At least 30-days prior to applying for building permits, the applicant shall submit for review and approval of CDD staff and the County Geologist a geotechnical report addressing the site specific soil conditions and engineering recommendations for the design of building foundations and related improvements. **(Mitigation Measure GEO – 1)**
20. At least 30-days prior to applying for construction permits, the project geotechnical engineer shall review grading, drainage and foundation plans for consistency with recommendations in the approved geotechnical report. The letter issued by the project geotechnical engineer, shall update their recommendations for observation and testing services during a) clearing, b) grading, c) soil improvement (or importation of non-expansive fill), d) installation of drainage facilities (including bio-swales/water quality basins) and e) foundation-related work to ensure that all geotechnical recommendations are properly implemented during construction. Those monitoring services shall include any proposed retaining wall construction. Additionally, construction drawings shall include general notes that identify the inspections to be performed by the geotechnical engineer during construction. **(Mitigation Measure GEO – 2)**
21. The project geotechnical engineer shall prepare a final report that documents the field observations and testing services provided during construction as well as provide a professional opinion on the compliance of construction with the recommendations in the design-level geotechnical report. The final report can be

segmented into an as-graded report that is issued at the end of rough grading, but prior to the installation of the foundations, and a second letter commenting on the inspections made during installation of foundations/parking lot/drainage facilities. CDD will place a hard hold on the final inspection, to ensure that the geotechnical engineer's grading-foundation inspection letter-report is provided prior to requesting the final building inspection for each building. **(Mitigation Measure GEO – 3)**

Greenhouse Gas Emissions:

22. Implement the following Emission Reduction Measures (consistent with the CCC) into the final design of the project:
- Install High Energy Efficient Building Insulation (consistent with overall building use and as defined by the California Building Standards Code).
 - Solar Energy Ready Connections (consistent with overall building use and as defined by the California Building Standards Code).
 - Provide Pre-wiring at Designated Parking Spaces for Electronic Vehicle Charging Stations. **(Mitigation Measure GHG – 1)**

Hazardous Materials:

23. The project applicant/or owners and operators of businesses on the site shall obtain all required permits and follow all applicable regulations regarding the use, storage and disposal of hazardous materials and shall conduct their operations in compliance with such permits and regulations. **(Mitigation Measure HAZ – 1)**

Noise:

24. The project shall comply with the following noise reduction measures:
- General construction noise shall be limited to weekdays from 7:00 a.m. to 6:00 p.m.
 - Any pile driving and similarly loud activities (tractor use) shall be limited to weekdays from 8:00 a.m. to 5 p.m.
 - All heavy construction equipment used on the project site shall be maintained in good operating condition, with all internal combustion, engine-driven equipment equipped with intake and exhaust mufflers that are in good condition. All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines, especially residential uses. **(Mitigation Measure NOISE – 1)**

Trees:

25. Restitution for the removal of (21) code-protected trees:
- a. Planting and Irrigation Plan: Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of the Department of Conservation and Development, Community Development Division (CDD). *See the North Richmond Design Guidelines for species and size requirements.*
 - b. Required Security to Assure Completion of Plan Improvements: A security shall be provided to ensure that the approved planting and irrigation plan is implemented. Prior to issuance of a grading or building permit, whichever occurs first, the applicant shall submit a security that is acceptable to the CDD.
26. Any proposed tree alteration, removal, or encroachment within a drip line of code-protected trees that are not identified with this permit approval will require submittal of a Tree Permit application for review and consideration by CDD.
27. The applicant shall comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) and/or any applicable State mandated landscape/water related requirements applicable at the time of landscaping installation for the project. To the maximum extent feasible, the project proponent shall use drought tolerant vegetation for the development.

Project sponsors should be aware that Section 31 of the East Bay Municipal Utility District's (EBMUD) Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Any questions regarding these requirements can be directed to EBMUD Water Service Planning at (510) 287-1365.

General Construction:

Construction Period Restrictions and Requirements

28. Implement the following Emission Reduction Measures into the final design of the project:

1. The project sponsor shall require their contractor and subcontractors to fit all internal combustion engines with mufflers which are in good condition.
2. A dust and litter control program shall be submitted for the review and approval of the Community Development Division staff. 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.
3. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flow.
4. Transporting of heavy equipment and trucks shall be limited to weekdays between the hours of 8:30 A.M. and 4:30 P.M. and prohibited on Federal and State Holidays.
5. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
6. All construction activities shall be limited to the hours of 7:00 A.M. to 6:00 P.M., Monday through Friday, and shall be prohibited on state and federal holidays on the calendar dates that these holidays are observed.
7. Prohibit unnecessary idling of internal combustion engines.
8. Locate stationary noise generating equipment as far from surrounding residential properties as possible.
9. Saturday work may be permissible upon review and approval by CDD staff of a written request by the contractor/developer indicating the circumstances warranting such Saturday work and the nature of the work to be performed.

Debris Recovery:

29. At least 15 days prior to the issuance of a grading permit or building permit the developer shall demonstrate compliance with the debris recovery program, which requires at least 50 percent of the jobsite debris generated by construction projects of 5,000 square feet or greater to be recycled, or otherwise diverted from landfill disposal.
30. Dumpsters or refuse areas shall be screened from view from any roadway.

31. The Development Plan application was subject to an initial deposit of \$6,000.00 that was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to issuance of a building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contracting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

Transportation Demand Management Program:

32. At least 30 days prior to issuance of a building permit, the applicant shall submit a Transportation Demand Management (TDM) information program in accord with the requirements of Chapter 82-32 of the County Zoning Code for review and approval of CDD. The approved program shall be provided to all employees and made available to any guests that may visit the site. Applicant shall also comply with the County Growth Management Program and Bay Area Air Quality Management District regulations regarding transportation.

Site Preparation and Grading

33. As part of all ground disturbing activities (e.g., site preparation and grading), the applicant shall follow all recommendations contained in the Phase I Environmental Site Assessment Report, dated July 26, 2012, and Phase II Subsurface Investigation Report, dated October 5, 2012, prepared by Partner Engineering and Science, Inc..

Wildcat Creek Regional Trail Overcrossing Easement

34. At least 30 days prior to the issuance of grading or building permits, the applicant shall submit for review and approval, a recorded easement on behalf of Contra Costa County, dedicating in perpetuity, the 15-foot wide strip of land at the southern portion of the property to the East Bay Regional Park District for the purposes of constructing the Wildcat Creek Regional Trail overcrossing of the Richmond Parkway.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR GP14-0003 AND DP14-3041

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on May 25, 2017.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.

General Requirements:

35. 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 improvements required by the Ordinance Code the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Frontage):

36. Applicant shall construct curb, minimum 4.5-foot sidewalk, necessary longitudinal and transverse drainage, street lighting, pavement widening and transitions along the frontage of Pittsburg Avenue. Applicant shall construct face of curb 20 feet from the proposed road centerline as shown generally on the approved site plan and as approved by Public Works Department.
37. Applicant shall construct a street-type connection with minimum 30-foot radii curb returns in lieu of standard driveway depressions at the driveway intersections at Pittsburg Avenue. Curb return radii may be reduced as needed to prohibit truck right turn movements on to eastbound Pittsburg Avenue as approved by Public Works Department.
38. Driveways shall be designed and constructed to prohibit trucks from making right turns onto eastbound Pittsburg Avenue towards Fred Jackson Way. Final design of the driveways shall include signage prohibiting trucks from making right turns out of the driveway and hardscape improvements that may include on-site medians, curb bulb-outs and medians in the middle of Pittsburg Avenue as approved by the Public Works Department.

Roadway Improvements (On-Site):

39. Applicant shall locate any vehicular entrance gates a minimum distance from the edge of pavement to allow one (1) semitrailer truck to queue without obstructing through traffic.

Roadway Improvements:

City of Richmond Intersection

40. Applicant shall work with the City of Richmond to implement the following at the Richmond Parkway/Goodrick Avenue intersection.
 - Stripe the current defacto right turn pocket along northbound Goodrick Avenue.
 - Modify the Richmond Parkway/Goodrick Avenue signal to include a right turn overlap phase for the northbound right turn and adjust signal timings.**(Mitigation Measure TRAFFIC-1)**

Contra Costa County Intersection

41. Implement the following at the Richmond Parkway/Pittsburg Avenue intersection:
 - Adjust signal timing to better accommodate changed travel patterns.**(Mitigation Measure TRAFFIC-2)**

Cumulative Conditions

42. Implement mitigation measure TRAFFIC-1 at the Richmond Parkway/Goodrick Avenue intersection. **(Mitigation Measure TRAFFIC-3)**
43. Applicant shall implement the following at the Richmond Parkway/Pittsburg Avenue intersection:
 - Widen the westbound approach to include a second lane, such that the final lane geometry configuration would include:
 - One left turn only lane
 - One left turn-through-right turn shared lane
 - Adjust signal pole and mast arm, curb returns and any other roadside features that need to be relocated as a result of the intersection widening.

- Adjust signal timings to accommodate the new westbound approach configuration. **(Mitigation Measure TRAFFIC-4)**

City of Richmond/Caltrans Intersection

44. The applicant shall construct the following prior to requesting a final building inspection (occupancy).
 - Adjusting signal timings to better accommodate changed travel patterns. **(Mitigation Measure TRAFFIC-5)**

North Richmond Neighborhood Cut-Through Semi-Truck Traffic

45. The applicant/developer shall construct one offsite truck traffic calming improvements as identified within the August 24, 2016, Preliminary Truck Traffic Calming Assessment for the North Richmond Neighborhood, subject to the review and approval of the CDD staff and the Public Works Department. Key corridors that have been identified for improvement include but are not limited to the following:

- Fred Jackson Way north of Market Avenue
- Fred Jackson Way south of Market Avenue
- Gertrude Avenue
- Chesley Avenue
- Market Avenue

The offsite calming improvements identified for Fred Jackson Way shall be the first priority. Should the Fred Jackson Way improvements already be physically completed/underway by the time the applicant/developer is prepared to commence construction, then a secondary improvement (as identified within the August 24, 2016, Fehr & Peers assessment) approved by CDD staff and the Public Works Department, shall be constructed. The approved truck traffic calming measure shall be completed prior to occupancy (final building inspection) of the subject project.

The applicant's cost for completing the approved truck traffic calming improvements shall be evidenced and verified by valid receipts for said work, including all hard construction costs and engineering, architectural, geotech and other valid professional costs as specified in the County's credit and reimbursement policy (but excluding County fees and plan check costs), and

those costs deemed eligible by the Public Works Department shall be credited against the North Richmond Area of Benefit fees as administered by the Public Works Department, provided the applicant contributes to the AOB update rate for the revised project list. To the extent said costs are less than the fees assessed for the project, the applicant shall be obligated to pay the difference upon demand by Contra Costa County. Applicant shall be obligated to complete the offsite traffic calming work in the event the cost of the work exceeds the fee amounts available as credits. **(Mitigation Measure TRAFFIC-6)**

Access to Adjoining Property:

Proof of Access

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

Encroachment Permit:

47. 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 Pittsburg Avenue, Richmond Parkway, or other County public road right-of-way.

Site Access:

48. Applicant shall only be permitted access from Pittsburg Avenue and only at the locations shown on the approved site/development plan.

Road Alignment / Intersection Design / Sight Distance:

49. Applicant shall provide sight distance at the on-site driveways and Pittsburg Avenue for a design speed of 45 miles per hour. The applicant shall trim vegetation, as necessary, to provide sight distance at these driveways. Any new landscaping, signs, fencing, retaining walls, or other obstructions proposed at the driveways shall be setback to ensure that the sight lines are clear.

Area of Benefit Reimbursements:

50. The applicant, prior to constructing any public improvements, shall contact Public Works Department to determine the extent of any eligible credits or reimbursements against the area of benefit fees.

Road Dedications:

51. Property Owner shall convey to the County, by Offer of Dedication, the right-of-way necessary for the planned future half-width of 30 feet along the frontage of Pittsburg Avenue.
52. Property Owner shall convey to the County, by Offer of Dedication, the right-of-way necessary to accommodate the addition of a second westbound lane at the intersection of Richmond Parkway and Pittsburg Avenue along the frontage of Pittsburg Avenue.
53. If the applicant will not maintain the Stormwater Control Plan facilities associated with the Pittsburg Avenue road widening, Property Owner shall convey to the County, by Offer of Dedication, the right-of-way necessary for operation and maintenance of the SWCP facilities associated with the Pittsburg Avenue road widening along the frontage of Pittsburg Avenue.

Landscaping:

54. The applicant shall install and guarantee all SWCP landscaping and automatic irrigation facilities to be maintained by the County. The landscaping facilities shall be maintained by the developer: a) for a minimum of 180 days after installation and b) until the plants have become established.
55. The applicant shall submit four sets of landscape and automatic irrigation plans and cost estimates, prepared by a licensed landscape architect, for all SWCP landscaping and automatic irrigation facilities to be maintained by the County to the Public Works Department for review approval, prior to issuance of building permits. Applicant shall pay appropriate fees in accordance with County Ordinance. Landscaping shall meet the requirements of the Contra Costa County Public Works Department Landscaping Design, Construction and Maintenance standards and Guidelines for County Maintained Facilities.
56. Landscaping plans for all landscaping adjacent to Wildcat Creek within the drainage (levee) easement shall be submitted to the Contra Costa County Flood Control & Water Conservation District (FC District) for review and approval.
57. Applicant shall apply to the Public Works Department for annexation to the Community Facilities District (CFD) No. 2006-1 (North Richmond Area Maintenance Services) for the future maintenance of area wide medians and landscaping. The annexation of property into the CFD must be completed prior to occupancy and the applicant should be aware that the annexation process may take approximately 60 days.

Bicycle – Pedestrian Facilities:

Pedestrian Access

58. Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right of way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.
59. 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 curb ramps.
60. Applicant shall coordinate with the East Bay Regional Park District as necessary on the trail crossing.

Utilities/Undergrounding:

61. Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Pittsburg Avenue. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Drainage Improvements:

Collect and Convey

62. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is not adequate to handle the existing plus project condition for the required design storm, improvements shall be constructed to make the system adequate. The applicant shall obtain access rights to make any necessary improvements to off-site facilities.

63. The nearest public drainage facility is DA19A Lines C and F located within Pittsburg Avenue and Richmond Parkway public right-of-way adjacent to the project frontage. Applicant shall verify its adequacy prior to discharging run-off.

Miscellaneous Drainage Requirements:

64. The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
65. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

Flood Control:

66. Applicant shall comply with the following:
 1. Prior to the issuance of a grading permit, applicant shall provide, at their expense, any needed supporting documentations requested by the U.S.Army Corps of Engineers and the Contra Costa County Flood Control & Water Conservation District (FC District) for the Section 408 review of the applicant's proposed work along Wildcat Creek. The FC District will submit the Section 408 application package to the Corps of Engineers.
 2. Prior to issuance of a grading permit, applicant shall obtain any regulatory permits that may be required.
 3. Prior to the issuance of a grading permit, applicant shall obtain an encroachment permit from the FC District for construction of the "Western Access and Eastern Closure" (flood protection improvements along Wildcat Creek). The calculated water surface elevation (WSE) levels and required freeboard line shall be shown on the project plans in order to obtain approval of the plans from the FC District.
 4. Applicant shall construct the "Western Access Road and Eastern Closure" (flood protection improvements along Wildcat Creek).
 5. Prior to the issuance of the grading permit, applicant shall specify import fill on its grading plans, subject to the approval of the FC District, for the flood control access road, closure structures, and related improvements. Import material shall conform to the FC District's specifications for levee fill material and, at a minimum, shall be lean clay (CL) or clayey sand (SC) material per ASTM D 2487 from a known source free of man-made refuse, organic, and

other deleterious materials; 2-inch maximum particle size and 30 percent minimum passing #200 sieve per ASTM D 1140; liquid limit of 45 or less and plasticity index greater than 12 and less than 32 per ASTM D 4318; and attain 90% compaction per ASTM D 1557-12 in maximum 8-inch thick layers with moisture at least 3 percent over optimum moisture condition.

6. Prior to the issuance of a grading permit, applicant shall submit a geotechnical analysis to the FC District for approval, which shall include analysis of the potential impacts of the proposed fill material at the site and the improvements for the Western Access Road and Eastern Closure to the integrity of the existing levee and creek embankment of Wildcat Creek. The geotechnical study shall evaluate the long-term impacts to the levee and creek embankment resulting from the shrubs, trees, v-ditch and irrigation system being proposed near Wildcat Creek. The geotechnical study should provide recommendations for addressing adverse impacts.
7. Prior to the issuance of a grading permit, applicant shall submit the site grading plans to the FC District for review.
8. Prior to issuance of a building permit, applicant shall submit to the Public Works Department evidence of a funding and maintenance agreement for the perpetual maintenance of the flood protection improvements within the slope easements on assessor's parcel numbers 409-300-038 and 409-300-039. The applicant shall be responsible for the perpetual maintenance of the drainage and flood protection improvements within the slope easements.
9. The applicant shall be responsible for the perpetual maintenance of the drainage and flood protection improvements (including storm drains, inlets, the "western access road and eastern closure", toe drains, etc.) within the on-site drainage (levee) easements.
10. Prior to the issuance of a building permit, applicant shall offer to dedicate drainage (levee) easements to Contra Costa County for the "45' Drainage Easement" along the south side of the development site and for the area labeled "Drainage Easement" on the southwest corner of the development site per the approved site plan and as shown on Western Access Road and Eastern Closure plans. These Offers of Dedication are for a future levee project and will be recorded only and will not be accepted by the County unless needed for future levee improvement purposes. Applicant shall prepare and submit a legal description and plat map of the offered area to be used as exhibits for the offer of dedication. Once it is determined that the

easements are not needed for levee purposes, the property owner may request the County to vacate or terminate the offers of dedication.

11. Prior to the issuance of a building permit, applicant shall grant deed by separate instrument a drainage easement to the Contra Costa County Flood Control and Water Conservation District for the purposed access road from Richmond Parkway to the existing service road along Wildcat Creek. This easement is shown on sheet C-3 of the 60% Western Access Road and Eastern Closure plans. Applicant shall prepare the legal description and plat map to be used as exhibits for the Grant deed.
12. Prior to the issuance of a building permit, applicant shall submit a signed agreement (permission or right of entry) with the owners of the adjacent properties on the east side of the development site (assessor parcels 409-300-039 and 409-300-038) for the construction and maintenance of the fill improvements shown on the Western Access Road and Eastern Closure plans on those properties. Applicant shall secure a signed Offer of Dedication to Contra Costa County for a slope easement from the adjacent property owners over the high ground fill area, and prepare and provide a legal description and plat map of the offered area.
13. Prior to the issuance of a building permit, applicant shall record a deed disclosure document where the property owners acknowledge their maintenance responsibilities over the drainage improvements (concrete toe drain, structures, and drainage pipes), site fill slope, gates, fences, access roads, landscaping, and responsibility for weed abatement within the drainage (levee) easements dedicated to the County on the south side of the development site.

Floodplain Management

14. The project is located in an area at risk of being mapped into a Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps. The applicant shall be aware of the requirements of the National Flood Insurance Program and the County Floodplain Management Ordinance (Ordinance No. 2000-33) as they pertain to future construction of any structures on this property.
15. Prior to issuance of a grading permit, applicant shall file for a Conditional Letter of Map Revision (CLOMR) with the Federal Emergency Management Agency (FEMA) to determine if the proposed wall and fill meet the FEMA standards and submit a copy of the CLOMR to the Public Works Department.

Applicant shall demonstrate compliance with the conditions of the CLOMR and file for a Letter of Map Revision (LOMR) with (FEMA) to remove the project site from the floodplain. Applicant shall submit a copy of the LOMR to the Public Works Department. **(Mitigation Measure HYDRO-1)**

National Pollutant Discharge Elimination System (NPDES):

67. The applicant shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination System (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 II).

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

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permits.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Other alternatives comparable to the above as approved by Public Works Department.
- Shallow roadside and swales on-site.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers/renters.
- Filtering Inlets.
- The applicant shall sweep the paved portion of the site at least once a year between September 1st and October 15th 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.
- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.

Stormwater Management and Discharge Control Ordinance:

68. 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 issuance of a building permit. 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.
- 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).
 - Stormwater management facilities shall be subject to inspection by Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
 - 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.
 - Prior to issuance of a building permit, 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.
 - 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.

- Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.
- All treatment BMP/IMPs constructed within each phase of the proposed development shall be designed and sized to treat, at a minimum, stormwater generated from each phase constructed.

Drainage Area Fee Ordinance:

69. The applicant shall comply with the drainage fee requirements for Drainage Area 19A as adopted by the Board of Supervisors prior to issuance of a building permit.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

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

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the North Richmond, West Contra Costa Transportation Advisory Committee (WCCTAC) Bridges/Roads, and WCCTAC Transit/Pedestrian Areas of Benefit Area of Benefit as adopted by the Board of Supervisors.
- C. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the California department of Fish and Wildlife, 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.
- D. 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.

E. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:

- Contra Costa County Building Inspection Division
- Contra Costa County Environmental Health Division
- Contra Costa County Consolidated Fire Protection District
- East Bay Municipal Utility District
- West County Wastewater District