




CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION

APPROVED PERMIT

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|-----------|---|------------------------|--|
| APPLICANT | Mike Branagh Branagh Development 3800 Mt. Diablo Blvd, Suite 200 Lafayette, CA 94549 | APPLICATION NO.: | DP16-3025 |
| | | ASSESSOR'S PARCEL NO.: | 177-140-055 |
| | | PROJECT LOCATION: | Between 1850 and 2900 Camino Diablo Walnut Creek, CA |
| OWNER: | Robert Hagar Jr. 22 Highland Drive Napa, CA 94559 | ZONING DISTRICT: | R-15 |
| | | APPROVED DATE: | July 3, 2017 |
| | | EFFECTIVE DATE: | July 14, 2017 |

This matter having not been appealed within the period of time prescribed by law, a DEVELOPMENT PLAN PERMIT to construct a new 104,376 square-foot self-storage facility with a 1,463 square-foot customer service building, includes landscaping and frontage improvements along Camino Diablo in the Walnut Creek area is hereby APPROVED, subject to the attached conditions of approval.

Aruna M. Bhat
County Zoning Administrator

By: 
Lashun C. Cross
Deputy Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE (1) YEAR from the effective date if the action allowed by this permit is not undertaken within that time.

PLEASE NOTE THE EFFECTIVE DATE, as no further notification will be sent by this office.



ADOPTION OF THE MITIGATED NEGATIVE DECLARATION, AND FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #DP16-3025; MIKE BRANAGH, BRANAGH DEVELOPMENT (APPLICANT) ROBERT HAGER JR. (OWNER) AS APPROVED BY THE ZONING ADMINISTRATOR ON JULY 3, 2017

Environmental Findings

On May 23, 2017, a Mitigated Negative Declaration (MND), Initial Study, and Mitigation Monitoring Plan (MMP) document was circulated for a 20-day public review period that ended on Tuesday, June 13, 2017. The document included an evaluation of the environmental effects of the project, and a finding that although there were identified environmental effects of the project, and a finding that although there were identified significant impacts, all such impacts will be mitigated to a less than significant level with the implementation of identified measures. One comment letter was received on June 12, 2017. Neither comments in the letter nor staff responses to the comments results in any changes to the MND.

One change is made to the MMP, under Section 2 on page 4 "**BIO-3**" of the MMP to read as follows:

For other trees on the project site that do not sit within or immediately adjacent to the project's development footprint, fencing shall be installed around these trees in accordance with the Project's Tree Protection Plan to ensure that access and storage equipment and materials will no encroach on the trees' driplines (the "Tree Protection Zone," or "TPZ"). The fencing shall consist of a temporary upright, sturdy manner from the start of grading until the completion of construction, and shall not be adjusted or removed without notifying the project arborist.

These edits are required for consistency with the MND but does not result in any changes to environmental impacts, does not alter any findings, and does not alter the effectiveness of any mitigation measures. Thus, the revisions to the MMP comprises the Revised MMP.

Adoption of the Mitigated Negative Declaration

The Zoning Administrator ADOPTS the Mitigated Negative Declaration, dated May 23, 2017, finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines, and that it reflects the County's independent judgement and analysis, and specifies that the Department of Conservation and Development is the custodian of

the documents and other material , which constitute the record of proceedings upon which this adoption decision is based.

FINDINGS

Growth Management Performance Standards

1. **Traffic**: The Contra Costa County General Plan establishes measures of effectiveness and requirements for the analysis of circulation impacts associated with new land developments. Potential significant circulation impacts may be expected when a proposed project generates more than 100 or more net new peak-hour-trips. Projects of this caliber require additional traffic impact analysis. A project generating less than 100 peak-hour-trips generally will not create a significant circulation impact. According to the Trip Generation and Parking Analysis for the Proposed Camino Diablo Self Storage Project prepared by Abrams Associates, dated January 24, 2017, a 104,973 square-foot storage facility is estimated to generate a maximum of 27 peak hour trips.
2. **Water**: The project site is in the service of the East Bay Municipal Utility District (EBMUD). The self-storage facility will not significantly increase the demand for water supply in the area. EBMUD has listed a number of requirements that the applicant will be required to meet in order to be provided with water service.
3. **Sanitary Sewer**: The subject property receives Central Contra Costa Sanitary District (CCCSD) sanitary sewer service. The proposed expansion of use would not be expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with the existing facilities.
4. **Fire Protection**: Fire protection and emergency medical response services for the project vicinity are provided by the Contra Costa County Fire Protection District (CCCFPD). The closest fire station to the subject property is Station #15 located approximately 1.5 miles away at 3338 Mt. Diablo Boulevard, in Lafayette. The CCCFPD submitted comments on the project application detailing requirements for access roads, fire apparatus roadways, hydrant requirements, emergency apparatus access and hydrants, and sprinkler requirements, amongst other requirements. Prior to operation of the proposed facility, the revised plans would be approved by the CCCFPD.

5. **Public Protection:** Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, through the Office of the Sheriff Valley Station, located approximately 5 miles driving distance southeast of the project site. Public protection standards under Policy 4-c of the Growth Management Program (GMP) of the County General Plan require a Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 in population shall be maintained within the unincorporated area of the County. The proposed project consists of establishing a self-storage facility at the project site. The proposed self-storage facility would not induce a significant population increase within the County that would equal or exceed 1,000 persons. Therefore, the proposed project will not increase the Sheriff or support facility requirements for the area.
6. **Parks and Recreation:** Parks and recreation standards under the GMP require three acres of neighborhood park area per 1,000 in population. The establishment of a self-storage facility at the project site would not induce a population increase within the County. Thus, there would be no impact from this project on the use of the local public parks and recreational facilities by residents of the Lafayette/Walnut Creek area.
7. **Flood Control and Drainage:** The project site is not located within a flood-prone area determined by the FEMA, the Federal Emergency Management Agency. The new self-storage facility will not result in an increase of flood risks. The project as proposed includes a Storm Water Control Plan.

CONDITIONS OF APPROVAL

Development Plan Approval

1. A **Development Plan** to construct a new self-storage facility is **APPROVED** as generally shown and based on the following:
 - Revised plans received on February 28, 2017, by the Department of Conservation and Development, Community Development Division (CDD).

Building Height

2. All portions of the 5-story self-storage building shall not exceed more than 35 feet, measured from natural grade, except the fifth floor walkway and elevator shaft, which shall not exceed 46.75 feet.

Signs

3. Any revisions to the approved signage as show on the plans received February 28, 2017 and/or any additional signs proposed is subject to review and approval of CDD.

General Provisions

4. Any deviation from this approval shall require review and approval of the CDD and may require the filing of an application to modify this Development Plan Permit. In such case, a public hearing will be necessary.
5. **Prior to submittal of building permits**, the applicant shall provide a site plan showing the location of the staging area, traffic circulation plan, and hauling route during construction. This plan shall be reviewed and approved by CDD.
6. **Tree Permit Approval** is granted to allow the removal of 20 code-protected trees and work within the dripline of 10 code-protected trees to allow for the construction of a new self-storage facility.
 - Trees to be removed: #29-43, 56, 57, 71-73
 - Work under dripline of Trees: #21-28, 44, 50
7. The tree permit approval detailed above is granted based on the following documents:
 - Arborist Report conducted by Jennifer Tso of Traverso Trees, dated January 30, 2017.

All plans submitted for CDD stamp-stamp approval and issuance of building and/or grading permits shall clearly identify all trees as approved for "removal" or "work under dripline" consistent with the list of trees above and the consulting arborist report.

Arborist Recommendations

8. The applicant shall implement all recommended measures of the consulting arborist's reports, which are intended to mitigate the impacts of construction activities.

Arborist Expense

9. The expenses associated with all required arborist services shall be borne by the developer and/or property owner.
10. Any deviation from this approval shall require review and approval by the CDD and may require the filing of an application to modify this Development Plan permit. In such case, a public hearing may be necessary if appealed.

Condition of Compliance (COA)

11. Prior to issuance of permits, the applicant shall provide a report of compliance with conditions of approval for the review and approval by CDD. The fee for this application is a deposit of \$1,000.00 that is subject to the time and materials costs. Should staff costs exceed the deposit additional fees will be required.

Except those conditions administered by the Public Works Department, the report shall list each conditions followed by a description of what the applicant has provided as evidence of compliance with that condition. A copy of the permit conditions of approval may be obtained from CDD.

Indemnification

12. Prior to issuance of grading or building permits, whichever occurs first, the applicants shall deliver an indemnification agreement between the applicant and Contra Costa County requiring the applicant to defend, indemnify, and hold harmless Contra Costa County against any expenses arising from or related claims or litigating regarding the County's actions in reviewing or approving development plan application (County File No. DP16-3025). The Deputy Director of the Department of Conservation and Development, Community Development Division is authorized to review and approve the indemnification agreement on behalf of the County.

Air Quality

13. The construction control measures listed below shall be implemented during the project construction and shall be included on all construction plans:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting oil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tract-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.
- Site access to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idle time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. **MM AIR-1**

Biology

14. If site disturbance, in the form of construction activities, commences between February 1 and August 31, a qualified biologist shall conduct a pre-construction nesting survey 15 days prior to commencing construction. The nesting survey shall include examination of all trees within 200 feet of the entire project site, including those areas off the project site where birds could be disturbed by construction or operation-related vibrations and/or noise. If nesting birds are identified during a survey, an orange construction fencing nest protection buffer shall be placed around the nest tree. The size of the buffer shall be determined by a qualified biologist who frequently works with nesting birds near and on construction sites; the buffers typically range from 50 to 300 feet from the nest site. If the nest tree is located adjacent to the project site, the buffer shall be demarcated per above where the buffer occurs on the project site. Non-construction or earth-moving activity shall not occur within any established nest protection buffer prior to September 1 unless the qualified biologist has determined that the young have fledged (i.e., left the nest). The nest protection buffers may be removed once the

nest has been abandoned, as determined by a qualified biologist. Implementation of this mitigation measure would reduce the impact on nesting birds during project construction and operation to a less than significant level. **MM BIO-1**

15. The following special measures shall be taken with respect to the Raywood Ash on the project site:

- An arborist shall be on site during excavation of the bio-retention area near the tree to properly prune large roots. **MM BIO-2**

16. For other trees on the project site that do not sit within or immediately adjacent to the project's development footprint, fencing shall be installed around these trees in accordance with the Project's Tree Protection Plan to ensure that access and storage equipment and materials will not encroach on the trees' driplines (the "Tree Protection Zone," or "TPZ"). The fencing shall consist of a temporary upright, sturdy manner from the start of grading until the completion of construction, and shall not be adjusted or removed without notifying the project arborist. **MM BIO-3**

17. Required Restitution for Approved Tree Removal - The following measures are intended to provide restitution for the removal of (20) code-protected trees:

- A. Tree Restitution Planting/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 (DCD). The plan shall provide for the planting of (7) SEVEN trees, minimum 15 gallons in size. The species shall be one of the following: *Arbutus "Marina"* (*Arbutus*), *Cercis occidentalis* (Western Redbud), *Lyonothamnus floribundus ssp. asplenifolius* (Catalina Ironwood), *Quercus agrifolia* (California Coast Live Oak), *Tristania conferta* or *laurina* (Brisbane Box), or a close equivalent, as determined by the project arborist.
- B. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. The plan shall also include an estimate prepared by a licensed landscape architect, arborist, or landscape contractor for the materials and labor costs to

complete the improvements (accounting for supply, delivery, and installation of trees and irrigation).

- C. Required Security to Assure Completion of Plan Improvements - **Prior to issuance of a grading or building permit**, whichever occurs first, the applicant shall submit a security that is acceptable to the DCD. The security shall be the amount of the approved cost estimate described in Section A above, **plus** a 20% inflation surcharge.
- D. Initial Deposit for Processing of Security - The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.00.
- E. Duration of Security - When the replacement trees and irrigation have been installed, the applicant shall submit a letter to the DCD, composed by a licensed landscape architect, landscape contractor, or arborist, verifying that the installation has been done in accordance with the approved planting and irrigation plan. The DCD will retain the security for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, following completion of the installation, the applicant shall arrange for the consulting arborist to inspect the replacement trees and to prepare a report on the trees' health. The report shall be submitted for the review of the DCD and shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant.

Any replacement tree that dies within the first year of being planted shall be replaced by another tree of the same species and size. If the DCD determines that the applicant has not been diligent in ensuring the replacement trees' health, then all or part of the security may be used by the County to ensure that the approved restitution plan is successfully implemented. **MM BIO-4**

18. Security for Possible Damage to Trees Intended for Preservation - Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity damages trees that are to be preserved, the applicant shall provide the County with a security to allow for replacement of trees that are significantly damaged or destroyed by construction activity. Prior to issuance of grading permits or building permits,

whichever occurs first, the applicant shall provide a security that is acceptable to the Department of Conservation and Development, Community Development Division (CDD).

- a. Amount of Security - The security shall be an amount sufficient to cover:
 - i. Preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor. The plan shall provide for the planting and irrigation of **(10) TEN trees** minimum 15 gallons in size, or an equivalent planting contribution as determined appropriate by the DCD. The plan shall comply with the State's Model Water Efficient Landscape Ordinance or the County's Water Efficient Landscape Ordinance, if the County's ordinance has been adopted, and verification of such shall accompany the plan. If deemed necessary by the DCD, the plan shall be implemented prior to final building inspection.
 - ii. The estimated materials and labor costs to complete the improvements shown on the approved planting and irrigation plan (accounting for supply, delivery, and installation of trees and irrigation).
 - iii. An *additional* 20% above the costs described in Sections a.i and a.ii above to account for inflation potential.
- b. Initial Deposit for Processing of Security - The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.
- c. Duration of Security - After the final building inspection has been completed, the applicant shall submit a letter to the DCD, composed by a consulting arborist, describing any construction impacts to trees intended for preservation. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of this letter. As a prerequisite of releasing the bond between 12 and 24 months, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. The report shall be submitted to the DCD for review, and it shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant. In the event that the DCD determines that trees intended for preservation have been damaged by development activity, and that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then the DCD may require that all

or part of the security be used to provide for mitigation of the trees damaged, including replacement of any trees that have died. **MM BIO-5**

19. The applicant shall notify the Department of Conservation and Development of any code-protection trees which are not covered by the tree permit that are damaged or destroyed in the process of removing the trees approved for removal. Additional restitution measures may be applied. **MM BIO-6**

Water Efficient Landscaping Ordinance (WELO)

20. Staff has determined the landscaping package submitted to CDD on February 28, 2017 is consistent with the State's Model Water Ordinance. A hold on the final inspection will be placed on the building permit. **At least 2-3 weeks prior to requesting a final inspection**, please complete Part II – Certification of Completion.
21. Any revision to the landscaping package submitted to CDD on February 28, 2017 shall require verification of compliance with the State's Water Efficient Landscape Ordinance **prior to issuance of a building permit.**

Cultural Resources

22. If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist contacted to evaluate the finds and make recommendations. It is recommended that such deposits be avoided by further ground disturbance activities. If such deposits cannot be avoided, they should be evaluated for their significance in accordance with the California Register of Historical Resources. **MM CUL-1**
23. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided and assessed. A report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies for review and approval prior to the commencement of work. Prehistoric materials can include flakes-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, or quartzite tool-making debris; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars, pestles,

handstones). Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, and other refuse. **MM CUL-2**

24. If human remains are encountered, work within 50 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to assess the situation. If the human remains are of a 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 Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the Northwest Information Center and appropriate Contra Costa agencies for review and approval prior to the commencement of work. **MM CUL-3**

Geology and Soils

25. Provide design-level recommendations for remediation of geotechnical/geologic hazards that are sensitive to geologic constraints; including specific standards and criteria for site grading, drainage and foundation design; over-excavation of existing fills (and either their removal from the site or provide for their use in engineered fills); recommendations pertaining to mitigation of the hazard posed by expansive soils and corrosive soils; recommendations pertaining to mitigation of the hazard posed by differential fill thickness and cut/fill transitions; and pavement design criteria. **MM GEO-1**
26. Provide a corrective grading plan for the site; evaluate means of stabilization of the back-cut during the construction period; and provide slope stability analysis evaluating the corrective grading plan. It is anticipated that the scope of work for the stability analysis will include at least two additional deep borings (prefer continuous core) that extend 15 to 20 feet into the bedrock. The approach to analysis of slope stability shall utilize methodologies outlined in the California Geological Survey (CGS) Special Publication 117A. **MM GEO-2**

27. Improvement, grading, and building plans shall carry out the recommendations of the approved report. During site, grading, drainage and foundation-related work, the project geotechnical engineer shall provide observation and testing services to insure that construction is in compliance with recommendations in the approved geotechnical report. The project geotechnical engineers will provide recommendations for any modification to approved plans that are deemed necessary based on the actual field conditions encountered during grading. (Written approval from the County Building Inspection Division (BID) shall be obtained prior to any modification.) All fill placed shall be tested by the project geotechnical engineer, and pier holes/foundation related work shall be inspected. Documentation of the observation and testing services, as well as other project details (e.g. location and depth of any subdrains) shall be presented in a final geotechnical report, to be submitted to the County to keep on file. **MM GEO-3**
28. The design level geotechnical report and grading/drainage plans shall be subject to review by the County Geologist and review and approval by the Zoning Administrator. This report must be accompanied with a \$750.00 review fee. **MM GEO-4**
29. **Prior to issuance of construction permits or installation of improvements**, the project geotechnical engineer shall review construction plans (e.g., grading and drainage plans, foundation plans and details, design/location of proposed bio-retention facilities) to determine if they are consistent with the intent of the recommendations in the approved project. **MM GEO-5**
30. Prior to requesting the Final Building Inspection of the five story self-storage building, the project proponent shall submit a geotechnical monitoring report that includes an as-graded geologic map of the site, fill compaction testing, results of the observation of any pier drilling, and documentation of the monitoring performed for preparation work on slabs-on-grade. The geotechnical engineer shall also provide an opinion of the consistency of the as-built project with recommendations in the approved geotechnical report. **MM GEO-6**

Land Use and Planning

31. Grant Deed of Development Rights - Prior to issuance of a building permit (except for building permits authorizing the soil nail walls and slope bench depicted on Sheet 2 of the Project Grading Plans) the applicant shall designate a restrictive

development easement over the portion designated as Single-Family Residential-Low Density (SL) for review and approval of the Zoning Administrator and County Counsel that shall include the following:

- a) A surveyed map, by a professional, that delineates the restricted development easement.
- b) A detailed legal description of the restricted development easement.
- c) Language clearly indicating that no development activity may occur within the easement area, though grading and related activity is permitted to complete any slope repair or mitigations necessary to satisfy Mitigation Measures GEO-1, GEO-2, and GEO-3, and to construct the debris bench, concrete-lined V-ditch, retaining wall(s) 3' or less and necessary appurtenances upslope of the proposed building for drainage and slope stability purposes, and the property owner is responsible for the maintenance of the deeded area. Any tree removal located within the designated restricted development easement shall be subject to the review and approval of the Zoning Administrator. **MM LAND-1**

Noise

32. Construction, and other activities on the site related to this project is restricted to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State and Federal)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)

Day after Thanksgiving (State)
Christmas Day (State and Federal)

For details on the specific days and dates that these holidays occur, please visit the following websites:

Federal: http://www.opm.gov/Operating_Status_Schedules/fedhol/2014.asp

State: <http://www.sos.ca.gov/holidays.htm> **MM NOI-1**

33. The project sponsor shall require their contractors, and subcontractors to fit all internal combustion engines with mufflers, which are in good conditions and shall locate stationary noise-generating equipment such as air compressors and concrete pumps as far away from existing residences as possible. **MM NOI-2**
34. Transportation of heavy equipment trucks shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holidays. **MM NOI-3**
35. Impact tools (e.g., jack hammers, pavement breakers) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is avoidable, an exhaust muffler on the compressed-air exhaust shall be used. External jackets on the tools shall be used where feasible. In addition, quieter methods such as using drill rather than impact equipment shall be used whenever feasible. **MM NOI-4**
36. A pre-construction meeting with the job inspectors and the general contractor/on-site manager to confirm that all noise mitigation measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed prior to beginning construction. **MM NOI-5**
37. The applicant shall notify neighbors within 300 feet of the subject property one week prior to issuance of demolition, grading, and construction permits. **MM NOI-6**
38. The applicant shall designate a construction noise coordinator who will be responsible for implementing the noise control measures and responding to complaints. This person's name and contact information shall be posted clearly around the project site and shall also be distributed to properties within 300 feet of the project site. The construction noise coordinator shall be available at all times

during construction activities and shall maintain a log of complaints. The complaint log shall be available for review by County staff upon request. **MM NOI-7**

Application Costs

39. This application is subject to an initial deposit of \$6,000.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR PERMIT #DP16-3025

The 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 February 28, 2017

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

General Requirements

40. The applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and there conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

Roadway Improvements (Frontage)

41. The applicant shall construct 5-foot sidewalk adjacent to the back of the existing curb along the project frontage of Camino Diablo.

42. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Camino Diablo. 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.

43. The applicant shall locate any vehicular entrance gates a minimum of 40 feet from the edge of pavement to allow vehicles to queue without obstructing through traffic. Sufficient area shall be provided outside any gate to allow a vehicle to turn around and re-enter Camino Diablo in a forward direction.

Access to Adjoining Property

Proof of Access

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

Encroachment Permit

45. The applicant shall obtain an encroachment permit from the Application and Permit Center for construction of driveways, landscaping, or other improvements within the right-of-way of Camino Diablo. The applicant shall include a landscaping submittal in accordance with the Contra Costa County Public Works Department Landscape Design, Construction, and Maintenance Standards and Guidelines requirements to the Public Works Department for review and approval with the encroachment permit application for landscaping. Landscaping within the right-of-way of Camino Diablo shall not include trees.

Site Access

46. The applicant shall only be permitted access at the locations shown on the approved site/development plan.

Sight Distance

47. The applicant shall provide sight distance at the intersection of the private driveway with Camino Diablo in accordance with Chapter 82-18 "Sight Obstructions at Intersections" of the County Ordinance Code. The applicant shall trim vegetation, as necessary, to provide sight distance at this intersection, and any

new signage, landscaping, fencing, retaining walls, or other obstructions proposed at this intersection shall be setback to ensure that the sight line is clear of any obstructions.

Street Lights

48. The applicant shall apply for annexation in a form acceptable to Public Works for annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Landscaping

49. The Owner and their successors shall be responsible for maintenance, including the cost of maintenance, in perpetuity for all landscaping located within the right-of-way of Camino Diablo. All landscaping shall be maintained at no cost to the County.

Bicycle – Pedestrian Facilities

Pedestrian Access

50. Driveways shall be designed and constructed in accordance with current County standards.

51. 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 curb ramps.

Utilities/Undergrounding

52. All new utility distribution services shall be installed underground.

Drainage Improvements

Collect and Convey

53. 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 inadequate 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.
54. The nearest public drainage facility is the storm drain system located on Camino Diablo. Applicant shall verify its adequacy prior to discharging run off.
55. The applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
56. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

National Pollutant Discharge Elimination System (NPDES)

57. 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 stormwater 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 the Public Works Department.
- Shallow roadside and on-site swales.
- 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

58. 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.
59. 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).

60. 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.
61. 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.
62. 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.
63. 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.

ADVISORY NOTES

ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCES AND OTHER REGULATIONS THAT MAY BE APPLICABLE TO THE PROJECT.

- A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, 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 Central County Area of Benefit as adopted by the Board of Supervisors.

- C. This project may be subject to the requirements of the following agencies:

- Department of Conservation and Development, Building Inspections Division
- Contra Costa Fire Protection District
- Central Contra Costa Sanitary District
- East Bay Municipal Utility District

The applicant is strongly encouraged to review these agencies' requirement prior to continuing with the project.

