

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03040,
BRENDAN CONBOY, RENEWABLE PROPERTIES LLC (APPLICANT) AND TRT
PROPERTIES LLC (OWNER)**

FINDINGS

A. Development Plan Findings

In approving a Development Plan in the P-1 District, findings are required that the proposed project is consistent with the intent and purpose of the P-1 District and is compatible with other uses in the vicinity, both inside and outside the district.

1. *The proposed project shall be consistent with the intent and purpose of the P-1 District.*

Project Finding: The intent of the North Richmond P-1 Planned Unit District is to allow various uses, buildings, structures, lot sizes and open spaces that complying with the General Plan and intent of County Code. The project involves establishing a 64-stall electric vehicle (EV) charging station on an industrial site within the LI Light Industry General Plan land use designation, which is consistent with the development standards of the P-1 District, including height, setback, and yards. The proposed project will be located on a vacant western portion of the project site that will not alter the current use of the property, which will remain on the Goodrick Avenue frontage as a developed industrial property.

2. *The proposed project shall be compatible with other uses in the vicinity, both inside and outside the district.*

Project Finding: The project site is on Goodrick Avenue between the Richmond Parkway to the north and Parr Boulevard to the south, in an area comprised of various industrial uses. The EV charging station will be located on the western (interior) portion of the site and will be served by the existing common driveway. The facility consists of a 34-stall north parking area and a 30-stall south parking area. All of the 64 stalls will be equipped with either Level 2 or 3 chargers. The applicant has stated the intent to lease the stalls to local businesses for storing and charging medium to full sized electric fleet vehicles. Thus, by serving the local community, the EV charging station will be compatible and complement other uses in the vicinity.

B. Environmental Review

Following are the findings required pursuant to the California Environmental Quality Act (CEQA) to adopt a Negative Declaration/Initial Study for the project, prior to the approval of a project.

1. A draft Negative Declaration/Initial Study (ND) was prepared for Development Plan CDDP02-03053 on February 28, 2003. The public review period for the draft ND started on February 28, 2003 and ended on March 24, 2003. One comment letter from the East Bay Municipal Utility District was received during the public review period for the draft ND. The letter did not address the adequacy of the ND but included District requirements for providing water service to the project site.
2. As there were no comments received on the adequacy of the draft ND, preparation of a final ND that includes written comments received, responses to the comments received, and staff-initiated text changes was not necessary.
3. An Addendum has been prepared that evaluates the potential environmental impacts of the CDDP24-03010 Development Plan project that allows for the development of an electric vehicle charging station in lieu of three industrial buildings, compared to the potential impacts of the original CDDP02-03053 Development Plan that was evaluated in the draft ND.
4. Since the adoption of the ND in 2003, CEQA requirements have evolved and discussion of new environmental topics is required, including energy, greenhouse gas emissions, tribal cultural resources, and wildfire. Therefore, the Addendum includes a discussion of these new environmental topics as they relate to the proposed CDDP24-03040 project. The Addendum discloses that the project would result in either no impacts or less than significant impacts related to the new environmental topics.
5. The Addendum concludes that the updated Development Plan would not result in a measurable increase in environmental impacts over what was previously analyzed in the draft ND. The updated Development Plan would have impacts similar to the original Development Plan, and there are no altered circumstances or new information of substantial importance since the adoption of the ND. As discussed in the Addendum, the updated Development Plan:

- will not result in any new significant impacts,
 - will not increase the severity of previously identified impacts, and
 - will not require any mitigation measures to substantially reduce one or more significant impacts.
6. On the basis of the whole record before it, including the draft ND and the Addendum, the Zoning Administrator finds that:
- There is no substantial evidence that the project will have a significant effect on the environment;
 - The draft ND for the CDDP02-03053 Development Plan together with the Addendum for the CDDP24-03040 Development Plan, reflects the County's independent judgement and analysis;
 - The ND and Addendum are adequate and complete; and
 - The ND and Addendum have been prepared in compliance with the California Environmental Quality Act and the State and County CEQA guidelines.

CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03040

Project Approval

1. Development Plan CDDP24-03040 to modify approved Development Plan CDDP02-03053 to allow the development of a 64-stall electric vehicle charging station on the western portion of the project site in lieu of three industrial buildings is APPROVED.
2. The Development Plan approval described above is granted based generally on the application and project plans accepted by the Department of Conservation and Development, Community Development Division (CDD) on October 7, 2024, and subsequent materials received on March 10, 2025.
3. Any change from the approved plans shall require review and approval by the CDD and may require the filing of an application to modify this Development Plan.
4. The conditions contained herein shall be accepted by the applicant, their agents, lessees, survivors or successors for continuing obligation.

Application Costs

5. This application is subject to an initial application deposit of \$5,000.00, which was paid with the application submittal, plus time and materials costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to issuance of a building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance.

Grading and Building Permits

6. This approval does not constitute a grading or building permit. Please contact the Department of Conservation and Development, Building Inspection Division for information on how to apply for a grading or building permit.

Compliance Report

7. At the time of submittal of a grading or building permit application, whichever occurs first, the applicant shall submit an application for COA Compliance Review and provide a report on compliance with the conditions of approval for the review and approval by the CDD. The fee for this application shall be the fee listed on the current Land Development Fee Schedule that is an initial deposit subject to additional time and material costs. Should staff costs exceed the deposit, additional fees will be required.

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

Employee Shuttles and Waiting Area

8. Construction plans for the building permit shall include designated spaces for parking shuttles or lessee employee vehicles, or a designated area for employees waiting for a shuttle. The locations of the designated spaces or employee shuttle waiting area shall be subject to review and approval by the CDD.

9. All lessee employees shall either self-park in the designated spaces or be shuttled to and from the EV charging station facility. This requirement shall be included in all leases and other agreements for the use of the charging station facility. Prior to the issuance of the building permit, evidence of this requirement shall be provided for review and approval by the CDD.
10. Construction plans for the building permit shall include benches and trash receptacles for lessee use. The locations of the benches and trash receptacles shall be subject to review and approval by the CDD.

Space Allocations for Recycling Facilities

11. Construction plans for the building permit shall include a suitably enclosed area for the purpose of locating recycling bins for paper, glass and cans. Such area will not be less than 10 feet by 12 feet in area, and the enclosure shall be covered and at least 6 feet high.
12. The refuse areas shall be properly screened and gated. The location and screening of the refuse area shall be subject to review and approval by the CDD.

Charging Station Maintenance

13. The applicant shall establish a regular maintenance schedule, with a clear outline of responsibilities for both the property manager and staff to ensure the site remains clean at all times. Prior to the issuance of the building permit, the maintenance schedule shall be provided for review and approval by the CDD.

Signs

14. All signs shall be subject to the review and approval by the CDD. No other outside displays are permitted.
15. The applicant shall install visible on-site signage with contact information for reporting maintenance issues or concerns.
16. The design, color and location of any project sign at the entrance to the property shall be reviewed and approved by the Zoning Administrator.

Lighting

17. All outdoor lighting shall be directed down and screened away from adjacent properties and streets.

Hazardous Materials

18. No solid or liquid waste originating off the subject site shall be brought on site, stored or transferred on the subject site.

19. Prior to issuance of a building permit application, the applicant shall provide a detailed plan to evaluate soils encountered during grading, and foundation laying and utility installation for evidence of contamination, including a staged approach to reporting the results of the data gathered and its interpretation (by qualified environmental assessors) to the CDD. The Plan shall be subject to review and approval by the CDD.

20. Prior to the final inspection for the building permit, the applicant shall provide evidence that the County Health Services Department has reviewed data submitted by the project proponent and either: a) applications for Business Plan Program and Hazardous Waste Program have been deemed complete; or b) determined that the quantities of hazardous materials area so low that they do not fall under the authority of the County programs that regulate the handling, storage and use of hazardous materials.

Nuisance/Health Issues

21. The applicant shall assure that its operations or tenant's operations do not generate noise, glare, vibrations, dust, debris or any odors which impact nearby property. In the event of such occurrences, applicant shall be obligated to take measures to abate these problems and ensure that they do not recur.

Geologic Conditions

22. At least 30 days prior to issuance of a grading permit or building permit, or installation of improvements or utilities, the applicant shall submit an updated foundation report meeting the requirements of Subdivision Ordinance Section 94-4.420 for review and approval by the CDD and the County Peer Review Geologist. Improvement, grading, and building plans shall carry out the recommendations of the approved report. The updated report shall include evaluation of the potential for liquefaction, estimate the

magnitude of total/differential settlement by recognized methods appropriate to soil conditions discovered during subsurface investigation; provide an evaluation of the foundation plan; and outline the scope of field observations during grading and foundation laying. This work shall include examining exposed soils/cuttings for evidence of odors, discoloration, fluids that could signal soil or groundwater contamination, along with protocol analysis of samples that are "suspicious".

Cultural Resources

23. The following conditions of approval shall be implemented during project construction; these conditions shall be included on all construction plans.
- a. A program of on-site education to instruct all construction personnel in the identification of prehistoric and historic deposits shall be conducted by a certified archaeologist prior to the start of any grading or construction activities.
 - b. If archaeological materials are uncovered during grading, trenching, or other onsite excavation, all work within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s) if deemed necessary.
 - c. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the property owner for treatment and disposition of the ancestor's remains. The property owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

Landscaping

24. Construction plans submitted for the purpose of obtaining building permits shall include landscaping and irrigation plans. The plans shall comply with the County's Water Efficient Landscape Ordinance, and verification of such shall accompany each plan.
25. Prior to requesting a final inspection, the applicant shall submit photographs or any additional evidence as deemed applicable for the review and approval by the CDD of the installed landscaping plantings pursuant to the CDD approved plans.
26. The required landscaping shall be maintained for the life of the project.

Use of Reclaimed Nonpotable Water for Non-Domestic Purposes

27. Prior to issuance of a building permit, the applicant shall provide evidence that he has diligently tried to explore the feasibility of, and establish maximum use of, reclaimed water for this project with the East Bay Municipal Utility District, Office of Water Recycling [(510) 287-1631] for non-domestic purposes (e.g., landscape irrigation) on the site. The applicant's efforts to demonstrate compliance with this requirement are subject of final review and approval of the CDD. Any approved use of reclaimed water shall be indicated on the proposed improvement plans (e.g., final landscape/irrigation plans).

Water Quality Enhancement

28. Prior to issuance of a building permit, the applicant shall, per County Ordinance 96-21, discuss the methods to "Reduce the pollutants in storm water by taking all practicable measures to reduce such pollutants" by changing the concrete ditches between double rows of parking spaces into planting beds to help filter storm water runoff on the site.

Construction Requirements and Restrictions

29. The applicant shall comply with the following restrictions and requirements, which shall be stated on the face of the construction drawings:
 - a. 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.

- b. 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.
- c. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- d. 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.
- e. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, 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)
 - Cesar Chavez Day (State)
 - Memorial Day (State and Federal)
 - Juneteenth National Independence Holiday (Federal)
 - Independence Day (State and Federal)
 - Labor Day (State and Federal)
 - Columbus Day (Federal)
 - Veterans Day (State and Federal)
 - Thanksgiving Day (State and Federal)
 - Day after Thanksgiving (State)
 - Christmas Day (State and Federal)

For specific details on the actual date the State and Federal holidays occur, please visit the following websites:

Federal Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov)

California Holidays: [State Holidays \(ca.gov\)](https://www.ca.gov)

- f. 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.
30. The following Bay Area Air Quality Management District, Basic Construction Measures shall be implemented during project construction and shall be included on all construction plans.
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

PUBLIC WORKS CONDITIONS OF APPROVAL FOR CDDP24-03040

The applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on March 10, 2025.

Unless otherwise specified, the applicant shall comply with the following conditions of approval prior to the issuance a building permit.

General Requirements

31. Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code or the conditions of approval of this permit.
32. Construction of improvements required by the County Ordinance Code or these conditions of approval are not required to be completed prior to Building Permit Issuance, provided the applicant secures their construction under an improvement agreement and posts the requisite surety. Completion of these improvements under these circumstances will be deferred to issuance of certificates of occupancy.

Property Rights and Permits

Lot Line Adjustment

33. The applicant shall complete the lot line adjustment process and record the related deeds and access easement with the County Recorder.

Proof of Access

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

Encroachment Permit

35. The applicant shall obtain an encroachment permit from the Public Works Department, if necessary, for construction of driveways or other improvements within the right-of-way of Goodrick Avenue.

Landscaping

36. The applicant shall submit four sets of landscape and automatic irrigation plans and cost estimates, prepared by a licensed landscape architect, to the Public Works Department for review and to the Zoning Administrator for review and approval, prior to issuance of building permits. Applicant shall pay appropriate fees in accordance with County Ordinance.

37. The applicant shall apply to the Public Works Department for annexation to the Community Facilities District (CFD) No. 2006-1 (North Richmond Area Maintenance Services) for the future maintenance of area wide medians and landscaping. The annexation of property into the CFD must be completed prior to occupancy and the applicant should be aware that the annexation process may take approximately 60 days.

Pedestrian Facilities

Pedestrian Access

38. The applicant shall design all public and private pedestrian facilities for accessibility in accordance with Title 24 and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

39. Curb ramps and driveways should be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.

Utilities/Undergrounding

40. The applicant shall underground all new utility distribution facilities serving the project site.

Maintenance of Facilities

41. The 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, lighting, drainage facilities, and landscape improvements.

Drainage Improvements

Collect and Convey

42. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to *an adequate* natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to *an adequate* natural watercourse, in accordance with Division 914 of the Ordinance Code. This includes verification as to the adequacy of existing downstream public and private drainage infrastructure. Note that any use of stormwater management facilities for detention purposes must exclude the storage volume of those facilities required for stormwater management purposes.

Miscellaneous Drainage Requirements

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

National Pollutant Discharge Elimination System (NPDES)

45. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards San Francisco Bay - Region II.

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

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Shallow roadside and on-site swales.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Filtering Inlets.
- The applicant shall sweep the paved portion of the site at least once a year between September 1st and October 15th utilizing a vacuum-type sweeper. Verification (invoices, etc.) of the sweeping shall be provided to the County Clean Water Program Administrative Assistant at 255 Glacier Drive, Martinez CA 94553 (925) 313-2238).
- Trash bins shall be sealed to prevent leakage OR shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance

46. The applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to issuance of a building permit. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
47. Improvement plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).

48. Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
49. Prior to issuing the building permit's certificate of occupancy/completion, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
50. Prior to issuing the building permit's certificate of occupancy/completion, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
51. Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.

Area of Benefit Fee

52. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the North Richmond and West Contra Costa (WCC) Regional Areas of Benefit as adopted by the Board of Supervisors. These fees shall be paid prior to issuance of the building permit certificate of occupancy.

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. Prior to applying for a building permit, the applicant may wish to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:
- Department of Conservation and Development, Building Inspection Division
 - Public Works Department
 - Health Services Department, Environmental Health Division
 - Contra Costa County Fire Protection District
 - West County Wastewater
 - East Bay Municipal Utility District
 - Contra Costa Mosquito and Vector Control District