

FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE #WA17-0016, VERIZON C/O EPIC WIRELESS LLC (APPLICANT) / PG&E AND NORTHERN CALIFORNIA JOINT POLE ASSOCIATION (OWNERS).

I. FINDINGS

A. Growth Management Performance Findings

1. Traffic: The establishment and operation of a telecommunications facility within a public right-of-way is not expected to increase existing traffic levels in the area. The facility is unmanned and employees would only need to visit the facility for occasional maintenance activities. Therefore, the project will not trigger an increase in traffic to the site during A.M. or P.M. commute hours. The construction phase of the project will require work within the right-of-way that will temporarily affect circulation in the immediate vicinity. The Department of Public Works has reviewed the project, including a traffic management plan for the construction phase, and provided comments and recommended conditions of approvals that have been incorporated into this document as encroachment permit COA's (#27-91). Compliance with all encroachment permit conditions ensures the construction phase of this project can be safely completed without significantly affecting traffic flows within the public right-of-way.
2. Water: The project does not require water resources and, therefore, will not impact groundwater levels or the frequency in which they are depleted. There project will not result in new impervious surface, thus not affecting the recharge of any aquifers that may exist in the area.
3. Sanitary Sewer: The project will not increase the demand for sanitary sewer service in the area, as the project does not involve an increase in population nor does it require sanitary sewer facilities.
4. Fire Protection: The subject property is located within the service area of the San Ramon Valley Fire Protection District. Telecommunications equipment is not typically associated with an increased fire risk. Compliance with applicable Building and Fire Codes relating to the installation of this equipment will ensure the project does not result in an increased fire risk to people or property.
5. Public Protection: The project will not increase the demand for police services as there is nothing included in the proposal that will increase the population in the area. Telecommunication facilities do not typically require police presence. The site will be unmanned and will only require maintenance technicians to visit the site as necessary. Thus, the project will not increase the demand for police service facilities or personnel.

6. Parks and Recreation: The project will not increase the demand for parks or recreation facilities, as the project will not increase the housing stock in the County.
7. Flood Control and Drainage: The project is not located within a Federal Emergency Management Agency-designated special flood hazard zone and includes the construction of a negligible amount of new impervious surface. Therefore, the establishment of this wireless telecommunications facility is not anticipated to affect any flood control improvements or existing drainage patterns in the area.

B. Wireless Access Permit Findings – 88-24.612(b)(4)(A):

1. ***Required Finding: The facility or substantial change will be designed in a manner that complies with the applicable requirements of Section 88-24.408.***

Project Finding: The project involves one four-foot canister antenna, and pole extension, to be mounted upon an existing wooden utility pole. Ancillary equipment necessary for the operation of the site would be pole-mounted between 8-18 feet above ground level. The pole top equipment will result in an approximately 9.5-foot increase in height of the pole. The Wireless ordinance limits such height increases to a maximum of 10 feet. All pole-mounted equipment will be painted to match the existing pole; thus minimizing the equipment's effect on the visual quality of the area, as required by ordinance. All pole-mounted equipment will be mounted a minimum of eight feet above ground level to prevent the disruption of public use of the right of way. Thus the project, as conditioned, will meet the requirements of Section 88-24.408 for facilities located in the public right-of-way.

2. Required Finding: The facility or substantial change will not interfere with the use of the public right-of-way, or existing improvements or utilities located on, in, under or above the public right-of-way.

Project Finding: There are no existing sidewalk, curb, gutter, or storm drain improvements existing within the right-of-way adjacent to the pole. Because the antenna and related equipment will not hang over the adjacent roadway and shoulder, the project is not expected to interfere with vehicular travel or parking within the right-of-way. The project includes a wooden pole extension, upon which the antenna will be mounted, to provide separation distance between the existing PG&E power transmission wires and the telecommunications facility as required by the California Public Utilities Commission (CPUC). It is the applicant's responsibility to maintain compliance with all CPUC regulations throughout the life of the permit. Compliance with all COA's accompanying this approval and all CPUC regulations

ensures the project will not interfere with existing improvements or utilities located on, in, under, or above the public right-of-way.

3. Required Finding: The facility or substantial change will not interfere with any vehicular, bicycle, or pedestrian use of the public right-of-way.

Project Finding: The proposed facility will not hang over the existing roadway and shoulder and will not interfere with vehicular or bicycle travel in this area. There are no sidewalks adjacent to the project site. If sidewalk improvements are constructed in the future, the pole-mounted equipment is located at a sufficient height (eight feet minimum) above ground level to ensure it will not obstruct or interfere with pedestrian use of the right-of-way. Therefore, the project will not affect the use of the right-of-way for vehicles, bicycles, or pedestrians.

4. Required Finding: The facility or substantial change will not cause any violation of the accessibility requirements of the Americans with Disabilities Act.

Project Finding: The facility will only be accessed by trained professionals for maintenance purposes. The facility will not interfere with vehicular circulation in the public right-of-way and there is no adjacent sidewalk in this area. The lowest equipment on the existing pole will be eight feet above ground level which is adequate height to accommodate ADA compliant path of travel below, should sidewalks be installed in the future. Thus, the project will not cause any violation of the accessibility requirements of the Americans with Disabilities Act.

C. California Environmental Quality Act (CEQA) Findings

The project is exempt from environmental review pursuant to CEQA Guidelines section 15303, which exempts, among other things, the installation of small new equipment and facilities in small structures. This project consists of minor modifications to an existing PG&E utility pole in the public right of way. As described herein, the project includes one 4-foot antenna, and pole extension, mounted on top of an existing 37.9-foot-tall utility pole, as well as ancillary equipment mounted on the side of the pole. There is no substantial evidence that the project involves unusual circumstances, including future activities, resulting in, or which might reasonably result in, significant impacts which threaten the environment. None of the exceptions in CEQA Guidelines section 15300.2 apply.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #WA17-0016:

Project Approval

1. This Wireless Facilities Access Permit approval is granted to allow the establishment of a new Verizon Wireless cell site. The site consists of the following elements attached to an existing utility pole located in the public right-of-way:
 - Equipment shroud;
 - Two RRU units (within shroud);
 - Two Diplexers (within shroud);
 - Two Power Supply Units (within shroud);
 - 100A Power Meter;
 - Disconnect switch;
 - Fiber Demarc Box.
2. The Wireless Access Permit approval described above is granted based on the following information and documentation:
 - Wireless Access Permit application and supplemental project information submitted to the Department of Conservation and Development, Community Development Division (CDD) on November 9, 2017;
 - Revised project plans received October 22, 2018
 - RF Report compiled by Hammett & Edison dated October 17, 2018 and received on October 22, 2018;
 - PG&E Letter of Authorization dated November 1, 2017;
 - Photosimulations of antenna and ancillary equipment.

Initial Compliance Report Prior to Issuance of a Building Permit

3. Prior to CDD stamp approval of construction plans for the issuance of a building permit, the Applicant shall submit a report addressing compliance with project conditions of approval, for the review and approval of the CDD. The report shall list each condition followed by a description of what the Applicant has provided as evidence of compliance with that condition. Unless otherwise indicated, the Applicant will be required to demonstrate compliance with the conditions of this report prior to issuance of construction permits. The Zoning Administrator may reject the report if it is not comprehensive with respect to applicable requirements for the requested permit.

The deposit for review of the Compliance Report is \$500.00; the actual fee shall be the cost of time and materials.

- Prior to operating the approved telecommunications facility, color photographs showing the as-built condition of the facility shall be submitted for the review and approval of the CDD to verify compliance with these Conditions of Approval.

Permit Duration and Permit Review

4. This Wireless Access Permit is granted for a period of ten years and shall be administratively reviewed at five year intervals. The applicant shall initiate the first review by submitting a statement as to the current status of the project to the Zoning Administrator **no later than five years following the effective date of the project approval**. This review by the Zoning Administrator will be for the purpose of ensuring continued compliance with the conditions of permit approval. **Non-compliance with the approved conditions and/or the ordinance code provisions, after written notice thereof, shall be cause for revocations proceedings.**

For the review of existing commercial wireless communications facilities, submittal shall include photo documentation of existing conditions and equipment for comparison with the applicable approved conditions.

The Applicant is encouraged, at the time of each administrative review, to review the design of the telecommunications facility and make voluntary upgrades to the facility for the purpose of improving safety and lessening visual obtrusiveness.

A review fee in the amount of \$500.00 (subject to time and materials) will be filed through a Compliance Verification application to allow for review of the approved conditions.

Party Responsible for Permit Compliance

5. The Permittee (wireless operator) is responsible for keeping the Department of Conservation and Development, Community Development Division (CDD) informed of who is responsible for maintenance of compliance with this permit and how they may be contacted (i.e., mailing and email addresses, and telephone number) at all times.
 - a. Prior to obtaining a building permit, the Permittee shall provide the name of the party (carrier) responsible for permit compliance and their contact information.

- b. Should the responsible party subsequently change (e.g. faculty is acquired by a new carrier), within 30 days of the change, Permittee shall issue a letter to CDD with the name of the new party who has been assigned permit compliance responsibility and their contact information. Failure to satisfy this condition may result in the commencement of procedures to revoke the permit.

Removal of Facility/Site Restoration

6. All structures and equipment associated with the commercial wireless communications facility shall be removed within 60 days of the discontinuance of the use; and the site shall be restored by the Permittee to its original pre-development condition. In addition, the Permittee shall provide the CDD with a notice of intent to vacate the site a minimum of 30 days prior to vacation.

Security to Provide for Removal of Equipment

7. **Prior to submittal of a building permit for the telecommunications facility** the Applicant or Permittee shall provide bond, cash, or other surety, to the satisfaction of the Zoning Administrator, for the removal of the facility in the event that the use is abandoned or the use permit expires, or is revoked, or otherwise terminated. If the Permittee does not remove any obsolete or unused facilities as described above, the financial guarantee shall be used by the County to remove any obsolete or unused facilities and to return the site to its pre-development condition.

The financial assurance must be submitted before a permit will be issued. A financial assurance must be irrevocable and not cancelable, except by the County.

Each form of financial assurance must remain valid for the duration of the permit and for six months following termination, cancellation, or revocation of the permit.

Any unused financial guarantee shall be returned to the Applicant upon termination of the use and removal of the facility or transfer of the lease accompanied by a financial guarantee by the new lessee or owner. The amount of the security shall be based on a cost estimate provided by a contractor or other qualified professional to the satisfaction of the Zoning Administrator.

Indemnity Requirement

8. To the fullest extent permitted by law, the applicant shall defend, indemnify, and hold harmless the county, its officers, employees, contractors, consultants, and volunteers from and against:
 - (1) All claims, losses, damages (including injury or death), liabilities, suits, costs, and expenses, including reasonable attorney's fees, in any way connected to or arising from the design, construction, installation, use, maintenance, or operation of the facility; and
 - (2) All claims, actions, or proceedings to attack, set aside, void, or annul any decision to approve the application and issue a wireless facility access permit to the applicant, or any other discretionary action of the county related to the issuance of that permit.
9. Insurance Requirement. The applicant shall maintain a policy of general liability insurance, naming the county as an additional insured, in the amount of one million dollars that provides coverage for personal injury, death, and property damage resulting from the construction, installation, use, maintenance, and operation, of the facility.
10. The applicant shall repair, at its sole cost and expense, any damage to the county's or any other person's facilities or improvements caused by the construction of, or substantial change to, the facility.
11. The applicant shall, upon demand by the county or any other public agency, modify, remove, or relocate its facility, or any portion of its facility, without cost or expense to the county or other public agency, if that modification, removal, or relocation is necessary due to abandonment, change of grade, alignment, or widening of any street, sidewalk, or other public facility, or due to the construction, maintenance, or operation of any other underground or aboveground facility, including but not limited to sewers, storm drains, conduits, gas, water, electric, or other utility systems, or pipes owned by the county or any other public agency.
12. The applicant shall provide the zoning administrator, within one hundred eighty days after the facility is operational, all information required by the zoning administrator to confirm that the facility complies with the requirements of this chapter and with the wireless facility access permit issued under this chapter.

General Provisions

13. A minor alteration to this Wireless Access Permit may be issued if the proposed modification(s) are not considered a substantial modification as stated under federal law (Title 47, Section 1.40001).

A minor alteration (or collocation) has a term that is the shorter of the following:

- A. 10 years; or
 - B. The duration, including any renewal period, of the permit that authorizes the existing facility on which the new facility will be collocated or on which the minor alteration will occur.
- 14. The conditions contained herein shall be accepted by the Applicant, their agents, lessees, survivors or successors for continuing obligation.
 - 15. At all times the facility shall comply with the applicable rules, regulations, and standards of the FCC and other agencies having jurisdiction, and any other applicable Federal, State, and County laws and regulations.
 - 16. The facility shall be operated in such a manner as not to contribute to ambient RF/EMF emissions in excess of then current FCC adopted RF/EMF emission standards.
 - 17. The equipment shall be maintained in good condition over the term of the permit. This shall include keeping the structures graffiti-free.
 - 18. Antennas, towers, cabinets, and mountings shall not be used for advertising.
 - 19. No lights or beacons may be installed on any antenna or antenna support structure, unless lights or beacons are required by a state or federal agency having jurisdiction over the antenna or antenna support structure, such as the California Public Utilities Commission, Federal Communications Commission, or Federal Aviation Administration, or if lights or beacons are recommended by the County Airport Land Use Commission.
 - 20. The facility, all fences and walls surrounding a facility, and all other fixtures and improvements on the facility site must be repainted as often as necessary to prevent fading, chipping, or weathering of paint. Equipment must be painted to match the utility pole.

Exterior Noise

- 21. **Prior to final building inspection**, the Applicant shall submit evidence for review and approval of the CDD that the wireless telecommunications facility meets acceptable exterior noise level standards as established in the Noise and Land Use Compatibility Guidelines contained in the Noise Element of the County General Plan.

The evidence can either be theoretical calculations for identical equipment or noise monitoring data recorded on the site.

Camouflaging

22. All proposed antennas, antenna supports, and conduits shall have a non-reflective finish. Paints with a reflectivity less than 55 percent are required.

Color photographs showing the as-built condition shall be submitted for review of the CDD staff to verify compliance with this Condition of Approval within 30 days of completing construction.

Frequency Interference

23. The facility may not be operated at a frequency that will interfere with an emergency communication system or 911 system, including any regional emergency communication system.

Work Restrictions

24. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
25. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
26. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
27. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
28. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also be visible to ensure compliance with applicable regulations.

29. All construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are 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 actual date the state and federal holidays occur, please visit the following websites:

Federal Holidays: www.federalreserve.gov/aboutthefed/k8.htm

California Holidays: www.sos.ca.gov/holidays.htm

Application Processing Fees

30. The Wireless Access Permit application was subject to an initial deposit of \$4,000.00, 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 fee due must be paid prior to issuance of a building permit, or within 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 2016/331, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of 10% from the date of approval. The Applicant may obtain current costs by contacting the project planner. A bill will be mailed to the Applicant shortly after permit issuance in the event that additional fees are due.

31. Within 15 days of the antenna being installed, Verizon shall take RF power density

measurements with the antenna operating to verify the level reported meets the requirements of the FCC and to ensure that the FCC public exposure level is not exceeded in any publicly accessible area. This measurement shall be taken again if any equipment is added or replaced. Verification of these measurements shall be submitted to CDD for review and to confirm that the requirements of the Ordinance Code have been met.

PUBLIC WORKS SPECIAL ROAD ENCROACHMENT PERMIT CONDITIONS OF APPROVAL FOR PERMIT WA17-0016

32. Verizon Wireless (permittee) 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 Special Road Encroachment Permit Conditions. These Special Road Encroachment Permit Conditions are based upon the site plan a submitted to the Department of Conservation and Development, Community Development Division on October 22, 2018.
33. This encroachment permit is being issued only for the County owned section of **Smith Road (Road No. 4837A)** adjacent to 279 Smith Road on Verizon Wireless "SF STONE VALLEY 005 (NEAR) SMITH ROAD & OAK ROAD ALAMO CA 94507" plans dated October 22, 2018. **Project #20171517811**
34. Verizon Wireless / Epic Wireless shall provide written evidence to the Public Works Department from the owner of the street light/utility pole (PG&E) that they authorize the cell site improvements on the existing street light/utility pole. **PG&E utility pole PSL #433513**
35. Verizon Wireless shall provide evidence to the Public Works Department, Real Property Division that they are included in the statewide franchise agreement issued by the CPUC (California Public Utilities Commission); or, if unable to do so, Verizon Wireless shall enter into a license agreement with the County.
36. Verizon Wireless / Epic Wireless shall notify the United States Postal Service, the emergency services and the proper garbage collection agency to coordinate services to the residents of **Smith Road** if the construction operations will disrupt normal services.

ADMINISTRATION

37. **Scheduling inspection.** All work authorized by the permit must be inspected. Permittee shall arrange for an inspection by telephoning **Paul Tehaney @ (925) 595-6012** or by email pteha@pw.cccounty.us. If you cannot reach the inspector, contact the construction office at (925) 313-313-2320.

38. **Encroachment permit on site.** A copy of this encroachment permit shall be available for review on site for the duration of the right-of-way encroachment allowed by this permit. The encroachment permit shall be shown upon request to any police officer or any employee of the County with jurisdictional responsibility over activities in the public right-of-way.

If a County employee requests to see a copy of this encroachment permit and the encroachment permit is not available a Stop Work Order may be issued until a copy of the encroachment permit is available for review on site.

39. **Approved plans.** All works shall be per the plans reviewed and approved by the County. Any proposed changes to the approved plans must be reviewed and approved by the County.
40. **Emergency contact.** Permittee shall identify an individual who will be available 24 hours per day with the responsibility and authority to respond to emergencies related to the construction work. Permittee shall report the name and telephone number of the individual to Bob Hendry at the Permit Center prior to the start of work. Mr. Hendry can be reached at (925) 674-7744.

No work within the County road right-of-way shall be allowed until the emergency contact is reported to Mr. Hendry.

41. **Quality control plan.** The Contractor shall be responsible for controlling the quality of material entering the work and the work performed, and shall perform testing to ensure control. Prior to start of work the Contractor shall submit to the construction inspector a Quality Control Plan that must describe the methods and frequency of testing, implementation of corrective actions as necessary, and reporting of test results.
42. **Pre-construction meeting.** The permittee shall hold a pre-construction meeting with the County's construction inspector at least one week prior to the start of work.
- No work within the County road right-of-way shall be allowed until the pre-construction meeting has been held.
43. **Damage to utility facilities.** If the permittee's work damages a utility facility while performing the work covered by this encroachment permit the permittee or permittee's contractor shall contact the construction inspector within two (2) days of damaging the facility.
44. **Final inspection.** The permittee shall hold a final inspection meeting with the construction division representative of Public Works. All County concerns shall be resolved before the work is accepted as complete. A signed off permit from another

permitting agency or utility company does not guarantee acceptance by the County Public Works Department.

45. **Staff charges.** Permittee is responsible for all staff charges associated with this encroachment permit. The encroachment permit will not be signed off as complete until all the review and inspection charges are paid in full.
46. **Indemnification.** The permittee agrees to save, indemnify and hold harmless the County of Contra Costa or its representatives from all liabilities imposed by law by reason of injury to or death of any person or persons or damage to property which may arise out of the work covered by this permit and does agree to defend the County in any claim or action asserting such action. Accepting this permit or starting any work hereunder shall constitute acceptance and agreement to all of the conditions and requirements of this permit and the ordinance and specifications authorizing issuance of such permit.
47. **Insurance.** The permittee or the permittee's contractor shall furnish an acceptable certificate of insurance naming Contra Costa County, its employees, officials and agents as additionally insured. See Attachment 1A for insurance requirements.
48. **County standards.** All work shall conform to Contra Costa County Standard Plans and Specifications, except as noted, and may be modified by the County's representative to meet field conditions.
49. **Location of facilities.** All facilities being installed shall be located in compliance with County Standard Drawing CU60 and in compliance with County Standard Drawing CA10 when located at or near an intersection.
50. **ADA compliance.** All new facilities shall provide the minimum required ADA clearances (4' sidewalk width).
51. **Weather.** Work covered under this encroachment shall not be allowed:
 - a. If it is raining at the beginning of the work day no work shall be started without the approval of the Construction inspector.
 - b. If rain begins during the work day, work covered under this encroachment permit may be suspended at the direction of the Construction inspector.
 - c. Work covered under this encroachment that is suspended due to rain shall be allowed to commence once the work area within the road right-of-way has sufficiently dried and at the direction of the Construction inspector.
52. **Working hours.** For the purposes of this permit, working hours are defined as follows: 7 A.M. to 5 P.M. Monday through Friday, except legal holidays.

TREE PROTECTION

53. **Protecting existing trees.** Except where otherwise provided by the involved permit's conditions of approval or approved permit application, on all properties where mature trees are required to be saved during the course of construction, the permittee shall follow the following tree preservation standards. The Permit construction plans shall include these requirements as notes:
- a. Prior to the start of any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on a site with mature trees to be preserved, the applicant shall install temporary fencing at the dripline or other area determined by an arborist report of all trees adjacent to or in the area to be altered, and provide evidence of same (e.g., photos) to Public Works. Prior to grading or commencement of project improvements, the fences may be inspected and the location thereof approved by appropriate County staff.
 - b. No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the dripline of a mature tree unless indicated on the site/grading plan approved by the County and addressed in any required report prepared by an arborist. If grading or construction is approved within the dripline of a mature tree, an arborist may be required to be present during grading operations. The arborist shall have the authority to require protective measures to protect the tree roots. All arborist expense shall be borne by the permittee unless otherwise provided by the permit conditions.
 - c. The permittee shall not park or store vehicles, equipment, machinery, or construction materials within the dripline of any tree to be saved.
 - d. The permittee shall not dump oils or chemicals within the dripline of any tree to be saved.
 - e. The permittee will replace any mature tree that dies within 2 years of projected-related excavation within its dripline
54. **Notification of tree damage.** The permittee shall notify Public Works of any damage that occurs to any mature tree during the construction process. If significant damage to any mature tree not approved for destruction or removal occurs, the permittee shall either:

- a. Repair any damage as determined by a certified arborist that is designated by the Public Works Director or his/her designee; or
- b. Replace the damaged tree with a tree or trees of equivalent size and of comparable species, as determined by the Public Works Director or his/her designee to be reasonably appropriate for the particular situation.

TRAFFIC

55. **Traffic control plan.** The permittee shall provide a traffic control plan conforming to the "California Manual on Uniform Traffic Control Devices," when work will entail a lane closure. The traffic control plan shall include information of the types of, and outrigger support for, boom trucks to determine the roadway clearance necessary during construction. The County's resident engineer/inspector must review the traffic control plan prior to the start of work.
56. **Advanced warning signs.** The permittee shall place temporary advance warning signs to alert motorists to construction work ahead whenever trucks or construction equipment are entering or leaving the construction site or when equipment is within the road right of way.
57. **Traffic non-working hours.** All traffic lanes shall be open to the public during non-working hours.
58. **Emergency access.** The permittee shall provide emergency access to the job site and to any adjacent private property at all times.
59. **Advanced notification.** The permittee shall provide a minimum of 48 hours advance notification to property owners whose access will be obstructed by construction operations. The notification shall include the date(s) of construction along the frontage that will obstruct a property owner's access.
60. **Property access.** The permittee shall reasonably accommodate a property owner's requests to cross the work zone to enter or leave their property. In no case shall the permittee block an owner's access for more than 30 minutes.
61. **Traffic impediment.** The permittee shall not impede or impair vehicle, bicycles or pedestrian access to or within the right of way of **Smith Road**.
62. **Temporary pavement delineators.** Temporary pavement delineation shall be furnished, placed, maintained and removed where the existing pavement delineation has been removed or damaged by the construction. Temporary pavement delineation shall be removed prior to the placing of the permanent pavement delineation.

Temporary raised pavement markers shall be placed at the existing traffic stripe locations at intervals of not more than 24 feet. On double traffic stripes two markers

shall be placed side by side, one on each stripe, at longitudinal intervals of not more than 12 feet. At crosswalks and limit lines temporary raised pavement markers shall be placed at the existing crosswalk/limit line locations at intervals of not more than two (2) feet.

Prior to opening the lanes to uncontrolled traffic the covers shall be removed from the temporary raised pavement markers.

Temporary raised pavement markers shall be reflective and the same color as the permanent stripe and shall be of the following or equal:

Reflective Temporary Raised Pavement Marker (Types Y and W), manufactured by Davidson Plastics Company (DAPCO), 18726 East Valley Highway, Kent, WA 98032, Telephone (206) 251-8140.

MV Plastics Chip Seal Marker (1280/1281 Series with Reflexite Polycarbonate, PC 1000, reflector unit), manufactured by MV Plastics, Inc., 533 West Collins Avenue, Orange, CA 92667, Telephone (714) 532-1522.

The markers shall be placed in accordance with the manufacturer's installation procedure instructions.

63. **Pedestrians.** The permittee shall provide safe pedestrian and bicycle access through the project site at all times.

TRENCHING

64. **Underground Service Alert (USA).** USA must be contacted prior to excavating in a County road right of way. Telephone 811. Any work found in progress with a valid USA number will be shut down and the roadway cleared. All USA and/or temporary survey pavement markings shall be removed by the permittee at the completion of work to the satisfaction of the County Public Works Construction inspector.
65. **Trench detail.** Trench excavation and backfill requirements shall follow County Standard Plan, "Utility Trench Cut Detail," drawing # CU01.
66. **Installing facilities under sidewalk.** Hand digging or tunneling under the curb/gutter and sidewalk shall not be allowed. The sidewalk, curb and gutter shall be removed as needed for the facility installation, and then replaced according to County standards.
67. **Existing pavement striping.** All existing pavement striping, markings and markers damaged or disturbed shall be replaced in kind.

68. **Crack sealing.** Where the asphalt pavement has been cut by the permittee in anticipation of trenching and no trenching is performed (over extended saw cut beyond the limits of the trench excavation, abandoning the project, etc.), the applicant shall seal the cut in the asphalt pavement with Crafcro, rubberized asphalt Type II crack sealing material (or approved equal) according to the manufacture's specifications.
69. **Pavement.** Temporary paving (or permanent pavement) shall be placed at the end of each workday. Until the final paving is in place, the temporary paving shall be maintained as needed and provide a smooth riding surface (level with the surrounding road surface). If the permittee fails to maintain the temporary paving County forces may address any needed maintenance to the temporary paving/trench cut and the permittee will be charged the cost plus appropriate overhead charges.
- Temporary pavement shall be 1.5-inches minimum thickness of ½-inch, Type A hot mix asphalt (HMA) and shall be replaced as specified in Item 7 of this section with permanent pavement. If permanent paving is not completed as specified, County forces may pave it and the permittee will be charged the cost plus appropriate overhead charges.
70. **Hot mix asphalt special conditions.** Section 39 (revised October 16, 2014) County Standard Plans.

SECTION 39 HOT MIX ASPHALT SPECIFICATIONS

39 GENERAL

The work included in this section shall be performed as shown on the Plans and in accordance with the requirements of Section 39, "Hot Mix Asphalt" of the State of California Standard Specifications (including amendments) and these Standard Specifications.

39-1.0 MATERIALS

39-1.01 ASPHALT

The amount of asphalt binder to be mixed with the aggregate for hot mix asphalt (HMA) for paving shall be determined in conformance with the requirements in California Test 367. The Contractor shall submit asphalt concrete mix designs sufficiently in advance of manufacturing to allow for County review and approval. The County may direct the amount of asphalt binder to be mixed with the aggregate. In the event that an increase or decrease is ordered, the unit price of asphalt concrete items stated in the Contractor's proposal shall be considered valid to cover any cost

relating to the addition or reduction of liquid asphalt quantity and no adjustment in compensation will be made therefor.

Asphalt binder to be mixed with aggregate shall be a steam-refined paving asphalt in conformance with the provisions in Section 92, "Asphalts", of the State Standard Specifications. PG 64-10 asphalt binder shall be used for all applications.

39-1.02 AGGREGATE

Aggregate for the Hot Mix Asphalt shall be either ½-inch HMA Type A or B, as designated by the County.

39-1.04 HOT MIX ASPHALT

Hot Mix Asphalt stored in excess of 15 hours shall not be used in the work. Hot Mix Asphalt placed in the top layer of the surfacing shall be obtained from only one asphalt plant.

39-2.0 PLACEMENT

Asphalt concrete shall be spread and compacted as shown on the plans. All layers shall be spread with a self-propelled paving machine. Motor graders or loaders with special paving attachments will not be considered a self-propelled paving machine. Asphalt concrete shall be compacted and finished in conformance with said Section 39, amended as follows:

Compacting Equipment:

The Contractor shall furnish a sufficient number of rollers to obtain the specified compaction and surface finish required by these specifications.

All rollers shall be equipped with pads and water systems that prevent sticking of asphalt mixtures to the pneumatic or steel-tired wheels. A parting agent, which will not damage the asphalt mixture, as determined by the County, may be used to aid in preventing the sticking of the mixture to the wheels.

Asphalt concrete shall be compacted by any means to obtain the specified relative compaction before the temperature of the mixture drops below 150°F. Additional rolling to achieve the specified relative compaction will not be permitted after the temperature of the mixture drops below 150°F or once the pavement is opened to public traffic. When vibratory rollers are used as finish rollers, the vibratory unit shall be turned off.

Section 39-2 "STANDARD CONSTRUCTION PROCESS," of the State Standard Specifications is replaced as follows:

The mix design submitted for the job should include Stabilometer testing in accordance with California Test 366. The testing shall represent a sample of the

submitted mix design performed within the previous 12 months of the mix design submittal date.

Sampling and testing shall be performed by qualified representatives of a third-party testing agency employed by the Developer.

A sample of Hot Mix Asphalt shall be collected in the field for every 750 tons of material placed, or portion thereof, and a sample of aggregate shall be collected from the mix plant on the first day of paving. A minimum of one sample of Hot Mix Asphalt should be collected per day of paving, regardless of amount of Hot Mix Asphalt placed.

Hot Mix Asphalt shall be compacted to a relative compaction of not less than ninety-two and not more than ninety-seven percent and shall be finished to the lines, grades and cross section shown on the Plans. In-place density of Hot Mix Asphalt will be determined prior to opening the pavement to public traffic.

Relative compaction will be determined by California Test 375. Maximum theoretical density will be determined in conformance with California Test 309.

If the test results for a quantity of Hot Mix Asphalt indicate that the relative compaction is below ninety-two percent or greater than ninety-seven percent, the Contractor will need to adjust his/her materials or his/her procedures, or both. Hot Mix Asphalt spreading operations shall not continue until the Contractor has notified the County of the adjustment that will be made in order to meet the required compaction. Mitigation for lots of out of specification Hot Mix Asphalt compaction will be as follows:

| COMPACTION | |
|-------------------------|---|
| Level* | Mitigation |
| Less than 88 percent | Rejection |
| 88 to 90 percent | HMA Overlay with reinforcing layer such as GlasGrid or equivalent |
| 90 to 92 percent | Slurry Seal |
| Greater than 97 percent | Slurry Seal |

* Obtained by California Test 309.

If the test results for any quantity of asphalt concrete indicate that the relative compaction is less than eighty-eight percent, the asphalt concrete represented by that lot shall be removed. Hot Mix Asphalt spreading operations shall not continue until the Contractor makes significant adjustments to his/her materials or procedures

or both in order to meet the required compaction. The adjustments shall be agreed to by the County.

Testing of the plant sampled aggregate shall include Aggregate Gradation (per California Test 202) and Aggregate Sand Equivalent (per California Test 217). If testing indicates that the gradation falls outside the tolerance range for any sieve size, production shall stop and paving may not continue until testing demonstrates that the issue has been resolved. Likewise, if the Sand Equivalent falls below 47 or 42 for Type A or Type B Hot Mix Asphalt, respectively, paving shall be halted until subsequent testing indicates that the aggregate used is in conformance. Paving that was performed between startup and halting paving operations for out-of-specification aggregate shall be subject to a slurry seal, at the County's discretion.

Additional testing of Hot Mix Asphalt shall include Asphalt Binder Content per California per (California Test 379 or 382). Following paving operations, the pavement shall be cored to verify Hot Mix Asphalt thickness. The following tables describe required results of these tests and mitigation necessary for not meeting specification.

| BINDER CONTENT | |
|-----------------------|-------------------|
| Percent* | Mitigation |
| Less than 5.4 percent | Slurry Seal |

* Obtained by California Test 379 or 382.

| PAVEMENT THICKNESS | |
|---------------------------------|-------------------|
| Thickness less than plan | Mitigation |
| ¼ inch | Slurry Seal |
| ½ inch | Overlay |

* Obtained by California Test 375.

Alternative methods to the mitigation listed above proposed by the Developer should be provided to the County in writing for review and should be approved prior to implementation.

The Contractor shall not perform paving operations when the weather is rainy or foggy. It shall be the Contractor's responsibility, based on weather predictions, to schedule his/her paving operations to avoid paving in the rain or fog. Hot Mix Asphalt shall not be placed on any surface that contains ponded water or excessive moisture in the opinion of the County. If paving operations are in progress and rain or fog forces a shutdown, loaded trucks in transit shall return to the plant.

The Contractor shall furnish and use canvas tarpaulins to cover all loads of asphalt concrete from the time that the mixture is loaded until it is discharged from the delivery vehicle.

Batch data and load slips shall be presented to the County as asphalt is delivered to the project site to allow verification of location and use. Failure to do so may result in required removal of questionable quantities.

Handwork, raking, and repetitive handling of any asphalt concrete shall be minimized. The broadcasting of any loose or excess asphalt concrete material onto the rolled mat is prohibited. Any Hot Mix Asphalt material that has fallen onto the adjacent roadway surface shall either be raked against the edge of the mat or removed from the site. Failure to comply with this requirement may result in the rejection of the finished paving by the County.

Sections 39-3, 39-4, 39-5, and 39-6 of the State Standard Specifications do not apply to this work. In the event of a dispute between testing performed by the Developer's representative and any testing performed on behalf of the County, the County's results will prevail.

71. **Protecting open excavations.** An excavation that remains unfilled after working hours shall be covered with steel plates or protected with other protective barriers adequate to prevent entry by pedestrians and vehicles.
72. **Trench plates.** When multiple steel plates, used to temporarily cover the working end of a trench or pit, are subject to traffic loading, the plates shall be tack welded together so that they act as a unit. Asphalt concrete shall be placed to provide a smooth transition from the pavement to plate surfaces. The transition shall be at a 12(hor): 1(ver) slope (maximum).
73. **Trench plate surface.** The exposed surface of trench plates shall be roughened to provide traction equivalent to the adjacent road surface.
74. **Time limit on trench plates.** The use of trench plates shall be limited to five (5) working days at the site.
75. **Expiration date.** The County has provided the permittee with an encroachment permit expiration date of _____ that provides the permittee with flexibility for contracting the project and/or scheduling of the work.

The County wants to minimize the time that our pavement is disturbed (time from initial pavement excavation to final trench paving). Therefore, the County is requiring that all work described in this permit, including finish paving, be completed within **20 working days** from the day that the pavement is excavated.

76. **Clean Water/NPDES.** Comply with the County's clean water requirements during all construction activities. Use Best Management Practices to comply with the County's NPDES ordinances and permits.
77. **Air Quality.** Comply with Bay Area Air Quality Management District, Federal Clean Air Act and State of California Air Quality Standards.
78. **Trench location.** All trenching shall be performed outside the road pavement.

EXISTING FACILITIES

79. **Use of sidewalks.** No vehicles or equipment shall be parked on or driven on the sidewalks.
80. **Existing facilities.** All signs, pavement stripes and markings, delineators, fences, ditch linings, drainage structure and pipes, AC dikes, and other improvements damaged or disturbed by construction shall be replaced in kind.
81. **Damage to County facilities.** If any County facility is damaged the permittee or the permittee's contactor shall contact the construction inspector within two (2) hours of the facility being damaged.
82. **Drainage.** All drainage shall be kept open and the existing drainage pattern maintained.
83. **Exiting curb, gutters and sidewalks.** Portland Cement concrete sidewalks, curbs, gutter and other pavements damaged or disturbed by construction shall be removed to the nearest expansion or weakened plane joint and replaced to match adjacent concrete improvements in conformance with County Standard Plans and Specifications.
84. **Landscaping.** Any landscaping displaced or damaged during the construction shall be replaced in kind.
85. **Pedestrians.** The permittee shall provide for redirecting pedestrians around the construction area when the permittee's work prevents public access or creates unsafe conditions along the sidewalks.

HOUSEKEEPING

86. **Encroachment permit on site.** A copy of this encroachment permit shall be available for review on site for the duration of the right-of-way encroachment allowed by this permit, and shall be shown upon request to any police officer or any employee of the County with jurisdictional responsibility over activities in the public right-of-way.
87. **Use of right of way.** No equipment, and /or stockpiles or other materials shall be left overnight in the road right-of-way.

88. **Cleaning right of way.** The permittee shall assure that the traveled way available to the public remains free of dirt, rock, debris, and construction materials at all times. At the end of each workday, or at the direction of the inspector, the traveled way and paved shoulders shall be swept clean, and if necessary washed clean, to remove dirt, rock and debris. If washing is performed, the permittee shall provide all necessary controls to prevent sediment from entering drainage inlets and creeks.
89. **Non-working hours.** With the exception of emergency work, no construction activities (including idling of equipment) shall take place during non-working hours.
90. **Private property.** Construction within the right-of-way does not allow for use of private property as a laydown area for construction-related equipment and supplies.

SHOULDERS

91. **Reconstructing shoulders.** All disturbed shoulder areas shall be reconstructed to restore the cross slopes and longitudinal drainage that existed prior to the project by placing shoulder backing material conforming to the following specification over a compacted and smoothly graded subgrade:

SHOULDER BACKING

The material for shoulder backing shall be imported material conforming to the following grading and quality requirements:

GRADING REQUIREMENTS

| Sieve Sizes | Percentage Passing |
|-------------|--------------------|
| 2 inch | 100 |
| 1 inch | 75 – 100 |
| No. 4 | 35 – 80 |
| No. 30 | 15 – 55 |
| No. 200 | 5 - 25 |

QUALITY REQUIREMENTS

| Specification | <u>Test</u> | <u>Requirement</u> |
|----------------------|-------------|--------------------|
| Sand Equivalent | CA 217 | 10 min. |
| Resistance (R-Value) | CA 301 | 40 min. |
| Plasticity Index | CA 204 | 8 min. |

The areas where shoulder backing is to be constructed shall be cleared of all weeds, grass and debris. Removed weeds, grass and debris shall be disposed of outside of the road right-of-way in accordance with Caltrans Specifications Section 7-3.13

92. **Shoulder backing.** A minimum thickness of 4-inches of shoulder backing shall be placed over disturbed shoulder areas but in no case shall the width of the shoulder backing be less than 3-feet unless otherwise approved in writing by the County inspector. Compaction shall conform to Caltrans Specification 19-5.03 (95% relative lab. max.)

Preserving Survey Monumentation

Assembly Bill 1414 became effective January 1, 1995. Part of this legislation provides for the preservation of Survey Monuments for construction projects.

This legislation mandates that prior to construction survey monuments are to be referenced in the field and "Corner Records" are filed with the County Surveyor. After construction, monuments are to be reset and "Corner Records" filed with the County Surveyor. These must be completed prior to project completion certification. It is our interpretation that preservation of survey monuments is required for any activity that disturbs existing monuments not just "road work." Therefore:

All survey monuments shall be preserved, referenced and/or replaced pursuant to Section 8771 of the Business and Professions Codes.

SECTION 1. Section 8771 of the Business and Professions Code is amended to read:

8771. Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed, to assure, together with monuments already existing, the perpetuation or facile re-establishment of any point or line of the survey.

When monument exist which control the location of subdivisions, tract, streets, or highways, or provide survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer prior to the time when any streets or highways are reconstructed or relocated and a corner record of the references shall be filed with the county surveyor. They shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set to perpetuate their location and a corner record filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable land lines, property corners, and tract boundaries to be re-established without devious surveys necessarily origination on monuments differing from those that currently control the area. It shall be the responsibility of

the governmental agency or others performing construction work to provide for the monumentation required by this section. It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, or streets shall not be deemed adequate for this purpose unless specifically noted on the records of the improvement work with direct ties in bearing or azimuth and distance between these and other monuments of record.

General Requirements

93. Applicant shall submit improvement plans prepared by a registered civil engineer, if necessary, to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

Access to Adjoining Property

94. Applicant shall not impede or impair vehicle, bicycles or pedestrian access to or within the rights-of-way of Smith Road.
95. For construction activities if necessary, applicant shall submit a traffic control plan for review and approval of the Public Works Department prior to starting work. The traffic control plan shall include information of the types of, and outrigger support for, boom trucks to determine the roadway clearance necessary during construction.

Proof of Franchise Agreement/Owner of Pole Authorization

96. Applicant shall provide evidence to the Public Works Department, Real Property Division that they are included in the statewide franchise agreement issued by the CPUC (California Public Utilities Commission); or, if unable to do so, the applicant shall enter into a license agreement with the County.
97. Applicant shall provide written evidence to the Public Works Department from the owner of the streetlight/utility pole (PG&E) that they authorize the cell site improvements on existing streetlight/utility pole.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL.

ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

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

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

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

B. The applicant shall submit building plans to the Building Inspection Division and comply with Division requirements. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.

C. The applicant is responsible for contacting the Environmental Health Division regarding its requirements and/or obtaining additional permits as it may be required as part of the proposed project.

D. The applicant shall comply with the requirements of the San Ramon Valley Fire Protection District. The applicant is advised that plans submitted for a building permit must receive prior approval and be stamped by the Fire Protection District as applicable.