

FINDINGS AND CONDITIONS OF APPROVAL FOR SUBDIVISION 8720 AND LAND USE PERMIT #022101

FINDINGS

1. Growth Management Element Performance Standards Findings

- a) Traffic: A Measure C Traffic Study was prepared for the proposed project. Impacts to the road system have been identified and needed improvements have been incorporated into the Conditions of Approval.
- b) Water: The proposed project is within the service area of Cal Cities Water Company. With payment of necessary fees, the site can be served.
- c) Sanitary Sewer: The project is within the boundaries of the Delta Diablo Sanitation District. The site can be served with the payment of necessary fees.
- d) Fire Protection: The subject property is within the Contra Costa Fire Protection District Boundaries and the project is required to comply with all of the District's requirements, including the payment of fees.
- e) Public Protection: The Sheriff's Department did not have any comments on the proposed plan, but indicated they would have comments and recommendations on the final development plans, when submitted.
- f) Parks and Recreation: Park dedication fees are required per County Ordinance for residential projects. Since this project does not involve residential development, no impacts to the provision of Park and recreation services are expected.
- g) Flood Control and Drainage: The project will be required to meet all collect and convey requirements. In addition, the drainage improvements proposed for this project will coordinate with efforts of the Flood Control District upgrading the pipe across Port Chicago Highway.

2. Tentative Map Findings

- a) Required Finding: The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general and specific plans required by law. *The project is consistent with the various elements of the General Plan. The land use designation is HI, which allows for lots of small as 7,500 sq. ft. The tentative map provides for 23 light- industrial sized lots on approximately one-acre parcel, which complies with the minimum lot size requirement. The project is consistent with the policies for the Bay Point. The project would not cause significant impacts to the environment.*
- b) Required Finding: The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements. *Public Works requires that the project comply with collect and convey regulations and design standards for construction of public roads. Frontage improvements are necessary. No creek structure setbacks must be observed.*

3. Findings For Approval of a Preliminary Development Plan:

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

- a) The applicant intends to start construction within two and one-half years from the effective date of zoning change and approval. *The applicant has expressed their desire to begin construction of the first site (lots 22 and 23) as soon as the final map is approved and a final development plan is approved.*
- b) The proposed planned unit development is consistent with the County general plan. *The proposed project is consistent with the heavy industrial general plan designation and compatible with other uses in the vicinity.*
- c) In the case of commercial development, it is needed at the proposed location to provide adequate commercial facilities of the type proposed, and that traffic congestion will not likely be created at the proposed center, or will be obviated by presently projected improvements and by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking, and that the development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development. *The proposed development meets the policies of the General Plan and the goals related to jobs/housing balance.*
- d) The development of a harmonious, integrated plan justifies exceptions from the normal application of this code. *The planned-unit zoning district is the appropriate zoning designation for the proposed project and is consistent with the principles of the County General Plan.*

4. Land Use Permit Findings for the Establishment of the Engineering Office and Associated outside storage

- a) The proposed conditional land use permit is not detrimental to the health, safety and general welfare of the County. *The proposed project includes limitations of the use of hazardous materials, site layout and design, and need for setbacks from the residential area to the south.*
- b) The proposed use will not adversely affect the orderly development of property within the County. *The site has a designation of Heavy Industrial. The use of the site for an engineering office and outdoor storage is consistent with this designation.*
- c) The proposed use will not adversely affect the preservation of property values and the protection of the tax base within the County. *Although the General Plan designation is Heavy Industrial, the proposal involves the establishment of an engineering office and outside storage of equipment. Conditions require the equipment be stored in a collapsed, transportation-ready position to avoid unnecessary conflicts with the view.*
- d) The proposed use will not adversely affect the policy and goals set by the General Plan. *Although the site has a General Plan designation of Heavy Industrial, the proposed office use is much less intensive. The proposal will further the goals and policies of the General Plan as it relates to Job-housing balance.*
- e) The proposed use will not create a nuisance and/or enforcement problem within the neighborhood or community. *The proposed project includes Conditions of Approval which ensure that nuisance and/or enforcement problems associated with the project don't materialize.*

- f) The proposed use will not encourage marginal development within the neighborhood. *The proposed office use is part of a larger proposed business park in an area allowed for such uses.*

- g) There are special conditions or unique characteristics of the subject property and its location or surroundings are established. *The project is in a site that is designated for Heavy Industrial uses. In addition, the site has good access to State Route 4 and other transportation modes.*

CONDITIONS OF APPROVAL FOR DEVELOPMENT PLAN # SD03-8720 and LP02-2101

1. This approval is based upon the following documents received by the Community Development Department:
 - A. Vesting Tentative Map, received July 28, 2003
 - B. Biological Assessment- Bay Harbor Commerce Center Project (The Huffman-Broadway Group, Inc., October 2002)
 - C. Geotechnical Investigation-Subdivision Grading and Infrastructure – Port Chicago Highway Development (Treadwell & Rollo, November 2002)
 - D. Traffic Impact Study for the Proposed Bay Point Light Industrial Project (Abrams Associates March 2003)
 - E. Archaeological Field Inspection (Holman and Associates)

Subdivision

2. _____ This application is approved, generally as shown on the Vesting Tentative Map received July 28, 2003 by the Community Development Department for 23 lots on the 45-acre site. Unless otherwise indicated, the following conditions of approval require compliance prior to filing the Final Map.
3. _____ The approval is for a three (3) year period which may be extended for an additional three (3) years. An extension request must be submitted prior to expiration of the initial approval and must be accompanied by the appropriate filing fee. An extension request is subject to review and approval of the Zoning Administrator.
4. _____ The maximum number of lots approved for this project is 23 lots. A minor reduction in lot number may be considered by the Zoning Administrator after payment of appropriate fees.
5. _____ At least 60 days prior to filing the Final Map, any revision of the internal circulation plan or lot layout shall be subject to review and approval of the Zoning Administrator.
6. _____ Privately maintained open space areas shall be suitably landscaped with scattered California native plant materials. A landscaping plan for these areas shall be submitted for the review and approval of the Zoning Administrator. Landscaping in this area shall be installed prior to occupancy.

Indemnification

7. _____ Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless

the Contra Costa County Planning Agency and its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

Utilities

- 8. ____ ____ A will-serve letter from the Delta Diablo Sanitation District shall be submitted prior to recording the Final Map.
- 9. ____ ____ A will-serve letter from the Cal Cities Water Company shall be submitted prior to recording the Final Map.
- 10. ____ ____ Final development plans shall comply with the requirements of the Contra Costa Consolodated Fire Protection District including provision for water supply and fire hydrants, as determined by the District.

Child Care

- 11. ____ ____ The development shall comply with the requirements of the Child Care Ordinance. Prior to issuance of any building permits for the individual lots, a proposed program shall be submitted for the review and approval of the Zoning Administrator.

Police Services

- 12. ____ ____ The owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be the per parcel annual amount (with appropriate future CPI adjustment) then established at the time of voting by the Board of Supervisors. The election to provide for the tax shall be completed prior to the filing of the Final Map. The property owner shall be responsible for paying the cost of holding the election, payable at the time that the election is requested by the owner.

Preliminary Development Plan

- 13. ____ ____ The preliminary development plan request is for the development of a light-industrial business park.
- 14. ____ ____ Light Industrial/Office uses are permitted. No heavy Industrials uses are permitted on the site. Stand-alone contractor or other storage yards are

prohibited.

15. _____ Development standards for future development are as follows:
Lot Coverage: Fifty percent (50%) maximum
Floor Area Ratio: .67
Building Height: 50 ft. or 3 stories maximum, except there is a 2 story maximum height for lots 2-8 and 23
Front Yards Setback: 10 ft.
Side Yard Setback: 10 ft.
Rear Yard Setback: 40 ft. for lots on Lots 2- 8 and 23, 0 ft. all other lots
Parking – Office: 5 per 1,000 sq. ft
Commercial: 2 per 1,000 sq. ft.
Warehouse: 1 per 1,000 sq. ft.
Landscaping: 10 percent minimum, additional on Lots 2-8 and 23.
(Mitigation Measure 1).
16. _____ Development on Lots 2- 8 and 23 should include an adequate landscaped buffer from the residential area to the south. Site planning of these parcels should take special care in to avoid loading docks, travel ways, trash areas, and other active uses along the rear of the property, unless further noise mitigation is provided. (Mitigation Measures 12 and 15)
17. _____ At least 30 days prior to the issuance of a building permit for any of the individual lots, the Applicant shall submit for review and approval of the Zoning Administrator a Lighting Plan. The Lighting Plan shall, at a minimum, provide that low-lying and exterior lights on the buildings shall be deflected so that lights shine onto the Applicant’s property and not toward adjacent properties. Lighting for Lots 2-8 and 23 shall shield light from the residences to the south. Implementation of this mitigation measure will reduce this impact to less than significant. (Mitigation Measure 2).
18. _____ In flood zone areas applicant shall verify that all finished floor elevations are above the 100-year flood elevation.

Land Use Permit for Engineering Office with Outside Equipment Storage

19. _____ The use of lots 22 and 23 are approved for a construction and engineering office and its outside storage yard to be located on lots 22 and 23 is approved.
20. _____ The final design of the office and site layout shall be subject to the review and approval of the Zoning Administrator. The site plan shall include the office use to the south and the equipment storage to the north of the building to provide additional buffer to the residences to the south.

21. _____ Outside storage may be established one-year prior to the start of construction of the office, subject to the completion of landscaping and the submittal of building permit application for the offices.
22. _____ Construction equipment shall be stored in a collapsed position.
23. _____ A landscaping and irrigation plan for all areas shown on the plan shall be submitted for review and approval of the Zoning Administrator at least 30 days prior to issuance of building permit. A cost estimate shall be submitted with the landscaping program plan. Landscaping shall conform to the County Water Conservation Landscape Ordinance 82-26 and shall be installed prior to approval of a final building permit. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the County Water Conservation Ordinance.

Biological

24. _____ Preconstruction surveys of the project site and a 150-meter buffer zone (where possible and appropriate based on habitat, per the CDFG Staff Report on Burrowing Owl Mitigation) should be conducted 30 days prior to construction to ensure that no Burrowing Owls occupy the site. If ground disturbance activity is delayed for more than 30 days following a preconstruction survey, then the site and the buffer zone should be resurveyed. Preconstruction surveys should follow the protocol stated in the CDFG Staff Report on Burrowing Owl Mitigation.
- If Burrowing Owls are detected using the project area, mitigation measures to minimize and offset the potential impacts to this species should be implemented. Any mitigation actions should be taken prior to the nesting season (i.e., actions can be carried out from September 1 to January 31). Mitigation should be designed in accordance with the Staff Report on Burrowing Owls Mitigation (CDFG, October 17, 1995).
 - If owls are found to be utilizing the project site and cannot be avoided in compliance with CDFG impact avoidance criteria, which requires that no disturbance should occur within 50 meters of occupied burrows during the non-breeding season and within 75 meters during the breeding season and requires a foraging habitat presentation component, the following should be implemented:
 1. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that

juveniles from the occupied burrows are foraging independently and are capable of independent survival.

2. To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat [calculated on a 100m (approximately 300ft) foraging radius around the burrow] per pair or unpaired resident bird, should be acquired and permanently protected. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to the CDFG. Protection of additional habitat acreage per pair or unpaired resident bird may be applicable in some instances.

3. When destruction of occupied burrows is unavoidable, existing unsuitable burrows should be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site.

4. If owls must be moved away from the disturbance area, passive relocation techniques should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows.

The project applicant should provide funding for long-term management and monitoring of the protected lands. The monitoring plan should include success criteria, remedial measures, and an annual report to the CDFG. (Mitigation Measure 5)

25. _____ Preconstruction surveys for active bird nests should be conducted prior to project construction. If active nests are located on the project site, the project applicant shall consult with CDFG to determine appropriate construction setbacks from the nest sites. Setbacks may vary depending on bird species. No construction activities will occur within the construction setbacks during the nesting season of the affected species.

If western pond turtles are identified during the pre-construction surveys, the applicant will coordinate with the California Department of Fish and Game regarding the relocation of the turtles outside the project site to suitable habitat, prior to the start of construction work. (Mitigation Measure 6)

26. _____ To reduce negative impacts to wildlife that may use the channel, the channel should be slowly de-watered prior to construction to allow certain species to move themselves downstream or to seek cover in other areas in the vicinity. The de-watering process should be initiated in the afternoon and take place over a period of no less than three days. The hydrology should be maintained downstream of the Project site. [B1] CDFG should be contacted for concurrence as part of the permitting process. During construction, temporary

fencing should be installed around the entire work area to minimize disturbance to adjacent habitat. Implementation of this mitigation measure will reduce impacts to an insignificant level. (Mitigation Measure 7)

Archaeology

27. ____ ____ In the event that deep trenching is planned for this area, construction personnel should be alerted to the potential for the discovery of material like those described in the report and should be instructed to stop work within 50 feet of any discovery until a qualified archaeologist has been retained to inspect the discovery, assess its significance and offer a proposal for procedures appropriate to further investigate and/or mitigate adverse impacts to the cultural resources encountered (Mitigation Measure 8)
28. ____ ____ At least 45 days prior to issuance of a grading permit, or installation of improvements or utilities, applicant shall submit a preliminary geology, soil, and foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review and approval of the Zoning Administrator. Improvement, grading, and building plans shall carry out the recommendations of the approved report. This report shall include evaluation of the potential for liquefaction, seismic settlement and other types of seismically-induced ground failure by recognized methods appropriate to soil conditions discovered during subsurface investigation.
29. ____ ____ Applicant shall record a statement to run with deeds to property acknowledging the approved preliminary geology, soil, and foundation report by title, author (firm), and date, calling attention to approved recommendations, and noting that the report is available from the seller.

Grading

30. ____ ____ The applicant shall submit grading plans for review and approval of the Community Development Department prior to issuance of grading permits.

Hazardous Materials

31. ____ ____ Bulk Storage and Distribution of Toxic materials including Class A and B poisons will not be permitted; highly unstable materials including organic peroxides Class I-II, oxidizers Class 4, pyrophoric materials, unstable materials Class 4-3 and water reactive materials Class 3 will not be permitted; moderately hazardous materials including corrosives, flammable gases, except storage of vehicle fuel ancillary to the primary use, flammable liquids, flammable solids, organic peroxides Class III, oxidizers Class 3-2, water-reactive materials Class 2, bulk manufacturing and bulk storage and distribution will not be permitted; materials with limited hazards including combustible liquids, irritants, oxidizers Class 1, organic peroxides Class IV-V,

sensitizers, unstable materials Class 2-1, water-reactive material Class 1, bulk manufacturing will not be permitted. (Mitigation Measure 9)

32. _____ Standard safety practices (i.e. installing sufficient signs warning about construction and detours, marking of underground lines before trenching, etc) shall be implemented during construction activities. This impact is reduced to a less than significant level with implementation of this mitigation. (Mitigation Measure 16)

Water Quality

33. _____ At least 30 days prior to the issuance of a grading permit, an erosion control plan shall be submitted for the review and approval of the Grading Section of the Building Inspection Department. The erosion control plan shall provide for the following measures:

All grading, excavation and filling shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be replanted to minimize erosion and subsequent sedimentation. After October 15, only erosion control work shall be allowed by the grading permit. Any modification to the above schedule shall be subject to review by the Grading Section of the Building Inspection Department and the review and approval of the Zoning Administrator.

34. _____ The Applicant shall require contractors to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for construction of proposed facilities, as required by the RWQCB. The SWPPP shall be submitted to the County before start of construction. A Notice of Intent must be submitted to the RWQCB prior to the start of construction and a copy of the SWPPP shall be kept at the job site at all times. (Mitigation Measure 10a)

35. _____ Installation of the pipe and excavation of the earth channel shall occur during periods of low or no flow to avoid water quality impacts. If water is present, (i.e., from summer nuisance flows) the construction area shall be dewatered by pumping water through a diversion pipe to be discharged downstream in a non-erosive manner. The dewatering may involve smaller segments of the line at a time, instead of dewatering the entire Project area at once. Sediment traps and or filter fabric shall be used, as needed, minimizing water quality impacts. With the foregoing measures, any impact will be less than significant. (Mitigation Measure 10b)

36. _____ The Project applicant shall prepare, and include in construction specifications, a Storm Water Design Plan designed to significantly reduce and where feasible, eliminate, the off-site migration of sediment and storm water pollutants associated with storm water runoff. The Plan shall incorporate standards from the Contra Costa County Clean Water Program and

Countywide NPDES permit and shall be reviewed and approved by the County prior to issuance of building permits. The Plan shall identify mechanical or natural filtration systems to filter runoff from roads and parking lots to remove oil and grease prior to discharge. The systems shall be designed and constructed to reduce water quality impacts from urban runoff. The performance of the systems shall be monitored regularly by the Applicant or a third party to determine the effectiveness of the water treatment. Additionally, the Applicant shall be required to implement a written storm water facilities cleaning and maintenance plan, which shall minimize, to the extent feasible, the amount of sediment and other contaminants in the storm water leaving the site. With the foregoing measures, any impact will be less than significant. (Mitigation Measure 11a)

37. _____ To help minimize the amount of pollutants entering the storm drain system, the owners or occupants of the Project shall implement source control measures on Project roadways and parking areas that shall include, but are not necessarily limited to, regular street sweeping by mechanized equipment, proper clean-up of soil debris following landscape work or small scale construction, available trash receptacles, regular trash collection and the application of absorbent material on oil and fuel leaks from automobiles. Additionally, litter and debris that may accumulate on the Project site shall be regularly collected and properly disposed. The owners or occupants of the Project shall incorporate appropriate source control measures as recommended in the California Storm Water Best Management Practice Handbook for New Development and Redevelopment. With the foregoing measures, any impact will be less than significant.

Facilities installed within a storm drainage system can provide filtration of storm water prior to discharge. Filtration can be accomplished through mechanical systems such as pre-manufactured oil and sediment separators or through natural processes such as through bioswales and settlement ponds. A bioswale is a broad open channel that is lined with grass or other vegetation, which acts as a filter to remove pollutants from runoff.

Typically, performance standards are established in the storm water treatment plan to gauge the effectiveness of the sediment and contaminant reduction. Mechanical and structural BMP's are then designed to reach these performance standards. Effective mechanical and structural BMP's that could be implemented at the Project site include the following:

- Mechanical storm water filtration measures, including oil and sediment separators or absorbent filter systems such as the Stormceptor® system, can be installed within the storm drainage system to provide filtration of storm water prior to discharge.
- Grass strips, high infiltration substrates, and grassy swales can be used where feasible throughout the development to reduce runoff and provide

storm water treatment.

- Detention basins can be installed beneath large parking areas to provide initial filtration prior to discharge into the flood control basins.
- Roof drains should discharge to natural surfaces or swales where possible to avoid excessive concentration and channelization of storm water.
- When required, water detention basins should be designed to provide effective water quality control measures including the following:
 - Maximize detention time for settling of fine particles;
 - Establish maintenance schedules for periodic removal of sedimentation, excessive vegetation, and debris that may clog basin inlets and outlets;
 - Maximize the detention basin elevation to allow the highest amount of infiltration and settling prior to discharge. (Mitigation Measure 11b)

Air Quality

38. _____ Elements of the “basic” dust control program for Project components that disturb less than four acres shall include, but not necessarily be limited to the following: (Mitigation Measure 3).

- Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency shall be necessary whenever wind speeds exceed 15 miles per hour such that no visible dust is seen leaving the Project site.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

If construction activities for any Project component or group of components undergoing simultaneous construction will occur on a construction site greater than four acres in area, the Applicant shall require the construction contractor to implement the following enhanced dust control procedures in addition to the basic procedures listed above:

- Hydroseed or apply (non-toxic) soil stabilizer to inactive construction areas (previously graded areas inactive for ten days or more) or apply water daily.
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible

39. _____ The Applicant shall notify future owners and/or tenants of their responsibility to contact the BAAQMD regarding their stationary processes and equipment and to secure any necessary permits from that agency. The future owners of building(s) to be located on the Project site shall apply for a permit to operate from the BAAQMD should they intend to operate such stationary process equipment. The Applicant shall include language in the Project CC&R's that limit future uses to those that do not exceed BAAQMD thresholds. (Mitigation Measure 4a)

Transportation Demand Management

40. _____ At least 30 days prior to filing a Final Map, the applicant shall submit a Transportation Demand Management (TDM) information program in accord with the requirements of Ordinance No. 92-31 for review and approval of the Zoning Administrator. Applicant shall also comply with the County Growth Management Program and Bay Area Air Quality Management District regulations regarding transportation.

41. _____ The Applicant shall notify future owners and/or tenants of their responsibility to participate in carpool/vanpool/shuttle programs and provide weather protected bicycle parking for employees. (Mitigation Measure 4b)

42. _____ The project shall include safe, direct access for bicyclists and pedestrians. (Mitigation Measure 4c)

Construction

43. _____ Implement County construction noise policy limiting construction to the hours of 7:30 a.m. – 5:00 p.m. Monday-Friday, unless modified by the Zoning Administrator. Require construction contractors to include measures to reduce equipment noise such as:

- All internal engine-driven equipment shall be equipped with mufflers that are in good condition;
- Use 'quiet' gasoline-powered compressors or other electric-powered compressors wherever possible.
- Retain a disturbance coordinator, as needed, to monitor construction activity and to identify additional mitigation measures as needed, consistent with the impacts and mitigation measures identified in the Mitigated Negative Declaration. (Mitigation Measure 13)

Sound Wall

44. _____ A sound wall or masonry fence shall be installed along the southern property line in the western portion of the Project to a point where Pacifica Avenue is at least 150 feet north of the southern property line. (Mitigation Measure 14)
45. _____ The details of the design, location, color and type of materials for masonry walls shall be submitted for the review and approval of the Zoning Administrator at least 30 days prior to requesting the recording of the Final Map.

Construction

46. _____ Contractor and/or developer shall comply with the following construction, noise, dust and litter control requirements:
- A. All construction activities shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on state and federal holidays, unless modified by the Zoning Administrator.
 - B. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and concrete pumpers as far away from existing residences as possible.
 - C. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the 24-hour emergency number, shall be expressly identified in the notice. The notice shall be re-issued with each phase of major grading and construction activity.

A copy of the notice shall be concurrently transmitted to the Community Development Department. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

- D. A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
- E. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits for the individual lots, the proposed roads serving this development shall be constructed to provide access to each lot. This shall include provision for an on-site area in which to park earth moving equipment.
- F. Transporting of heavy equipment and trucks shall be limited to week days between the hours of 9:00 AM and 4:00 PM. and prohibited on Federal and State holidays.
- G. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

47. _____ Construction-related vehicle access to the site shall be limited to 7:00 AM to 6:00 PM .

**PUBLIC WORKS RECOMMENDED CONDITIONS OF APPROVAL
FOR SUBDIVISION 8720 & PERMIT LP 02-2101**

**COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO
RECORDATION OF THE FINAL MAP**

General Requirements:

- 48. In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). *Any exceptions therefrom must be specifically listed in this conditional approval statement.* The drainage, road and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the Revised Tentative Map dated September 29, 2003.
- 49. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. These plans shall include

any necessary traffic signage and striping plans for review by the Transportation Engineering Division.

Road Dedications:

50. Dedicate additional right of way along the Port Chicago Highway frontage in accordance with the precise alignment drawing adopted by the Board of Supervisors (Drawing PA-3481-68 on file with the Public Works Department) to provide for the ultimate 84-foot wide right-of way-
51. Convey to the County, by Offer of Dedication, 68 feet of right of way for the internal public roadway system as shown on the tentative map. The right of way width may be reduced to 64.5 feet for Pacifica Avenue adjacent to the residential lots along the south property line with a 3.5-foot public utility easement to accommodate sound wall construction.
52. Obtain an offer of dedication from the Akhtar property for intersection and frontage improvements along Port Chicago Highway and Pacifica Avenue. The right-of-way dedication and frontage improvements shall conform to those required of the subdivision. Should the applicant be unable to acquire said right of way prior to filing the final map, he may, as an alternative, execute a condemnation agreement with the Public Works Department and post all fees and security so the County can initiate condemnation proceedings. Future condemnation agreement may consider land trade of real property north of the Akhtar property.
53. Obtain an offer of dedication from the Interlake property for intersection and frontage improvements along Port Chicago Highway and Skipper Road. Should the applicant be unable to acquire said right of way prior to filing the final map, he may, as an alternative, execute a condemnation agreement with the Public Works Department and post all fees and security so the County can initiate condemnation proceedings. To minimize the off-site right of way needs, the alignment for the extension of Skipper Road may be revised further north onto the subdivision itself and transition onto the Interlake parcel to align with the west leg of the Port Chicago/Skipper intersection. This realignment is subject to the review of the Public Works Department.
54. Dedicate 68 feet of right of way for the extension of Pacifica Avenue from the intersection of Skipper Road easterly to the Catalyst Holdings property, subject to the inclusion of the road extension in the Bay Point Area of Benefit.

Roadway Improvements:

55. All streets are to be constructed to full County Public Road Standards as specified by Title 9 of the County Ordinance Code, including all minimums and maximums with respect to pavement width, horizontal alignment, vertical alignment and sight

distance. The only exception to be considered is the reduction of vertical grades below 1% for Skipper Road between Port Chicago Highway and the railroad spur crossing. This exception will be considered by the Public Works Department only if the applicant can provide sufficient design and topographic data to show that full compliance is not feasible.

56. Construct curb, 6.5-foot wide sidewalk (width measured from curb face), necessary longitudinal and transverse drainage and street lighting along Port Chicago Highway (including the Akhtar frontage) and all subdivision streets as shown on the tentative map. The face of curb shall be located 10 feet from the widened right of way line. Sidewalk will only be required along one side of the internal subdivision streets.
57. Construct the private road to server Lots 22 and 23 to a width of 28 feet. The pavement shall have a centerline crown and structural section shall conform to County Public Road standards. The design traffic index (TI) shall conform to Pacifica Avenue.
58. Construct pavement transitions, traffic signal modifications, and safety related signs, pavement markings, etc, including off-site improvements, as deemed necessary by the County Traffic Engineer to accommodate the widening of Port Chicago Highway and the internal subdivision streets.

Maintenance of Facilities:

59. Property Owner shall record a Statement of Obligation in the form of a deed notification, to inform all future property owners of their legal obligation to maintain the private roadway serving Lots 22 and 23.

Relinquishment of Abutters Rights of Access:

60. Abutter's rights of access shall be relinquished along the entire frontage of Port Chicago Highway.
61. Abutter's rights of access shall be relinquished along the "knuckle" frontage of Lots 7 and 9.

Access to Adjoining Property:

Proof of Access

62. Applicant shall furnish 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.

63. Encroachment permits from the County are required for all construction activity within the existing right of way of Port Chicago Highway, Pacifica Avenue and Skipper Road.

Parking:

- 64. Parking will be prohibited on the private road serving Lots 22 and 23. "No Parking" signs and pavement markings shall be installed along this street subject to the review and approval of Public Works.

Sight Distance:

- 65. Provide sight distance at the intersection of Port Chicago Highway and both Pacifica Avenue and Skipper Road for a through traffic design speed of 40 miles per hour. All other intersections shall have a through traffic design speed of 30 miles per hour.

Utilities/Undergrounding:

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

Annexation to County Street Lighting District

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

Pedestrian Facilities:

- 68. All public and private pedestrian facilities and access ways shall be designed in accordance with Title 24 (Handicap access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, trails, driveway depressions, as well as handicap ramps.

Soundwall/Acoustic analysis:

- 69. Any noise studies that may be required shall be based on ultimate road widening and ultimate traffic under the general plan. Any sound walls that may be required as the result of the noise study shall be installed outside of the public road right of way. A separate parcel shall be created along the south property line adjacent to Pacifica Avenue to accommodate the ownership and maintenance of the sound wall.

Open Space:

70. Applicant shall convey the areas designated as “Wetlands”, “Wetlands Mitigation Area”, “Open Space” (adjacent to Lot 18) and the remnant parcel between Pacifica Avenue and the south property line (noted above to accommodate the anticipated sound wall) to the property owners association, or other acceptable entity. The County will not accept ownership of these properties. An operations and maintenance plan for these parcels shall be submitted to Public Works and Community Development for review. The operations and maintenance plan for the wetlands area shall be submitted to State and Federal regulatory agencies that have jurisdiction over these areas for review and approval. The County may agree to accept easements for certain routine maintenance activities within the wetlands area (excluding the wetlands mitigation area) that is proposed to function as a drainage conveyance facility in-lieu of an earthen swale (Line B) as is called out on the Drainage Area 48B plan, provided an operations and maintenance plan is approved by the regulatory agencies.

Drainage Improvements:

Collect and Convey

71. Division 914 of the Ordinance Code requires that all storm waters entering or originating within the subject property shall be conveyed, 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 facility that conveys the storm waters to a natural watercourse. This shall include construction of Lines A and B-2 of the Drainage Area 48B plan as shown on the Vesting Tentative Map.
72. Storm drainage facilities required by Division 914 shall be designed and constructed in accordance with specifications outlined in Division 914 and in compliance with design standards of the Public Works Department.
73. Prior to filing the Final Map, the applicant, County, State and Federal regulatory agencies must agree on an operations and maintenance plan for the wetlands area (Line B of the Drainage Area 48B plan) traversing the project site that will allow the County to perform certain routine maintenance within this area to maintain storm water runoff conveyance capacity. If agreement over the use of this watercourse for flood control purposes cannot be reached, the applicant will be required to perform the necessary maintenance needed to insure conveyance of storm water runoff or construct alternate flood control facilities to meet the intent and purpose of Line B of the DA 48B plan.

Miscellaneous Drainage Requirements:

- 74. Storm drainage originating on the property and conveyed in a concentrated manner shall be prevented from draining across the sidewalk(s) and driveway(s).
- 75. The applicant shall dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets. The applicant shall obtain off-site offers of dedication to the County for any conduits, outfall structures and appurtenant access to said facilities that convey public road drainage beyond the subdivision boundary.
- 76. Prior to filing the Final Map, the applicant shall submit an estimate of drainage fees and fee credits to the County Flood Control District for review as a basis of determining drainage fee obligations. Final fees, credits and reimbursements, if applicable, will be determined upon project completion and will be based on the established reimbursement policies for Drainage Area 48B.

Floodplain Management:

- 77. Portions of this project are located in a Special Flood Hazard Area as designated on the Federal Emergency Management Agency's Flood Insurance Rate Maps. The applicant should be aware of the requirements of the Federal Flood Insurance Program and the County Floodplain Management Ordinance (Ordinance No. 99-35) as they pertain to future construction of any structures on this property.
- 78. As the site is to be elevated above the 100-year flood elevation, the applicant shall submit a CLOMR-F application with FEMA to revise the Flood Insurance Rate Map and eliminate the lots from the Special Flood Hazard designation prior to issuance of the grading permit. Concurrence and issuance of the CLOMR-F must be complete prior to issuance of building permits.
- 79. After completion of fill operations and installation of storm drain improvements, the applicant shall submit a LOMR-F application with FEMA to finalize the FIRM revision process. The application must be submitted prior to occupancy for any building permits with the subdivision.

National Pollutant Discharge Elimination System (NPDES) Requirements:

- 80. 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 promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay – Region II)

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

- Provide educational materials to new property owners.
- Stencil advisory warnings on all catch basins.
- Install the proposed bio-swales system to pre-treat storm water runoff prior to discharging to the storm drain facilities.
- Other alternatives, equivalent to the above, as approved by the Public Works Department.

84. Establish a maintenance entity and develop a plan of control and maintenance for the proposed bio-swales within the subdivision. The plan of control and maintenance shall be subject to the review and approval of Public Works, as well as other regulatory agencies as applicable. Easements shall be dedicated over these bio-swales in favor of the maintenance entity.

ADVISORY NOTES

- A. This project is subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- B. This project is subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- C. This project is subject to compliance with the Bridge/Thoroughfare Fee Ordinance requirements for the Eastern Contra Costa Subregional Transportation Mitigation Fee, Bay Point, and ECTIA (SR4) Areas of Benefit as adopted by the Board of Supervisors. These fees must be paid prior to issuance of building permits.
- D. This project is subject to compliance with the Drainage Fee Ordinance requirements for Drainage Area 48B as adopted by the Board of Supervisors.