

**Department of
Conservation and
Development**

30 Muir Road
Martinez, CA 94553

Phone: 1-855-323-2626

**Contra
Costa
County**



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May 17, 2024

Kevin Weiss
1731 Technology Drive, Suite 880
San Jose, CA 95110

RE: Notice of Incomplete Subdivision and Development Plan Applications

Site Address: 0 Bethel Island Road, Oakley

APN: 032-112-007

County Files: #CSD23-09669 and CDDP23-03040

Dear Mr. Weiss:

On April 19, 2024, the Department of Conservation and Development (DCD) received an application for a subdivision and development plan to develop an approximately 78-acre parcel into 271 residential units. Staff has determined that the submittal is incomplete, and that additional information is required before the application can be deemed complete.

Please address the following items below and in the attachments from other agencies that have commented on the application.

Incomplete Items

1. The proposed project must comply with the County's adopted General Plan. The project site has a dual General Plan land use designation of Agricultural Lands (AL) and Off-Island Bonus Area (OIBA). The AL designation allows for a density of one dwelling unit per 5 acres. However, OIBA allows a density of 1.0-2.9 units per net acre if substantial recreation facilities are included in the proposed project. The proposed project does not comply with either density range. An email from our Advance Planning staff dated October 23, 2023, which was provided to you indicates that the project is inconsistent with the AL/OIBA land use designation in terms of use and density (attached). Please revise the project to comply with the current AL/OIBA designation or apply for a General Plan amendment (GPA) feasibility study. The feasibility study involves a preliminary review by the Board of Supervisors to consider whether a GPA for the proposed project should be processed. If the Board is unwilling to consider a GPA, then the project cannot move forward. If the

Board is willing to consider a GPA, then a full GPA application will be required. Your submittal will remain incomplete until this is resolved.

2. The site plan provided identifies the source of water supply as Diablo Water District. However, County records do not identify the project site as being served by the Water District. Your response letter to our previous letter dated October 24, 2023, indicates to see emails from Christine Belleci. This reference could not be found in the submittal on April 19, 2024. Please provide the correspondence you are referring to.
3. Sheet L1.3 identifies trees that may be located on the Sandmound Blvd. and not the subject property. Please confirm.

Additionally, Sheet L1.3 identifies Tree #1 on Sandmound Blvd. while the Tree Inventory Map in the Arborist Report locates Tree #1 on the adjacent property to the west. Please clarify this inconsistency and make appropriate revisions.

4. The County Assessor's records state that the property is 77.41 acres. However, Sheet C1.0 states that the property is 78.33 acres. Please confirm the correct area of the property.
5. Sheet C1.0 states the rear yard setback for single-family detached is 15 feet. However, Sheet C3.0 indicates a 10-foot rear yard. Please clarify and make necessary changes on the respective sheet as to which is the correct proposed rear yard setback.
6. Details on the parking area for the public park are not provided. At a minimum, please provide parking space dimensions, driveway aisle width, access width that complies with the Off-Street Parking Ordinance standards (attached).
7. Please provide on Sheet C3.4 the width between parking spaces on Street F.
8. Sheet C3.4 identifies a paseo easement for the duplex/duets for lots that abut another lot with dashed lines. However, the lots that abut the park area and the depressed vegetated area also appear to have dashed lines similar to the interior lots. Please clarify if the dashed lines at the rear of the property on the exterior lots is an easement on the properties.
9. Elevation C of the single-family residence plans appears to be the tallest at approximately 43' 8". It appears that this may be due to a vent area on top. Please provide the reasoning for this design. A survey of the immediate surrounding area does not include residential buildings of this height. Please consider lowering the height so that it would be consistent with the development in the area. Contra Costa County Code Section 84-66.1402 (attached) identifies design objectives for the Planned Unit District, P-1 zoning that requires design compatibility with the surrounding area.
10. Sheet L2.4 identifies six monument signs proposed. Sheets L2.2, L2.3, and L2.4 identifies only one monument sign on each page for a total of three signs. Where will the remaining three signs be located? Please note that the signs must comply with the County's Sign Ordinance (attached).
11. A public park located on the southwestern portion of the property along Sandmound Blvd. and an 8-foot wide public trail are proposed for the project. Who will own and maintain the park and trail?

A neighborhood park is also proposed on the northern portion of the property on Wells Rd. and between the single-family lots and the duets/duplexes. Is this a public park? If not, then who will own and maintain this park?

12. Attached are agency comments received at the time this letter was prepared. Please read through the comments and provide a response or the requirements indicated in the letter. Additional agency comments will be provided to you upon receipt.

Please provide all revisions, additional information addressing the comments above and the attached agency comments in one submittal to my attention.

If you have additional questions, please feel free to contact me directly at (925) 655-2867 or via email at Jennifer.Cruz@dcd.cccounty.us.

Sincerely yours,



Jennifer Cruz
Principal Planner

Attachments: Chapter 82-16 Off-Street Parking Ordinance
Chapter 84-66 P-1 Planned Unit District Ordinance
Chapter 88-6 Signs
Agency Comments

Cc: Duong Estuary Cove LLC, 1211 Embarcadero, Suite 300, Oakland, CA 94606
Bryan Wenter, Miller Starr Regalia, 1331 North California Blvd., Suite 600, Walnut Creek, CA 94596
County Files #CDS23-09669, CDDP23-03040

Chapter 82-16 OFF-STREET PARKING¹

Article 82-16.2. General

Article 82-16.4. Requirements

82-16.202 Purpose.

The purpose of this chapter is to provide a unified set of standards for off-street vehicle and bicycle parking to meet the needs of persons employed at, or making use of, each land use during peak hours of parking needs. This chapter is intended to encourage the use of features, design strategies, materials, products, and best construction practices that preserve natural resources, conserve water and energy, and maximize energy efficiency in the design of parking facilities. This chapter also is intended to balance the needs of pedestrians, vehicles, bicycles, and public transportation.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.204 Definitions.

For the purposes of this chapter, the following terms have the following definitions:

- (a) "Angle of parking" refers to the angle of the parking space in relation to the curb fronting the parking space. A parking space with an angle of parking of zero degrees is parallel to the curb, and a parking space with an angle of parking of ninety degrees is perpendicular to the curb.
- (b) "Driveway aisle" means the paved area within an off-street parking area that is used by vehicles to circulate within the parking area and access parking spaces.
- (c) "Electric vehicle" or "EV" means a vehicle that is powered entirely or partially by electricity stored in batteries that must be recharged.
- (d) "EV charging equipment" means permanently placed equipment and other components designed specifically to charge batteries of electric vehicles.
- (e) "EV charging space" means a parking space that is located adjacent to EV charging equipment that can be used to charge an electric vehicle parking within that space.
- (f) "Exclusive parking facility" means an off-street parking area that is restricted to use by specific persons during limited hours, or under limited circumstances. An exclusive parking facility includes: a parking area restricted for use by only patrons, visitors, and employees of a building or facility; and a parking area restricted for use by users and employees of a public transit service. An exclusive parking facility may be, but is not required to be, access-controlled, or available upon payment of a fee.

¹Editor's note(s)—Ord. No. 2012-12, § II, adopted Oct. 16, 2012, amended Chapter 82-16 in its entirety to read as herein set out. Former Chapter 82-16, §§ 82-16.002—82-16.024, pertained to similar subject matter and derived from Ord. 2031 § 1(part), 1966, prior code § 8119(part), Ord. 1027, and Ord. 82-3, § 1.

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- (g) "Long-term bicycle parking" means a covered, access-controlled enclosure or access-controlled room that includes permanently-anchored bicycle racks, or lockable individual bicycle lockers, and that securely encloses one standard adult size 18-to-21-speed bicycle per locker.
 - (h) "Off-street parking area" or "parking area" means a paved area, other than a public street or public right-of-way that is permanently reserved for the parking of motor vehicles and, where provided, motorcycles and electric vehicles. It includes parking lots and parking structures, unless otherwise specified in this chapter, and excludes off-street loading spaces.
 - (i) "Short-term bicycle parking" means permanently-anchored bicycle racks (covered or uncovered), lockable bicycle rooms with permanently-anchored bicycle racks, or permanently-anchored bicycle lockers, that are accessible and usable by visitors, guests, and business patrons of the building or facility that it serves.
 - (j) "Solar energy system" means a photovoltaic solar collector, or other photovoltaic solar energy device, that has a primary purpose of providing for the collection and distribution of solar energy for the generation of electricity.
 - (k) "Tandem parking" means an area for two parked vehicles, where one vehicle is parked in-line directly behind the other vehicle and both vehicles are parked facing the same direction.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.206 General.

- (a) Changes in Land Use. If a land use is proposed to be enlarged, or a proposed change in land use will require more off-street parking to be provided under this chapter, additional off-street parking spaces must be provided to meet the off-street parking requirements of this chapter that apply to the land use, as enlarged or changed. If a proposed change in any land use requires fewer parking spaces to be provided under this chapter than was required for the prior land use, then no change in the amount of off-street parking is required.
- (b) Compliance as a Condition of Approval. No application for a building permit for the erection of a new structure, or for the enlargement of an existing structure, and no application for the development of a land use, will be approved unless the application demonstrates compliance with this chapter. If off-street parking or bicycle parking, or both, is required by this chapter, an application for a building permit or land use permit must include a parking area plan that identifies the parking area, the parking spaces and their dimensions, landscaping, lighting, and other features required by this chapter. The application must include a landscaping plan that identifies each plant type that will be used to meet the landscaping requirements of this chapter.
- (c) Conflicts. If any requirement of this chapter conflicts with any off-street parking requirement specified elsewhere in Division 84, the requirement specified elsewhere in Division 84 governs.
- (d) Requirements are Cumulative. The requirements of this chapter are in addition to all requirements of state law that apply to vehicles and parking, including those specified in the vehicle code.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.208 Computation.

- (a) If the computation of required off-street parking spaces or bicycle parking spaces results in a fractional number, the fraction of one-half or more is counted as one, and a fraction of less than one-half is not counted.

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- (b) When an off-street parking requirement or bicycle parking requirement is based on the number of spaces per employee, the required number of parking spaces is calculated based on the greatest number of employees that will be on the premises at one time.
 - (c) When a parking requirement is based on the number of seats, and the seating provided is bench or pew seating, each twenty-four inches of bench or pew seating is considered one seat.

(Ord. No. 2012-12, § II, 10-16-12)

Article 82-16.4. Requirements

82-16.402 Location.

- (a) Except as specified in subsection (b) of this section, off-street parking required by this chapter must be provided on the same lot as the land use that it serves, or, for shared parking, on the same lot as at least one of the land uses that it serves.
- (b) Off-street parking may be allowed on a lot separate from the lot where the land use to be served by that parking is located if the zoning administrator finds both of the following:
 - (1) The lot on which the off-street parking will be located is owned or leased by the applicant; and
 - (2) The lot on which the off-street parking will be located is within two hundred feet of the lot where the land use to be served by that parking is located.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.404 Design and layout.

- (a) Parking Area Design Requirements. Each parking area must meet the following parking area design requirements:
 - (1) General Requirements. Each off-street parking area must be designed with appropriate maneuvering areas and means of vehicular access to a street adjacent to or abutting the parking area. Each parking area must be designed to allow circulation of vehicles from one driveway aisle to another driveway aisle, or must provide, at the end of the driveway aisle, a turn-around area that is marked to prohibit parking and has a minimum area equivalent to one standard parking space.
 - (2) Access Requirements. If an off-street parking area does not abut a street, an access drive between the street and the parking area must be provided. The access drive must measure at least twelve feet wide if it will be used for one-way traffic, and at least twenty feet wide if it will be used for two-way traffic. Each entrance to and exit from an off-street parking area must be located and designed to provide efficient and safe traffic flow between the parking area and the street. If a driveway aisle intersects directly with the adjacent or abutting street, that intersection must be at least eighteen feet away from the parking space nearest to it. Each off-street parking area within a residential zoning district (R-, D-1, M-), commercial zoning district (O-1, A-O, C-B, N-B, R-B, C-, C-M), industrial zoning district (L-I, W-3, H-I), or planned unit zoning district (P-1), must be designed so that vehicles are not required to back out of the parking area onto an abutting or adjacent street. If a pedestrian sidewalk is adjacent to a parking space, at least five feet of width of the sidewalk must be unobstructed by any bumper overhang.
 - (3) Driveway Aisles. Each parking space in a parking area must be accessed by a driveway aisle. If parking spaces with different angles of parking are accessed by the driveway aisle, the required driveway aisle width is the largest driveway aisle width that would be required for any of those parking spaces.

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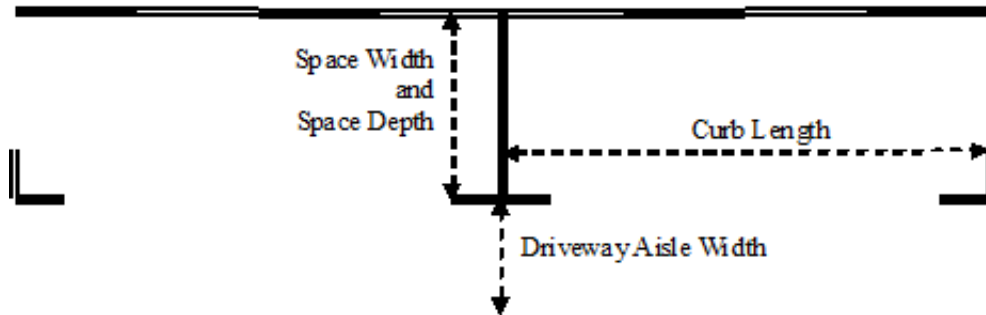
(Supp. No. 100, Update 2)

Driveway aisle width is measured between the closest points of two parking spaces, or two curbs, or a parking space and a curb, that are directly opposite on each side of the driveway aisle.

- (4) Changes in Grade. When there is a change in grade between a parking area and an abutting or adjacent street, the gradient of each access point or access driveway may be up to a five percent gradient with no transitions. For a gradient greater than five percent, a twenty-foot long transition with a gradient of no more than five percent must be provided before or after the change in grade. For a gradient greater than fourteen percent, up to the maximum permitted gradient of twenty percent, a transition of one half of the gradient must be provided for a minimum of eight feet before, and a minimum of eight feet after, the change in grade.
 - (5) Surfacing. Except as specified in this subsection (a)(5), each required off-street parking area must be surfaced with a continuous asphalt or Portland cement binder pavement, or similar paving material, with a weight rating necessary to accommodate emergency vehicles, as deemed necessary by the zoning administrator in consultation with the fire district or department having jurisdiction over the parking area. At least ten percent of the total paved area of a parking area must be paved with porous asphalt, pervious concrete, permeable pavers, or unit pavers that the zoning administrator, in consultation with the fire district or department having jurisdiction over the parking area, determines has a weight rating necessary to accommodate emergency vehicles. The parking area surface must be graded and drained to prevent the pooling of water.
 - (6) Prohibitions. No off-street parking area may be used for automobile sales, storage, repair work, dismantling, or servicing of any kind.
 - (7) Striping, Markings, and Signage. Each parking space must be marked with striping and must open directly on a driveway aisle meeting the width requirements set forth in this section. Each parking area must include signage and directional markings deemed necessary by the zoning administrator to ensure sufficient traffic circulation and safety.
 - (8) Lighting. For safety and security, each parking area in a non-residential zoning district (any zoning district other than a R-, D-1 or M- district) must include lighting that adequately illuminates the parking area. Lighting must be directed downward and away from adjacent areas and public streets and rights-of-way, to prevent glare (overwhelming direct light creating a potential hazard), or excessive light spill-over (unreasonable amounts of light extending beyond the intended area or property line), as seen from those areas, streets, or rights-of-way. To provide for the general safety of adjacent vehicular traffic and the privacy and well being of residential areas, the lighting intensity may not be greater than reasonably required to safely and securely illuminate the parking area. Each lighting fixture must be consistently maintained to ensure broken or burnt-out bulbs are replaced, fixtures remain clean and graffiti and rust free, and painted fixtures do not chip or peel. Whenever possible, lighting fixtures must be equipped with energy efficient bulbs.
 - (9) Screening and Buffers. If a parking area is adjacent to property within a residential zoning district (R-, D-1, or M-) or a parcel used for residential uses within a planned unit district (P-1), the parking area must include one of the following between the parking area and that zoning district:
 - (A) A six-foot high solid fence or masonry wall (block, brick, or natural or concrete stone) and vegetation that, when mature, will cover a portion of the fence or wall; or
 - (B) Landscape screening of at least six feet in height. Up to three feet, or half of the total height, whichever is less, may consist of planter boxes, raised beds, or similar improvements, and the remaining amount of screening must be shrubbery or other plants that, when planted, will provide a complete screen.
- (b) Parking Space Design and Layout. Each parking space within a parking area must meet all of the following requirements:

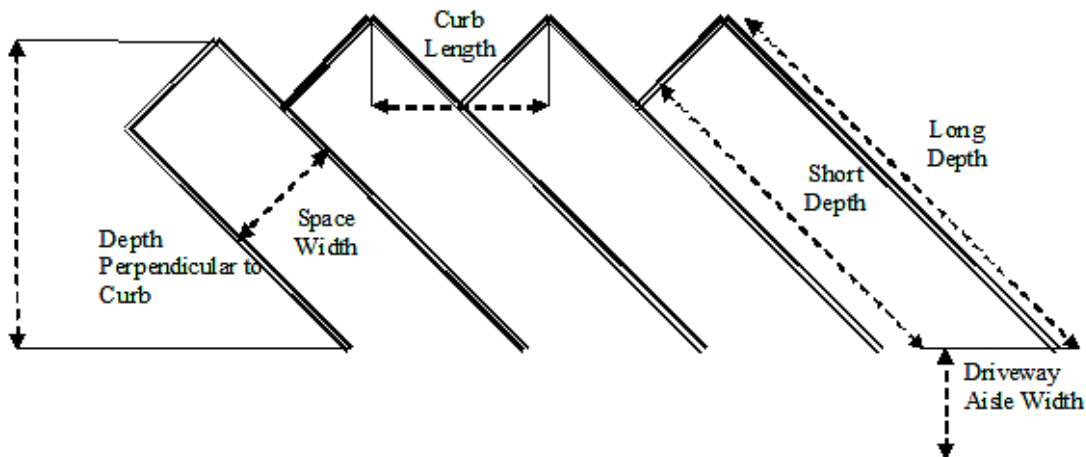
- (1) Parking Space Sizes. Except as provided in this subsection, each parking space in a parking area must be a standard size parking space. If twelve or more parking spaces are required by this chapter, a maximum of twenty-five percent of the total required parking spaces may be designated for compact vehicles. Each compact-vehicle parking space must provide pavement markings or signage identifying it for use by compact vehicles. Each standard size parking space, each compact-vehicle off-street parking space, and each driveway aisle must have the following minimum dimensions:

- (A) For each space with an angle of parking of zero degrees:



0°	Dimension	Standard Spaces	Compact Spaces
	Space Width	8'6"	7'6"
	Curb Length	21'6"	19'
	Space Depth	8'6"	7'6"
	Driveway Aisle Width	One-way travel: 12' Two-way travel: 20'	One-way travel: 12' Two-way travel: 20'

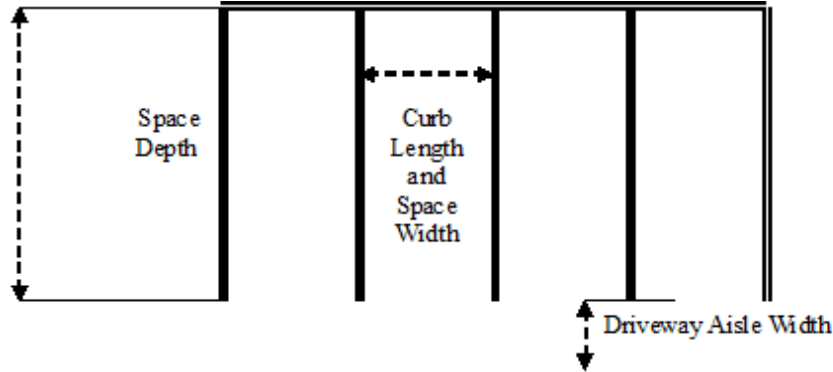
- (B) For each space with an angle of parking of forty-five degrees:



45°	Dimension	Standard Spaces	Compact Spaces
	Space Width	8'6"	7'6"
	Curb Length	12'	10'6"
	Depth Perpendicular to Curb	18'6"	16'6"
	Short Depth	13'6"	12'
Long Depth	22'	19'6"	

	Driveway Aisle Width	One-way travel: 13' Two-way travel: 20'	One-way travel: 13' Two-way travel: 20'
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(C) For each space with an angle of parking of ninety degrees:



0°	Dimension	Standard Spaces	Compact Spaces
	Space Width	8'6"	7'6"
	Curb Length	8'6"	7'6"
	Space Depth	18'	16'
	Driveway Aisle Width	One-way travel: 25' Two-way travel: 25'	One-way travel: 25' Two-way travel: 25'

- (2) Non-Standard Angles of Parking. If a parking space in any parking area will have an angle of parking other than zero degrees, forty-five degrees, or ninety degrees, the zoning administrator will calculate the parking space dimensions to provide approximately the same amount of space that is required for a parking space with a zero-degree angle of parking. For calculations for a parking space with an angle of parking that is greater than zero degrees and less than forty-five degrees, the required driveway aisle width is thirteen feet for one-way travel, and twenty feet for two-way travel. For calculations for a parking space with an angle of parking that is greater than forty-five degrees, the required driveway aisle width is twenty-five feet for one-way and two-way travel.
 - (3) Motorcycle Parking. Any off-street parking area with twenty or more standard size parking spaces may include up to six designated motorcycle parking spaces. Each designated motorcycle parking space must have a length of at least eight and one-half feet, and a width of at least three feet. Motorcycle parking spaces may not be counted towards the minimum number of parking spaces required by this chapter.
- (c) Landscaping Design and Layout. Landscaped areas must be provided within any off-street parking area other than an enclosed parking structure, and must meet the following design and layout requirements:
- (1) Each landscaped area within or adjacent to a parking area must be bordered by a curb that is at least six inches high and at least six inches wide. Each curb must be constructed of the same material that is used to pave the parking area, or another paving material that is authorized under this chapter and as approved by the zoning administrator.
 - (2) Each landscaped area must be designed so that pedestrians are not required to cross the landscaped area in order to access the parking area.
 - (3) A planter or landscaped area at least four feet wide (inside dimension) must be provided between a parking area and a public street or private drive, other than an access drive, that is adjacent to a

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- parking area. Each parking area with more than five parking spaces must include landscaped areas that are equal in area to at least five percent of the area occupied by the paved parking area.
- (4) To provide visual and physical breaks and reduce traffic hazards to pedestrians, landscaped areas must be located between the parking area and each sidewalk adjacent to the parking area, except for any point at which a sidewalk intersects with the parking area.
 - (5) For any parking space with an angle of parking of forty-five degrees or greater, in lieu of paving, a maximum of two feet of a standard parking space's depth, or one and one-half feet of a compact parking space's depth, may be planted with low-lying groundcover or landscaping to allow for up to a two-foot bumper overhang. A barrier curb or wheel stop measuring no more than five inches high, at least six inches wide, and thirty-six inches long must be provided in the parking space if the parking space is in front of a building, facility, or structure.
 - (6) The following requirements apply to each parking area that includes more than seventy parking spaces:
 - (A) Trees must be provided at a rate of at least one tree per twenty linear feet of landscaping. Each tree must measure at least five feet in height above-ground at the time that it is planted.
 - (B) Planter islands must be provided at the ratio of at least one island for each ten parking spaces. Each planter island must be at least five feet wide and at least as long as the depth perpendicular to curb for the longest parking space adjacent to it.
 - (C) Trees, or clusters of trees, must be evenly distributed throughout the parking area by locating trees along the perimeter of the parking area and within planter islands.
 - (7) Each landscaped area must be continuously maintained to ensure it remains free of debris, litter, and weeds, and that landscaping remains healthy. To encourage water conservation, each parking area that includes landscaping must also include an automatic irrigation system that meets the requirements of this code pertaining to landscape irrigation and water conservation.
- (d) Tandem Parking. Two-car tandem parking spaces are permitted as specified in this section. Each tandem parking space must have a space width measuring at least eight feet and six inches, and a space depth perpendicular to curb measuring at least thirty-six feet. Vehicles using a tandem parking space must not block, or be allowed to overhang into, walkways or other pedestrian access areas, or any street or other public right-of-way. Each tandem parking space will be counted as two standard parking spaces toward the total amount of off-street parking spaces that must be provided under this chapter.
- (1) Single-family Residential. For any residential use located in a single-family residential (R-) zoning district, a tandem parking space is allowed, as long as the minimum setback requirements applicable to that zoning district are met.
 - (2) Multiple-Family Residential. For any residential use located in a two-family (D-1) or multiple family residential (M-) zoning district, no more than fifteen percent of the residential units may be provided tandem parking spaces. A tandem parking space to serve an individual residential unit is allowed if the following requirements are met:
 - (A) The tandem parking space is assigned to a single residential unit;
 - (B) The tandem parking space is enclosed within a garage that allows ingress to and egress from a shared private road or a public street without requiring a vehicle to back out onto the road or street;
 - (C) The multiple family residential use is located within the General Plan Transportation and Circulation Element Transit Corridor or Local Transit Service Area; and
 - (D) The tandem parking space does not interfere with, or obstruct the use of, any other unit's assigned parking.

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- (3) Commercial/Retail/Business. For any commercial, retail, or business use located in an O-1, A-O, C-B, N-B, R-B, C-, or P-1 zoning district, no more than twenty-five percent of the amount of off-street parking spaces required to be provided under this chapter may be tandem parking spaces. Tandem parking spaces are allowed if they are used in conjunction with a valet service that serves the land use during all hours of operation. No tandem parking space may be designated for self-parking, unless it is restricted for employee use.
 - (e) Electric Vehicle Charging Spaces. Each EV charging space provided in a parking area counts as one space toward the minimum number of parking spaces required by this chapter. The following requirements apply to each EV charging space:
 - (1) Each EV charging space must be accessible to persons with disabilities.
 - (2) Each EV charging space must include a posted sign and painted curb, or ground markings, indicating that the space is exclusively for EV charging purposes.
 - (3) EV charging equipment must be located so that pedestrians are not required to cross between the EV charging space and the EV charging equipment. The EV charging equipment may not obstruct any Americans with Disabilities Act-compliant sidewalk, entrance, curb-cut, or ramp, while in use or otherwise.
 - (4) EV charging equipment must be illuminated by lighting to enable the equipment to be used at night.
 - (5) Concrete-filled steel bollards or other similar barriers must be installed between EV charging equipment and an EV charging space if either of the following applies:
 - (A) The EV charging equipment is located less than twenty-four inches away from the EV charging space that it serves; or
 - (B) The EV charging equipment is located twenty-four inches or more away from the EV charging space that it serves and does not include, between the space and the equipment, a curb measuring at least six inches high.
 - (6) An electric vehicle may occupy an EV charging space only while charging is in progress. Parking in an EV charging space when charging is not in progress is prohibited.
 - (7) EV charging equipment must be maintained in working order at all times. The name and telephone number of the party responsible for maintaining and repairing the equipment must be posted on the equipment and updated as necessary.
 - (f) Solar Energy Systems. Nothing in this chapter prohibits the installation of a solar energy system on or above a parking area, provided that the system otherwise meets the requirements of this code, and is located, installed, operated, and maintained in a manner that complies with all applicable federal, state, and county requirements.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.406 Required number of parking spaces.

- (a) The following number of off-street parking spaces must be provided for the following land uses:
 - (1) Assembly halls without fixed seats: One space per every fifty square feet of gross floor area.
 - (2) Auditoriums: One space per every four seats.
 - (3) Banks, business and professional offices, other than medical and dental offices: One space per every two hundred fifty square feet of gross floor area.

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- (4) Bowling alleys: Four spaces per every individual alley, plus one space per two employees.
 - (5) Child care facility: For facilities that are licensed to serve fifteen or more children, one space per every two hundred fifty square feet of gross floor area.
 - (6) Churches/religious institutions: One space per every four seats in the sanctuary/worship space only. If the church/religious institution is used for purposes that are ancillary to worship and administration, the zoning administrator may increase the required number of parking spaces to meet the parking requirements for the ancillary use or uses, or for the use or uses most similar to that ancillary use, specified in this section.
 - (7) Commercial service, repair shops and wholesale establishments: One space per every eight hundred square feet of gross floor area.
 - (8) Gas station (including vehicle service/repair): 0.9 spaces per every fueling position if the station includes a convenience market, or 0.5 spaces per every fueling position if the station does not include a convenience market.
 - (9) Grocery store: One space per every two hundred square feet of gross floor area.
 - (10) Golf courses and driving ranges: Four spaces per every hole. If the golf course or driving range facilities are also used for purposes that are ancillary to golf and golf instruction, such as banquets, the zoning administrator may increase the required number of parking spaces to meet the parking requirements for the ancillary use or uses, or for the use or uses most similar to that ancillary use, specified in this section.
 - (11) Hospital: One space per every two patient beds. If the hospital includes ancillary services or facilities, such as a pharmacy or medical offices, the zoning administrator may increase the required number of parking spaces to meet the parking requirements for the ancillary use or uses, or for the use or uses most similar to that ancillary use, specified in this section.
 - (12) Hotels and motels: One space per every lodging room. If the hotel or motel is used for purposes that are ancillary to lodging and overnight guest services, the zoning administrator may increase the required number of parking spaces to meet the parking requirements for the ancillary use or uses, or for the use or uses most similar to that ancillary use, specified in this section.
 - (13) Marina: 0.4 spaces per every berth.
 - (14) Medical and dental offices: One space per every two hundred fifty square feet of gross floor area, plus one space per doctor/dentist.
 - (15) Mini (self) storage: One space per every three hundred fifty square feet of gross floor area of the office at the facility. A minimum of three spaces must be provided.
 - (16) Mortuaries: One space per every fifty square feet of gross floor area in chapel areas.
 - (17) Night clubs, cocktail lounges, and restaurants: One space per every three seats, or one space per every one hundred square feet of gross floor area, whichever is greater.
 - (18) Nursery (plants): Two spaces per every one thousand square feet of gross floor area and outdoor display area.
 - (19) Recreational facility: One space per every two hundred square feet of outdoor recreation area (swimming pools, ball fields, courts, etc.).
 - (20) Retail stores and shops, except as otherwise specified herein: One space per every three hundred square feet of gross floor area.

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- (21) Retail stores that handle only bulky merchandise, such as furniture, household appliances, and motor vehicles: One space per every five hundred square feet of gross floor area.
 - (22) Retail and wholesale establishments where sales are conducted primarily outside of buildings: One space per every two thousand square feet of outdoor display area.
 - (23) Rooming and lodging houses: One space per every bedroom.
 - (24) Sanitariums, convalescent homes, rest homes, nursing homes: One space per every three beds.
 - (25) Sports arenas: One space per every five seats, or one space per every two hundred square feet of gross floor area, whichever is greater.
 - (26) Theaters: One space per every five seats.
 - (27) Winery: For wineries that include agricultural production, one space per every two hundred fifty square feet of gross floor area. For tasting rooms where no agricultural production or cultivation occurs, one space per three seats, or one space per every one hundred square feet of gross floor area, whichever is greater.
 - (28) Warehouses and other storage buildings: One space per every one thousand square feet of gross floor area.
- (b) For any use not specified in this section, the number of parking spaces that must be provided is the number of spaces required to be provided for the most similar land use specified in this section, as determined by the zoning administrator.
 - (c) If a final transportation demand management program (TDM) is approved for any project or development pursuant to Chapter 82-32, the number of parking spaces required by that TDM for that project or development supersedes the number of parking spaces that would otherwise be required by this section.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.408 Exclusive parking facilities.

An exclusive parking facility may be established if it meets all of the following requirements:

- (a) The facility must be located on a lot that is either:
 - (1) Adjacent to an established or planned future stop of a public transit service route; or
 - (2) Within an O-1, A-O, C-B, N-B, R-B, C-, or P-1 zoning district and the land use that it serves is a business use, commercial use, or office use.
- (b) The facility must be restricted for use by the riders and employees of a public transit service, or the employees, visitors, or business patrons of the land use served by the facility.
- (c) The facility must be located within one thousand feet of the planned or established public transit service stop, or the property line of the lot where the land use to be served by the facility is located.
- (d) The facility only will be used for vehicle and bicycle parking.
- (e) No commercial repair work or sales of any kind will occur within the facility.
- (f) No signs will be located within the facility, except signs required by this chapter to guide traffic or mark parking spaces, signs that identify the persons that may utilize the facility, and signs that are otherwise required by law to be posted.
- (g) The facility must meet the requirements of this chapter that apply to off-street parking areas generally.

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- (h) An exclusive parking facility plan must be submitted with the application for a land use permit. The plan must depict and delineate the requirements of this section. The exclusive parking facility may, but is not required to, provide a parking attendant to control entry to, and exit from, the facility. If a parking attendant will be provided, the application must show the location of the parking attendant's shelter, and must describe the hours when an attendant will be present. The application also must describe land use served by the facility.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.410 Loading spaces.

- (a) In any zoning district, each building or facility with a gross floor area of ten thousand or more square feet that is used for manufacturing, storage, warehousing, displaying of goods, retail sales, wholesale sales, hotel, hospital, mortuary, laundry, dry cleaning, or other land use that requires the receipt or distribution by vehicles of materials and merchandise, must include off-street loading space on the same lot as that building or facility. The required amount of off-street loading space is based on the size of the building or facility that it serves, calculated as follows:
 - (1) Ten thousand to twenty thousand square feet of gross floor area, one space.
 - (2) Twenty thousand one to thirty thousand square feet of gross floor area, two spaces.
 - (3) Thirty thousand one to forty-five thousand square feet of gross floor area, three spaces.
 - (4) Forty-five thousand one to seventy-five thousand square feet of gross floor area, four spaces.
 - (5) Over seventy-five thousand square feet of gross floor area, one additional space for each additional seventy-five thousand square feet of gross floor area, or portion thereof.
- (b) Each off-street loading space must meet the following requirements:
 - (1) Each loading space must be located so that:
 - (A) It is accessible from a public street; and
 - (B) Any vehicle that regularly uses it does not encroach within any sidewalk or street right-of-way, or within any required front yard or side yard of the building or facility that it serves.
 - (2) Each loading space must have a minimum unobstructed width of ten feet, a minimum unobstructed length of thirty-five feet, and a minimum unobstructed clearance height of fifteen feet for the entire length and width of the loading space.
 - (3) Each loading space required by this section must be permanently maintained during the existence of the building or facility that it serves, and must be used only for loading and unloading purposes. No part of a required loading space may be encroached upon by buildings or temporary structures, or used for storage or any other activity not related to loading or unloading.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.412 Bicycle parking.

- (a) To meet the bikeway goals of the Transportation and Circulation Element of the County General Plan, long-term and short-term bicycle parking must be provided to serve each land use, as specified in this section.
- (b) Long-term and short-term bicycle parking must meet the following location requirements:

(Supp. No. 100, Update 2)

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- (1) The bicycle parking must be located near every terminus of dedicated bicycle trails or routes, or at locations that are accessible by bicycles.
 - (2) If no bicycle trails or routes terminate on the lot to be served by the bicycle parking, the parking must be located as close as possible to main entrances and exits of buildings, structures, or facilities without obstructing any door, entry way, path, or sidewalk.
 - (3) The bicycle parking must be located in an area that is visible from vehicle parking or circulation areas, or pedestrian circulation areas.
 - (4) The bicycle parking location must be identified with guide signs or wayfinding signs that meet the requirements of sign type "3" in sign series "D4" of the then current Manual of Uniform Traffic Control Devices.
 - (5) Long-term bicycle parking must be accessible and usable by tenants, employees, or other occupants of the building or facility that it serves.
- (c) The following amounts of long-term and short-term bicycle parking must be provided for the following land uses:

Residential		
Housing Type	Long-Term	Short-Term
Single-family Dwelling	No spaces required.	No spaces required.
Multiple-Family Dwelling (including two-family residential) with private garage	No spaces required.	Spaces for five percent of the number of bedrooms, or two spaces, whichever is greater.
Multiple-Family Dwelling (including two-family residential) without private garage	Spaces for 15 percent of the number of bedrooms, or two spaces, whichever is greater.	Spaces for five percent of the number of bedrooms, or two spaces, whichever is greater.

Cultural/Education		
Use Type	Long-Term	Short-Term
Assembly (church, theaters, sports arenas, assembly halls)	One space for each 20 employees, or two spaces, whichever is greater.	Spaces for two percent of maximum planned capacity.
Parochial	Spaces equal to one percent of planned student capacity, or two spaces, whichever is greater.	Spaces equal to two percent of planned student capacity, or two spaces, whichever is greater.
Parochial and Private Nursery Schools, Kindergartens, and Elementary Schools (grades 1-3)	Spaces equal to one percent of planned student capacity, or two spaces, whichever is greater.	Spaces equal to two percent of planned student capacity, or two spaces, whichever is greater.
Parochial and Private Elementary (grades 4-6), Junior High and High Schools	Spaces equal to one percent of planned student capacity, or two spaces, whichever is greater.	Spaces equal to two percent of planned student capacity, or two spaces, whichever is greater.
Private Colleges and Universities	Spaces equal to one percent of planned capacity.	Spaces equal to two percent of planned capacity.

Commercial		
Use Type	Long-Term	Short-Term

Restaurants (including fast-food/take-out)	One space for each 10 employees, or two spaces, whichever is greater.	One space for each 2,000 square feet of floor area, or two spaces, whichever is greater.
Retail/Commercial	One space for each 10 employees, or two spaces, whichever is greater.	One space for each 5,000 square feet of floor area, or two spaces, whichever is greater.
Office	One space for each 10,000 square feet of floor area, or two spaces, whichever is greater.	One space for each 20,000 square feet of floor area, or two spaces, whichever is greater.
Health Care/Hospitals	One space for each 20 employees, or one space for each 70,000 square feet of floor area, or two spaces, whichever is greater.	One space for each 20,000 square feet of floor area, or two spaces, whichever is greater.

Industrial/Manufacturing		
Use Type	Long-Term	Short-Term
Manufacturing and Production	One space for each 15,000 square feet of floor area, or two spaces, whichever is greater.	One space for each 20,000 square feet of floor area, or two spaces, whichever is greater.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.414 Shared parking.

- (a) The requirements of this chapter may be met through the use of shared parking spaces if the zoning administrator finds all of the following:
 - (1) The number of off-street parking spaces to be shared by two or more land uses must be provided in an amount to satisfy the greatest number of off-street parking spaces required by this chapter for any of the land uses, when calculated individually. The number of off-street parking spaces to be shared by two or more land uses may not exceed the sum of the parking space requirements that otherwise would apply to the land uses under this chapter, when added together.
 - (2) Each land use served by the shared parking spaces will utilize the spaces at different times.
 - (3) The shared off-street parking spaces are not otherwise required to satisfy the parking requirements for some other use at times when they will be required to serve any of the shared land uses.
- (b) If an application for shared parking is approved by the zoning administrator, the applicant shall record in the office of the county recorder a deed restriction against the property or properties to be served by the shared parking. The deed restriction must specify the land uses served by the shared parking, and must designate and restrict the parking area to serve those land uses.
- (c) Any deed restriction recorded pursuant to this section may be amended or released only after obtaining the approval of the zoning administrator.
 - (1) The zoning administrator will approve the release of the deed restriction if either of the following is satisfied:
 - (A) Other off-street parking that meets the requirements of this chapter will be provided to serve one or more of the land uses served by the shared parking; or

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- (B) One or more of the land uses served by the shared parking has changed, or will change, and off-street parking is no longer, or will no longer be, required under this chapter.
- (2) The zoning administrator will approve an amendment to a deed restriction to require a different amount of shared parking if there is a corresponding change in one or more of the land uses served by the shared parking to require more, or allow for less, shared parking under this chapter.
- (d) The parking area must include a sign or signs specifying the land uses served by the shared parking.
- (Ord. No. 2012-12, § II, 10-16-12)

82-16.416 Variances.

A variance from any of the requirements of this chapter may be obtained pursuant to Article 26-2.20 of this code.

(Ord. No. 2012-12, § II, 10-16-12)

Chapter 84-66 P-1 PLANNED UNIT DISTRICT

Article 84-66.2. General

84-66.202 P-1 planned unit district.

All land within a P-1 planned unit district may be used as allowed and regulated in this chapter.

(Ord. 79-74: § 84-66.002: prior code § 8166: Ord. 1743).

84-66.204 Intent and purpose.

A large-scale integrated development or a general plan special area of concern provides an opportunity for, and requires cohesive design when flexible regulations are applied; whereas the application of conventional regulation, designed primarily for individual lot development, to a large-scale development or special area may create a monotonous and inappropriate neighborhood. The planned unit district is intended to allow diversification in the relationship of various uses, buildings, structures, lot sizes and open space while insuring substantial compliance with the general plan and the intent of the county code in requiring adequate standards necessary to satisfy the requirements of the public health, safety and general welfare. These standards shall be observed without unduly inhibiting the advantages of large-scale site or special area planning.

(Ord. 79-4: § 84-66.004: prior code § 8166(a): Ord. 1743).

Article 84-66.4. Uses

84-66.402 Uses.

The following uses are allowed in the P-1 planned unit district:

- (a) Any land uses permitted by an approved final development plan that are in harmony with each other, serve to fulfill the function of the planned unit development, and are consistent with the general plan.
- (b) A detached single-family dwelling on each legally established lot and the accessory structures and uses normally auxiliary to it.
- (c) Single room occupancy facilities that meet the requirements of Chapter 82-48.
- (d) In a P-1 district for which residential uses are approved, the following uses are allowed:
 - (1) Accessory dwelling units complying with the provisions of Chapter 82-24.
 - (2) Supportive housing, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside.
 - (3) Transitional housing, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside.
- (e) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(Ord. No. 2018-18, § 5, 6-26-18; Ord. No. 2017-14, § XIII, 9-19-17; Ords. 87-67 § 6, 79-74: § 84-66.006: prior code § 8166(j): Ord. 1743).

(Ord. No. 2014-11, § VIII, 11-4-14)

84-66.404 Restriction.

No person shall grade or clear land, erect, move, or alter any building or structure on any land, after the effective date of its rezoning to a P-1 district, except when in compliance with an approved final development plan and/or this chapter.

(Ords. 79-74, 76-26 § 2, 76-25 § 2: § 84-66.010: prior code § 8166(c): Ord. 1743).

84-66.406 Interim exceptions.

If any land has been zoned P-1 district but no preliminary development plan approved thereon, the following may be approved:

- (1) Single-family Dwelling. Where it is established to the satisfaction of the director of planning that a vacant parcel of land is a legal lot and the one detached single-family dwelling proposed to be located thereon is consistent with the general plan, the dwelling may be placed on the lot without being subject to the application submittal, development plan review and approval provisions of this chapter.
- (2) Nonconforming Use. Until a final development plan is approved, any nonconforming use lawfully existing at the time of the establishment of P-1 zoning on that property may be repaired, rebuilt, extended, or enlarged in accordance with Chapter 82-8.

(Ord. 79-74).

Article 84-66.6. Site Minimums

84-66.602 Areas.

The minimum areas for a P-1 district are:

- (1) Residential. Five acres for residential uses except that a mobile home subdivision shall have a minimum of ten acres;
- (2) Nonresidential. Ten acres for nonresidential uses;
- (3) Mixed. Fifteen acres for mixed residential and nonresidential uses; and
- (4) Office. No minimum for office uses which do not require heavy vehicular delivery or have easy automobile site access including some ancillary retail, service and residential uses when consistent with the general plan.

(Ords. 80-74 § 1, 79-74, 70-50: § 84-66.024: prior code § 8166(i): Ord. 1743).

Article 84-66.8. Density

84-66.802 Residential.

In computing the net development area to set residential densities, use the general plan as a guide and exclude areas set aside for churches, schools, streets, commercial use or other nonresidential use, but include areas set aside for common open space, outdoor recreation or parks.

(Ord. 79-74: § 84-66.026: prior code § 8166(k): Ord. 1743).

Article 84-66.10. Rezoning

84-66.1002 Procedure.

After initiation by the planning agency or final application approval, an area may be zoned "P-1 planned unit district" in accordance with Title 7 of the California Government Code and this code, and the zoning map of the area shall then be identified with the map symbol "P-1".

(Ords. 79-74, 76-26 § 2: 76-25 § 2: prior code § 8166(c): Ord. 1743).

84-66.1004 Ordinance plan.

If an application for P-1 zoning and a preliminary or final development plan is finally approved, the preliminary or final development plan and any conditions attached thereto, as approved or later amended, shall be filed with the planning department, and they are thereby incorporated into this Title 8 and become a part of the ordinance referred to in § 84-66.1002.

(Ords. 79-74, 76-26 § 2: 76-25 § 2: prior code § 8166(c): Ord. 1743).

84-66.1006 Rezoning and development plan application.

Except as waived in writing by the planning director, the application for rezoning to P-1 district and concurrent approval of a preliminary development consists of five copies of each of the following:

- (1) A preliminary development plan, drawn to scale, indicating:
 - (A) Proposed use(s) of all land in the subject area,
 - (B) Existing natural land features, and topography of the subject area,
 - (C) Circulation plan for all vehicular and pedestrian ways,
 - (D) Metes and bounds of the subject property,
 - (E) Location and dimensions of all existing structures,
 - (F) Landscaping, parking areas, and typical proposed structures,
 - (G) Anticipated grading for the development;
- (2) A written legal description of the subject area;
- (3) A preliminary report on provision for storm drainage, sewage disposal and public utilities;
- (4) An economic feasibility report and analysis of all commercial and industrial uses, if any, proposed to be located within the development;

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- (5) A feasibility analysis of all public and semipublic recreational and educational areas and facilities proposed to be located within the development, stating anticipated financing, development and maintenance;
 - (6) A residential density analysis of the subject area, and the estimated population resulting therefrom;
 - (7) A statement of how the proposed development is consistent with, and will further the goals and objectives of the general plan including, but not limited to, its community facilities elements;
 - (8) A request for zoning change signed by the owner, and by the owner of any option to purchase the property or any portion thereof, if any;
 - (9) Schematic drawings indicating the architectural design of all nonresidential buildings and structures and all residential buildings having attached units. Residential buildings utilizing zero lot line, cluster or patio techniques, typical designs shall be submitted. Single-family detached units on difficult topography may require design and placement review when requested by the planning director;
 - (10) A statement of the stages of development proposed for the entire development, indicating the sequence of units and explaining why each unit standing by itself would constitute reasonable and orderly development in relation to the entire contemplated development where it is proposed to file final development plans by units for portions of the area to be covered by the preliminary development plan; and
 - (11) Any additional information as may be required by the planning commission or board of supervisors at the time of any public hearing.

(Ords. 85-56 § 7, 79-74, 76-25 § 1, 76-25 § 2: prior code § 8166(b): Ord. 1743).

Article 84-66.12. Final Development Plan

84-66.1202 Requirements.

- (a) The final development plan drawn to scale, shall:
 - (1) Indicate the metes and bounds of the boundary of the subject property together with dimensions of lands to be divided;
 - (2) Indicate the location, grades, widths and types of improvements proposed for all streets, driveways, pedestrian ways and utilities;
 - (3) Indicate the location, height, number of stories, use and number of dwelling units for each proposed building or structure;
 - (4) Indicate the location and design of vehicle parking areas;
 - (5) Indicate the location and design of proposed landscaping, expert for proposed single-family residential development;
 - (6) Indicate the location and design of all storm drainage and sewage disposal facilities;
 - (7) Provide an engineer's statement of the proposed grading;
 - (8) Indicate the location and extent of all proposed land uses;
 - (9) Indicate the location of any residential dwellings proposed to be used as new sales models.
- (b) In addition, the final development plan shall be accompanied by:

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- (1) Elevations of all buildings and structures other than single-family residences;
 - (2) A statement indicating procedures and programming for the development and maintenance of public or semipublic areas, buildings and structures;
 - (3) A statement indicating the stages of development proposed for the entire development;
 - (4) A statement indicating if any new residential dwellings are proposed to be used as sales models and asking approval of that use;
 - (5) Any additional drawings or information as may be required by the planning commission at the time of any public hearing in the matter.

(Ords. 87-43 § 3, 79-74: § 84-66.102: prior code § 8166(d): Ord. 1743).

84-66.1204 Approval procedure.

- (a) The final development plan shall be submitted to the planning commission for approval, as with use permit applications, except it is the commission which hears and reviews it. The commission's decision may be appealed to the board of supervisors in accordance with Article 26-2.24, otherwise it becomes final.
- (b) A final development plan may be approved by the planning commission for a portion or unit of the approved preliminary development plan, in accordance with the sequence of units authorized by its conditions of approval, or upon a showing of both good cause and that the proposed portion or unit would, standing by itself, constitute reasonable and orderly development in relation to the entire development.

(Ords. 79-74, 76-26 § 3, 76-25 § 3: § 84-66.014: prior code § 8166(e): Ord. 1743).

84-66.1206 Combined application and final plan.

- (a) **Combination.** An applicant for rezoning to the P-1 district may submit simultaneously and in combination with the zoning application or thereafter but before the board's final zoning decision, an application for approval of a final development plan for the entire property. The application and proposed final development plan shall comply with the requirements of Sections 84-66.006 and 84-66.1202.
- (b) **Procedure.** Such a combined final development plan application shall be processed, noticed, and heard by the planning commission. The commission's decision shall be a recommendation to the board of supervisors which shall make the final decision on the final development plan along with the rezoning pursuant to Article 84-66.10.

(Ord. 79-74).

Article 84-66.14. Plan Objectives, Regulations and Evaluations

84-66.1402 Design objectives.

To achieve design and aesthetic quality for large-scale integrated developments and/or general plan special areas of concern, the following design objectives shall be met:

- (1) Building bulk, height, land coverage, visual appearance from adjacent land, and design compatibility with existing adjoining development and land which will remain, shall be considered and controlled;
- (2) A development's design should successfully integrate individual buildings and building groups with the surrounding development, other physical features in the area, and existing development which will remain;

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- (3) The design of structures should provide for harmonious composition of mass, scale, color, and textures, with special emphasis on the transition from one building type to another, termination of groups of structures, relationships to streets, exploitation of views, and integration of spaces and building forms with the topography of the site and the urban or suburban character of the area.
 - (4) Provisions are to be made for an efficient, direct and convenient system of pedestrian circulation, together with landscaping and appropriate treatment of any public areas or lobbies.
 - (5) Off-street parking and loading areas should be integrated into the overall vehicular circulation system.

(Ord. 79-74).

84-66.1404 Latitude of regulations.

The planning commission may recommend and the board of supervisors may adopt as part of the preliminary development plan, and may require in the final development plan, standards, regulations, limitations and restrictions which are either more or less restrictive than those specified elsewhere in this ordinance code, and which are designed to protect and maintain property values and community amenities in the subject community, and which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

- (1) Height limitations on buildings and structures;
- (2) Percent coverage of land by buildings and structures;
- (3) Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;
- (4) The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;
- (5) Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscaping plan;
- (6) Construction of fences, walls and floodlighting of an approved design;
- (7) Limitations upon the size, design, number, lighting and location of signs and advertising structures;
- (8) Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;
- (9) Location and size of off-street loading areas and docks;
- (10) Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property;
- (11) Architectural design of buildings and structures;
- (12) Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof;
- (13) Requiring of performance bonds to insure development as approved; and
- (14) Requiring that where any residential dwelling unit (one-family dwelling or duplex) or units are approved to be used as a sales model or models at least one such unit have a sprinkler system installed therein meeting the standard specified in Chapter 718-6.

(Ords. 87-43 § 4, 79-74: § 84-66.1404: prior code § 8166(f): Ord. 1743).

84-66.1406 Evaluations.

When approving and adopting the rezoning application, the preliminary development plan or the final development plan, the planning commission and/or board of supervisors as the case may be, shall be satisfied that:

- (1) The applicant intends to start construction within two and one-half years from effective date of zoning change and plan approval;
- (2) The proposed planned unit development is consistent with the county general plan;
- (3) In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community;
- (4) In the case of the 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 by 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;
- (5) In the case of proposed industrial development, it is fully in conformity with the applicable performance standards, and will constitute an efficient and well organized development, with adequate provisions for railroad and/or truck access service and necessary storage, and that such development will have no adverse effect upon adjacent or surrounding development; and
- (6) The development of a harmonious, integrated plan justifies exceptions from the normal application of this code.

(Ord. 79-74: § 84-66.020: prior code § 8166(g): Ord. 1743).

Article 84-66.16. Termination

84-66.1602 Procedure.

- (a) Reversion. P-1 district shall become null and void, and the land use district classification shall revert to the immediately preceding zoning, designation if either:
 - (1) Within eighteen months after the effective date of the establishment of the P-1 district and/or the approval of the preliminary development plan (whichever is sooner), a final development plan is not submitted to the planning commission, or
 - (2) Within twelve months after the planning commission's approval of the final development plan, the construction specified in the final development plan has not been commenced.
- (b) Time Limit Exception. The time limitation in subsection (a)(1) of this section applies only to the first final development plan of a unit of a phased preliminary development plan; it does not apply after approval and implementation of such first final development plan.
- (c) Extensions. Upon showings of good cause, the board of supervisors may grant not more than five extensions of the time limitations set forth in subsection (a), each for no more than one year and all extensions totaling five years or less.

(Ords. 79-74, 76-26 § 4, 76-25 § 4: § 84-66.022: prior code § 8166(1): Ords. 71-17, 1743).

Article 84-66.18. Plan Changes

84-66.1802 Preliminary development plan.

- (a) Changes. Changes, in the approved preliminary development plan and its conditions of approval, may be approved by the planning commission, as with land use permit applications except that it is the commission which hears and reviews them. The commission's decision may be appealed to the board of supervisors in accordance with Article 26-2.24, otherwise it becomes final.
- (b) Rezoning. When substantial changes in the preliminary development plan involve a reduction of or addition to its land area, then a rezoning application shall be submitted for consideration.

(Ord. 79-74, 76-26 § 2, 76-25 § 2: § 84-66.010: prior code § 8166(c): Ord. 1743).

84-66.1804 Final development plan.

- (a) Review, Hearing. The zoning administrator shall review approved final development plan applications for modification pursuant to and otherwise regulated by the land use permit provisions of Chapter 26-2, for which he may schedule a public hearing and shall do so if he determines that a substantial modification is being requested in an approved final development plan.
- (b) Findings. In approving the modification application, he shall find that it is consistent with the intent and purpose of the P-1 district and compatible with other uses in the vicinity, both inside and outside the district.
- (c) Conditions. The zoning administrator may impose reasonable conditions and limitations to carry out the purpose of the P-1 district when approving any modification.

(Ord. 79-74: § 84-66.016: prior code § 8166(1): Ord. 1743).

Article 84-66.20. Variance Permits

84-66.2002 Granting.

- (a) Procedure. Variance permits to modify the provisions contained in Article 84-66.6 may be granted in accordance with Chapters 26-2 and 82-6.
- (b) General Plan Consistency. Such variance permit shall not be granted by the planning agency hearing the matter unless it finds that the variance is consistent with the general plan.

(Ord. 79-74).

Chapter 88-6 SIGNS¹

Article 88-6.2. General

88-6.202 Title.

This chapter is known and may be cited as the Sign Ordinance of Contra Costa County.
(Ord. No. 2022-03, § II, 5-24-22.)

88-6.204 Purposes and regulatory scope.

The purpose of this chapter is to regulate the construction, placement, display, and maintenance of signs in the unincorporated area of the County. Article 88-6.6 regulates signs placed or displayed on private property, or on land or facilities owned by public entities other than the County if the County exercises land use regulatory power over these lands or facilities. Article 88-6.8 regulates signs placed or displayed within a public right-of-way.
(Ord. No. 2022-03, § II, 5-24-22.)

88-6.206 Message neutrality.

It is the County's policy and intent to regulate signs in a manner that is content-neutral and consistent with the United States and California Constitutions.
(Ord. No. 2022-03, § II, 5-24-22.)

88-6.208 Prospective regulation.

This chapter applies only to signs that are first constructed, placed, or displayed after the date this chapter takes effect. This section does not legalize signs that were originally constructed, placed, or displayed without full compliance with all then-applicable laws.
(Ord. No. 2022-03, § II, 5-24-22.)

¹Ord. No. 2022-03, § II, adopted May 24, 2022, amended chapter 88-6 in its entirety to read as herein set out. Former chapter 88-6, §§ 88-6.202, 88-6.204, 88-6.402—88-6.420, 88-6.602—88-6.610, 88-6.802—88-6.820, 88-6.1002—88-6.1010, 88-6.1202—88-6.1208, 88-6.1402, 88-6.1404, pertained to outdoor advertising and derived from Ord. 75-2; Ord. 77-110 § 1; Ord. 92-36 § 2; Ord. 93-30 §§ 4, 5, 1993; Prior code §§ 8346—8356—8362; Ord. 1009; Ord. 1270; Ord. 1679; Ord. 1781.

88-6.210 Responsibility for compliance.

The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, sign sponsor, all parties holding the present right of possession and control of the property where the sign is located, and the legal owner of the lot, even if the sign was placed, constructed, or displayed without the owner's consent or knowledge.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.212 Definitions.

For purposes of this chapter, the following words and phrases have the following meanings:

- (a) "A-board" means a portable sign capable of standing without support or attachment.
- (b) "Animated sign" means a sign that displays visual images that change more often than one time in any 24-hour period, or images that move or appear to move, regardless of the method by which the visual change is effected. "Animated sign" does not include signs that merely display time, temperature, or other factual information that by its nature constantly changes.
- (c) "Directional sign" means a sign directing persons to a place, structure, or activity.
- (d) "Freestanding sign" means a sign that is independently supported in a fixed location and not attached in any way to a building or structure, but does not include a monument sign.
- (e) "Frontage of a building" means a facade of a building where there is a public entrance and that faces either a public street, private road, or other public open place.
- (f) "Frontage of a lot" means a property line that is along the right-of-way of a public street or private road.
- (g) "Mobile sign" means a sign mounted on any type of device that is movable or capable of being moved by a vehicle.
- (h) "Monument sign" means a sign constructed upon a solid base or pedestal and not attached in any way to a building or structure.
- (i) "Moving sign" means a sign that has actual or apparent moving, revolving, or rotating parts actuated by an electrical, mechanical, or other device or by wind current.
- (j) "Nonconforming sign" means a sign that was lawful before this chapter became effective, but that thereafter violates this chapter.
- (k) "Projecting sign" means a sign, other than a wall sign, that is suspended or supported by a building or wall and that projects from the building or wall.
- (l) "Right-of-way" has the meaning set forth in Section 82-4.260.
- (m) "Shingle sign" means a sign that is suspended below a canopy, overhang, or covered walkway.
- (n) "Sign" has the meaning set forth in Section 82-4.262.
- (o) "Temporary sign" means a sign constructed to be maintained for a period of limited duration, and that is neither permanently installed in the ground nor permanently affixed to a building or structure permanently installed in the ground.
- (p) "Wall sign" means a sign attached to, erected against, or painted upon a wall or a building or structure, the face of which is a single plane parallel to the plane of the wall.

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- (q) "Window sign" means a sign maintained or painted on a window, not including a placard placed on or attached to a window.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.214 Sign area computed.

- (a) The area of a sign is computed by including the maximum display surface that is visible from the ground, and excluding the structure supporting the sign unless the structure is designed as an integral component of the display. The area of a sign with multiple display surfaces is the sum of the display surface areas.
- (b) Notwithstanding subsection (a) of this section, if two display surfaces on the same sign are parallel and facing opposite directions, and the distance between the two surfaces is not more than two feet, then only the area of one of the two display surfaces is included in the computation of the sign's area.

(Ord. No. 2022-03, § II, 5-24-22.)

Article 88-6.4. Administration

88-6.402 Permit—Required.

No person may construct, place, display, or maintain a sign in the unincorporated area of the County without first obtaining a permit, except as otherwise provided in this chapter. A separate sign permit is required for each sign, except as otherwise provided in this chapter.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.404 Changes to permitted signs—Requirement for new or amended permit.

- (a) If a permitted sign is modified, altered, or replaced, then a new or amended permit is required.
- (b) If any design element of a building or lot upon which a permitted sign is maintained is modified, altered, or replaced, and if the design element constituted a basis for the sign approval, then a new or amended permit is required.
- (c) If the physical structure of a permitted sign is changed, whether by repair, alteration, expansion, change in electrical supply, change in physical method of image presentation, change in dimension or weight, or similar factors, then a new or amended permit is required.
- (d) If only the copy or visual image on the display face of a sign is changed, a new or amended permit is not required.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.406 Application and fee.

An application for a sign permit must be made in writing on a form approved by the director and must be accompanied by the required fee, in an amount established by the board of supervisors in the department's fee schedule.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.408 Permitting procedure.

- (a) The zoning administrator will review all sign permit applications as provided in Section 26-2.1202.
- (b) A sign permit application will not be approved under any of the following circumstances.
 - (1) Violation of this chapter. No sign permit will be approved if an illegal sign is located in violation of this chapter on the lot of the proposed sign, unless the violation will be corrected as part of the requested permit.
 - (2) Other code violations. No sign permit will be approved if a code violation exists on the lot of the proposed sign, unless the violation will be corrected as part of the requested permit.
 - (3) Failure to obtain other permits or approvals. No sign permit will be approved if the applicant has not obtained all other applicable permits and approvals required by this code.
 - (4) Unpaid fee. No sign permit will be approved if the applicant has not paid the applicable permit fee.
- (c) If an applicant proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. If an application is denied in whole or in part, the decision maker's written notice of decision will specify the grounds for the denial.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.410 Findings required.

Before approving a sign permit application, the zoning administrator must find that the following conditions are met.

- (a) The sign complies with the applicable regulations in this chapter.
- (b) The non-communicative aspects of the sign are compatible with the property where the sign is located and the surrounding area. Examples of non-communicative aspects of a sign include the form, proportion, architectural scale in relation to other nearby buildings and structures, materials, surface treatment, and overall sign size.
- (c) The location of the sign will not impair the use of the property or conflict with the visibility, location, or arrangement of existing adjacent signs.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.412 Appeal.

The denial or approval of a sign permit may be appealed pursuant to Article 26-2.24.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.414 Nonconforming signs.

A nonconforming sign lawfully existing as of the effective date of this chapter may be continued in use without expansion or alteration until any of the following occur:

- (a) The sign is voluntarily removed or relocated.

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- (b) The sign is damaged or destroyed in excess of 50 percent of its reasonable market value at the time of damage or destruction.
 - (c) The property is developed or redeveloped with new structures or additions to existing structures, and the total area of new structures and additions exceeds 25 percent of the existing developed area.
 - (d) The size or configuration of the lot where the sign is located is changed by a subdivision of the lot.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.416 Prohibited signs.

- (a) No person may construct, place, display, or maintain a sign contrary to the provisions of this code.
- (b) No person may construct, place, display, or maintain a sign in violation of federal or state law, including, but not limited to, the Outdoor Advertising Act.
- (c) No person may construct, place, display, or maintain an animated sign, mobile sign, moving sign, A-board sign, or sign that flashes, blinks, or rotates.
- (d) No person may construct, place, display, or maintain a sign that is:
 - (1) Dilapidated;
 - (2) Portable;
 - (3) Attached to a fence;
 - (4) Painted on or attached to a parked vehicle for purpose of advertising to the passing public;
 - (5) Painted on a wall, bench, structure, or building;
 - (6) Constructed of cloth or other flexible material, except for flags attached to a flagpole;
 - (7) Supported by exposed wires or cables;
 - (8) Designed, placed, or oriented for freeway exposure; or
 - (9) Designed with external neon lighting.
- (e) No person may construct, place, display, or maintain a freestanding sign within 1,000 feet of a school, playground, or park.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.418 Exempt signs.

The following signs are exempt from the permit requirement of this chapter.

- (a) A sign of a governmental agency located and maintained for the purpose of traffic safety, including a traffic sign or similar regulating device or warning device.
- (b) A sign required to be maintained by law or regulation. If a sign is required to be maintained by law or regulation but the sign area is not specified in the law or regulation, the sign area may not exceed ten square feet.

(Ord. No. 2022-03, § II, 5-24-22.)

Article 88-6.6. Signs on Private Property

88-6.602 Applicability.

This article applies to signs placed or displayed on private property in the unincorporated area of the County. This article also applies to signs placed or displayed on land or facilities owned by public entities other than the County if the County exercises land use regulatory power over these lands or facilities. This article does not apply to signs placed or displayed within a public right-of-way, which are regulated by Article 88-6.8.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.604 Owner's consent.

No sign may be placed on private property without the consent of the legal owner of the property.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.606 Exempt signs on private property.

The following signs, when located on private property, are exempt from the permit requirement of this chapter. This section does not exempt the following signs from any other applicable law or regulation, including, but not limited to, building and zoning code requirements and traffic safety laws and regulations pertaining to sign locations.

- (a) One flagpole and three flags per lot. The flagpole may not exceed 25 feet in height or the highest point of the principal building on the lot, whichever is lower. The area of each flag on the flagpole may not exceed 15 square feet.
- (b) A sign that cannot be seen from a public street, private road, or adjacent property.
- (c) A temporary sign maintained for a period not to exceed 60 consecutive calendar days. The temporary sign may not exceed 12 square feet in area. The temporary sign may not exceed six feet in height.
- (d) One or more on-site commercial signs on a lot with a grower stand, farm stand, or farm market, as long as the sign or signs comply with Section 88-20.404.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.608 Land use districts.

- (a) General. A sign that complies with the provisions of this chapter may be located in any land use district, except as otherwise specified in subsections (b), (c), or (d) of this section.
- (b) Single-family residential districts. No sign may be constructed, placed, displayed, or maintained on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100) or a water recreational district (F-1), or on a single-family residential lot in a planned unit district (P-1), except for an exempt sign under Section 88-6.418 or Section 88-6.606. This subsection does not apply to a lot where a non-residential use is approved by a land use permit.
- (c) Other residential districts. No sign may be constructed, placed, displayed, or maintained on any lot in a two-family residential district (D-1), in a multiple-family residential district (M-6, M-9, M-12, M-17, and M-29), or on a multiple-family residential lot in a planned unit district (P-1), except for the following:
 - (1) An exempt sign under Section 88-6.418 or Section 88-6.606;

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- (2) One or more freestanding signs or monument signs per lot that meet the requirements of Section 88-6.610; and
 - (3) One wall sign per lot that meets the requirements of Section 88-6.612.

This subsection does not apply to a lot where a non-residential use is approved by a land use permit.

- (d) No sign may be constructed, placed, displayed, or maintained on any lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80), except for the following:
 - (1) An exempt sign under Section 88-6.418 or Section 88-6.606; and
 - (2) One or more freestanding signs or monument signs per lot that meet the requirements of Section 88-6.610.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.610 Freestanding signs and monument signs.

A freestanding sign or a monument sign must meet all of the following requirements.

- (a) Area. No freestanding sign or monument sign may have an area that exceeds one square foot for each 1,000 square feet of lot area. The maximum area of a freestanding sign or monument sign is 35 square feet. The maximum aggregate display area of all freestanding signs and monument signs located on a lot is 50 square feet.
- (b) Height. No portion of a freestanding sign or monument sign may be higher than the roof line of the principal building on the lot or 12 feet, whichever is lower.
- (c) Display Surfaces. No freestanding sign or monument sign may have more than two display surfaces.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.612 Attached signs.

A projecting, shingle, wall, or window sign must meet all of the following requirements.

- (a) Area.
 - (1) No projecting sign may have an area that exceeds five square feet.
 - (2) No shingle sign may have an area that exceeds five square feet.
 - (3) No wall sign may have an area that exceeds ten percent of the area of the wall on which it is placed, excluding the area of all other signs on the frontage of the building.
 - (4) No window sign may have an area that exceeds ten percent of the area of the window on which it is placed.
- (b) Projections, heights.
 - (1) No sign or portion of a sign may be higher than the eaves, fascia, or parapet of the building to which it is attached.
 - (2) No sign may project more than one foot from the wall of a building, except a shingle sign may project a maximum of six feet from the wall of a building.
 - (3) No projecting sign may have a vertical clearance of less than eight feet between the ground and the bottom of the sign.

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- (4) No shingle sign may have a vertical clearance of less than eight feet between the ground and the bottom of the sign.
 - (5) No wall sign may exceed 15 feet in height above grade measured from the base of the wall.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.614 Location.

A sign may be located only on the frontage of a building, or on the frontage of a lot if not attached to a building on the lot. Signs may not be located on more than two frontages of any one building.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.616 Temporary signs.

- (a) A temporary sign may be located and maintained on a lot for sale for a period not to exceed 18 consecutive months or until the lot is sold once, whichever occurs first. No more than one temporary sign may be located on a lot for sale.
- (b) A temporary sign may be located and maintained at an entrance of a development that includes one or more lots for sale for a period not to exceed 18 consecutive months or until 30 days after all lots in the development are transferred once, whichever occurs first. No more than one temporary sign may be located at an entrance of a development that includes one or more lots for sale.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.618 Vehicles.

No sign may be attached to, supported by, or suspended from a vehicle parked on a street or lot, except a sign that is an integral part of the vehicle.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.620 Service stations.

In the case of any conflict between this chapter and state requirements for signs related to gasoline sales, the state requirements will govern. ;hn0; (Ord. No. 2022-03, § II, 5-24-22.)

88-6.622 Illumination.

A sign permitted by this chapter may not be illuminated by artificial illumination unless expressly authorized by the sign permit. The zoning administrator may include conditions in the sign permit as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.624 Vacant lots.

The aggregate sign display area of all signs located on a lot where no building exists may not exceed one and one-half square feet per 1,000 square feet of lot area. The maximum aggregate sign display area of all signs located on a lot where no building exists is 35 square feet.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.626 Signs within highway setback.

A sign placed or displayed within a highway setback, as described in Article 82-12.4, is subject to the same restrictions and requirements that apply to signs placed or displayed within a public right-of-way pursuant to Article 88-6.8.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.628 Master sign program.

- (a) General. The zoning administrator may approve a comprehensive master sign program as part of a multi-tenant development or a development in a P-1 district. The objectives of a master sign program are to ensure: that the non-communicative aspects of all signs in a multi-tenant development or a P-1 district are compatible; and that adequate signs are provided to all current and prospective tenants within a multi-tenant development or a P-1 district.
- (b) Applicability. A master sign program applies to all tenants and buildings within a single development, whether the development is located on a single lot or on multiple lots.
- (c) Exceptions. A master sign program may authorize exceptions to the sign regulations specified in this article, including the number of signs, height, location, and sign area.
- (d) Prohibited. A master sign program may not be used to display sign types that are prohibited under this article.
- (e) Approval. If the zoning administrator approves exceptions to the sign regulations specified in this article, the zoning administrator must find that each exception will accomplish the objectives of this section. The zoning administrator may include conditions in the master sign program permit to mitigate any negative impacts attributed to the exceptions.

(Ord. No. 2022-03, § II, 5-24-22.)

Article 88-6.8. Signs Within the Public Right-of-Way

88-6.802 Applicability.

This article applies to signs placed or displayed within a public right-of-way.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.804 Prohibited signs.

No person may place or display a sign within a public right-of-way unless the sign is specifically authorized under this chapter.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.806 Encroachment permit.

No person may place or display a sign within a public right-of-way without both a permit under this chapter and an encroachment permit issued under Section 1002-2.008.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.808 Exempt—Bus shelter signs.

Signs placed or displayed on a structure within or on a right-of-way that is used solely as a bus shelter are exempt from the permit requirement of this chapter. This section does not exempt bus shelter signs from any other applicable law or regulation, including, but not limited to, encroachment permit requirements.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.810 Directional signs.

A freestanding directional sign may be placed within a public right-of-way. A freestanding directional sign must meet all of the following requirements.

- (a) Location. No directional sign may be located:
 - (1) Within 500 feet of another directional sign on the same public right-of-way and facing in the same direction;
 - (2) At an intersection that would result in more than one directional sign at any corner of the intersection;
 - (3) Within three feet of any curb where parking is allowed;
 - (4) Within six feet of a driveway or curbcut access ramp;
 - (5) In any bus stop zone;
 - (6) So that any part of the sign extends into any bus stop zone or sidewalk area;
 - (7) On any median;
 - (8) So as to conflict with any applicable sight distance or clear recovery zone standard in the California Department of Transportation Highway Design Manual; or
 - (9) Within any State right-of-way without State approval.
- (b) Area. No directional sign may have an area that exceeds 16 square feet.
- (c) Additional permit terms. All of the following terms and requirements are incorporated into all permits issued under this article:
 - (1) The term of the permit is one year from the approval date, unless revoked earlier.

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- (2) The permittee shall obtain and maintain during the term of the permit comprehensive general liability insurance, including coverage for owned and non-owned automobiles, within minimum combined single-limit coverage of \$2,000,000 for all claims and losses due to bodily injury or death to any person, or damage to property, including loss of use arising out of each accident or occurrence. The permittee shall name the County and its officers, agents, and employees as additional insureds under all policies held in connection with the permit. All coverage shall provide for 30 days' written notice to the County of cancellation or lapse in coverage. A certificate of insurance for the policy hereunder required, indicating the name and telephone number of the insurance agent most responsible for the insurance policy and evidencing such coverage, must be furnished to the County prior to the approval of the permit. If the permittee renews or amends existing insurance or acquires new insurance, the permittee shall provide an updated certificate to the County.
 - (3) The permittee shall indemnify, defend, and hold harmless the County, its boards, commissions, officers, employees, and agents from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages arising from or related to the applicant's application for a sign permit, the County's discretionary approval of the sign, the County's actions pursuant to the California Environmental Quality Act and planning and zoning laws, and the construction, placement, display, or maintenance of the sign, regardless of when those liabilities accrue.
 - (4) The permittee shall maintain and repair the sign or signs as required by the associated encroachment permit.
 - (5) A sign may be removed by the County if necessary for maintenance activities or safety considerations.
 - (6) A sign permit may be revoked by the County upon 90 days' notice, or at any time for safety considerations.

(Ord. No. 2022-03, § II, 5-24-22.)

Article 88-6.10 Enforcement

88-6.1002 Removal of abandoned or unsafe signs.

An abandoned or unsafe sign that imperils the safety of persons or property, or a temporary sign that is not removed within the time prescribed by this chapter, may be summarily removed or abated by the County. The owner of the property and the person responsible for a sign are liable for the cost of removal.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.1004 Remedies.

The County may seek compliance with this chapter by any remedy allowed under this code, including, but not limited to, revocation, abatement, administrative fines, infraction citations, and any other remedy allowed by law.

(Ord. No. 2022-03, § II, 5-24-22.)

To: Jennifer Cruz, Principal Planner
From: Gabriel Lemus, Assistant Deputy Director
By: Susan Johnson, Planner & Melanie Erickson, Planner
Date: May 14, 2024
Subject: **Bethel Estuary Estates County File # CDS23-09669, and CDDP23-03040 – 0 Bethel Island Rd., Oakley**

Dear Jennifer,

The following is the Housing and Community Improvement Division's response to revised Agency Comment Request dated April 24, 2024, for Development Plan application # CDGP24-00001, CDRZ24-03273, CDS23-09669, and CDDP23-03040. The subject property (APN: 032-112-007) is located at 0 Bethel Island Road in the Oakley area of unincorporated Contra Costa County.

No changes to the number of units are proposed in the re-submission; however, it is still unclear what the affordability of the units shall be as no Inclusionary Housing Plan has been submitted.

The development plan proposal is to construct 209 market rate, single-family detached homes and 62 below-market duplexes at 120% area median income (AMI).

It is our understanding that DCD has determined that the project does not qualify for Builder's Remedy and will defer to CDD on the determination. If the determination is reversed by the County, it should be noted that the proposed project does not meet the unit affordability requirements for Builder's Remedy because only twenty-three percent of the units are proposed to be below market-rate units at 120% AMI/moderate-income units. The term lower income in our earlier comments refers to 80% AMI/lower income units.

Housing Element Sites Inventory

The County has adopted a 6th Cycle Housing Element and the parcel (APN: 032-112-007) is not listed on the sites inventory.

Inclusionary Housing

Pursuant to County Code Section 822-4.402(d), in a residential development of one hundred twenty-six or more for-sale units, at least fifteen percent of the for-sale units shall be developed and sold as inclusionary units under the terms and conditions of County Code Section 822-4.410(b). At least twenty percent of the inclusionary units shall be sold at an affordable sales price to lower income households, and the remaining inclusionary units shall be sold at an affordable sales price to moderate income households.

If the calculation of the required number of inclusionary units results in a fraction of a whole number, a partial in-lieu fee shall be paid in accordance with County Code Section 822-4.404 for the fraction of the unit. The amount of the partial in-lieu fee shall be a percentage of the in-lieu fee for a single unit, with the percentage equal to the fraction of the whole number.

As proposed, the development does not comply with the County's Inclusionary Housing Ordinance, which, as mentioned above, requires at least twenty percent of the inclusionary units to be sold at an affordable sales price to lower income households. In addition, inclusionary units must be dispersed throughout the residential development and have access to all on-site amenities that are available to market rate units. The proposed duplexes are concentrated in one corner of the development and are

not comparable in size to the proposed market rate units. Please refer to County Code Section 822-4.412 for additional requirements.

271 units x 15% = 40.65 Inclusionary Units required

40.65 units x 20% = 8.13 Lower-Income Units required

Housing Comments

- Provide a complete Inclusionary Housing Plan (IHP). **The application shall be deemed incomplete pursuant to Section 822-4.414 until a housing plan has been submitted, reviewed, and preliminarily approved.** A copy of the Inclusionary Housing Plan Checklist is attached for your reference and use. Failure to submit a housing plan may result in delays in the processing of the application.

- It appears that the developer is proposing an alternative method of compliance to the County's IHO. Due to the complexity of the proposal, the required IHP should include a clear narrative explaining how the project will meet the County's IHO requirements. This narrative should include, but is not limited to the following information, which has not been provided:
 - All of the information requested under Section 822-4.406 of the County Ordinance.
 - Confirmation of whether the inclusionary units will be for sale or for rent.
 - Total number of inclusionary units, including the affordability levels of the units as required by the IHO.
 - Location of the inclusionary units in the project.
 - Schedule for construction and sale of the inclusionary units.

Confirmation of the units will be for-sale or rental will be required before entitlements are obtained for the Inclusionary Housing Agreement, restricting the affordability of the units for the affordability period as required by the County Ordinance and/or State Law., whichever is most restrictive.

- As proposed, the project does not comply with County Code Section 822-4.402(d) and Section 822-4.412. A copy of the Inclusionary Housing Ordinance is attached for your reference.

- The response received to our initial comments regarding the non-compliance with County Code Section 822-4.402(d) was a citation to County Code Section 822-4.406 (d): Dual Developers stating there will be one market rate and one affordable.

The applicant has not provided a detailed explanation of what they mean by dual developers, which is required. It should be noted that it appears the applicant is interpreting the referenced section as having two developers for the same development plan project. The development of market rate units and affordable units under the same entitlement applications are not considered separate residential developments. Section 822-4.406 (d) states, "Two or more developers of separate residential developments required to comply with this chapter may propose to meet their combined then-existing obligations under this chapter in one of three ways."

Staff considers the project as one development as only one application has been submitted for the entitlements of building market rate and affordable units by the same developer. To be considered dual development two or more developers of separate residential developments that have separate IHO requirements would need to submit two separate entitlement

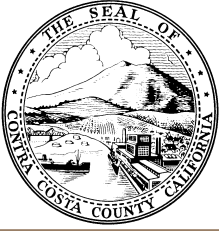
applications for development. Two or more developers are required at this time. The application submitted only indicates one developer for this project.

- We reserve the ability to make further comments if the project scope/project plans are revised, and based on the Inclusionary Housing Plan when it is submitted.

Sincerely,

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**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION & DEVELOPMENT**

30 Muir Road

Martinez, CA 94553

Telephone: (925) 655-2709 **Fax:** (925) 655-2750

TO: Jennifer Cruz, Project Planner

FROM: Robert Sarmiento, Transportation Planning Section

(RS)

DATE: May 17, 2024

SUBJECT: Bethel Estuary Estates (DP23-03040)

The Transportation Planning Section (TPS) has reviewed the applicant's response to TPS's first comment letter and a traffic impact study that was conducted by the transportation consultant TJKM for the subject project, located between Sandmound Boulevard and Wells Boulevard near Bethel Island Road. Comments are below; in summary, the comments pertain to vehicle miles traveled (VMT), the traffic operational analysis, transit, active transportation, parking, and transportation demand management (TDM).

Please let me know if you have any questions and/or direct TJKM staff to contact me directly if necessary.

Comments

Traffic Impact Study (TIS)

1. The TIS should include a discussion of the 2017 East County Action Plan¹, including Routes of Regional Significance, Multimodal Transportation Service Objectives (MTSOs), and goals, policies, and actions for East Contra Costa County that may impact the project. The TIS should demonstrate in more detail how the project is consistent with the aforementioned components of the East County Action Plan.
2. Additional Tri Delta Transit routes run between the Oakley Park-and-Ride and the Antioch BART Station.² Section 3.4 – Existing Transit Facilities, including Table 3, should be updated to include these additional Tri Delta Transit routes.
3. Section 3.4 – Existing Transit Facilities should include a discussion on existing BART service, including the closest station to the project, the BART line(s) that serve the station and its origin/destination, the hours of operation, and the BART line(s) headways throughout the day.
4. Please have TJKM staff fix/revise the following language at the end of the first paragraph in Section 3.4– “*BART/Pittsburg/Antioch/Oakley/Brentwood*” –as the language is unclear.

¹ <https://transplan.us/wp-content/uploads/2022/03/East-County-Action-Plan.pdf>

² Tri Delta Transit System Map: <https://trideltatransit.com/mobile/mobileMaps.aspx>

5. Due to the type, location, and characteristics of the project, the VMT mitigations proposed on page 30 of the TIS will have limited effectiveness on reducing the project's VMT impact and are insufficient.³ CEQA compels the consideration of all feasible mitigation measures, TPS staff advises that the applicant fund a study (to be overseen by Tri Delta Transit and other stakeholders) to analyze transit, microtransit, and any other mobility options to serve the development⁴. In the event the study results in a recommendation with VMT mitigation potential, the applicant will establish an ongoing funding mechanism to support the service.⁵
6. In Section 4.1 – Vehicle Miles Traveled, please have the transportation consultant move up Table 8 to incorporate it into the discussion on the Base Year VMT and Base Year Plus Project VMT and as a complement to Table 6. It's currently out of place at the end of the section.
7. The trip generation figures identified for the project use a mix of the “average rate” and “fitted curve” for the land use types, based on the ITE Trip Generation Manual, 11th Edition. For consistency, please have the transportation consultant revise the TIS to use only the average rate provided in the Trip Generation Manual when identifying the project's trip generation.
8. For Figure 6, please have the transportation consultant confirm if no project traffic will turn from westbound E. Cypress Road to southbound Sellers Avenue (Intersection 4).
9. For Figures 6 and 7, please have the transportation consultant provide clarification on the U-turn turning movement shown in both Intersections 7 and 9.
10. The transportation consultant should fix the narrative at the end of Section 4.5 – Intersection Queuing Analysis. It currently states twice: “*Error! Reference source not found.*”
11. Please have the transportation consultant confirm if Background/Background with Project Conditions considers future development and transportation projects in Unincorporated County and the City of Brentwood.
12. The TIS mentions both Laurel Road and Laurel Avenue. Please have the transportation consultant confirm the correct name of the roadway and revise the roadway name in the TIS as appropriate.
13. To accurately identify and evaluate the traffic operational impacts from the project, the Cumulative/Cumulative Plus Project Conditions must account for the land uses identified in

³ Literature shows that VMT reduction strategies, particularly increasing the bicycle or pedestrian network, are less effective for low-density developments (WSDOT [Study](#), [Memo](#) RE: VMT Reduction for land uses of different densities).

⁴ The County conditioned the Dougherty Valley developers similarly, a study was conducted that recommended a fixed route line to serve the development. The service was implemented, is a successful route, and has been operating for 10+ years.

⁵ As an example, the County has implemented a mechanism to fund transit service for the Alamo Creek development in South County ([Link](#) to most recent annual report on the program to the BOS).

the East Cypress Corridor Specific Plan. Please have the transportation consultant work with Contra Costa Transportation Authority (CCTA) staff to ensure that the East Cypress Corridor Specific Plan is incorporated into the CCTA Travel Demand Model.

14. The project's proposed bike parking should include secure bike parking facilities. The project should also include supportive bike amenities, for example, a bike repair station and a water fountain.
15. The guest parking lot and public parking lot should include electric vehicle (EV) charging spaces.⁶
16. The future intersection of "Street C" (as indicated in Figure 14) and the future road extension should include traffic calming measures. Staff suggests that the proposed high-visibility crosswalk in the middle of the Street C segment be moved west to serve the future intersection and provide a more direct connection with the proposed path that will run from the public parking lot.
17. TPS staff appreciates the inclusion of a preliminary TDM program (Section 9.3) in the TIS. TPS staff will continue to work with the applicant and TJKM staff to develop a TDM program that is consistent with the County's TDM ordinance.
18. TPS advises that a transportation consultant be retained to provide a peer review of the applicant's March 14, 2024 Bethel Estuary Estates Traffic Impact Study, produced by TJKM.

Applicant Responses to TPS Comment Letter, submitted on October 12, 2023

19. TPS staff recommends that the applicant include the segment of Wells Road north of the 90-degree bend to the property line when installing a sidewalk along the frontage of Wells Road.

cc: John Cunningham, DCD
Maureen Toms, DCD
Raquel Caicedo, DCD
Jerry Fahy, PWD
Jeff Valeros, PWD
Joe Smithonic, PWD
Monish Sen, PWD

⁶ Section 74-4.006 of the Contra Costa County Municipal Code ([link](#)) identifies the number of required EV charging spaces to be installed.

From: Avina_Mike@DPC
To: [Jennifer Cruz](mailto:Jennifer.Cruz)
Cc: Blodgett_Bruce@DPC; Roberts_Blake@DPC; Gardiner_Virginia@DPC
Subject: CSDS23-09669/CDDP23-03040 / Bethel Estuary Estates
Date: Thursday, May 9, 2024 10:39:41 AM
Attachments: [image001.png](#)

Dear Ms. Cruz:

We are writing regarding the Bethel Estuary Estates application. Because this housing development is in the Delta Secondary Zone our jurisdiction is limited to commenting on the project to the extent it impacts the Delta Primary Zone.

We encourage the project approval conditions to include mitigation for the loss of agricultural land. The area subject to development contains farmland of local importance. This designation consists of land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

While the project is not in the Delta Primary Zone the reduction in agricultural acreage will impact the viability of the overall Delta agricultural economy. Please feel free to reach out if you have any questions.

Mike Aviña
Senior Environmental Planner
[Delta Protection Commission](#) – a California state agency
Mobile: (530) 750-6727





May 17, 2024

Jennifer Cruz, Principal Planner
Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553

Subject: **Geologic Peer Review/ 30-Day Comments**
CDS23-09669 & DP23-03040
Duong Estuary Cove, LLC (owner), K. Weiss (applicant)
APN 032-112-007 (77-acres; 271 dwelling units proposed)
Oakley Area, Contra Costa County
DMA Project #3008.24

Dear Jenn,

Based on your authorization, we have reviewed the geotechnical materials submitted by the applicant for the Bethel Estuary Estates project. This peer review letter is organized to first outline the purpose and scope of our review. We then provide background information on the geologic and seismic setting of the site before commenting on the geotechnical report. We then present our evaluation and recommendations.

Purpose

The purpose of our review is to provide a professional opinion on the adequacy of published geologic and soils reports and maps issued by public agencies and professional organizations, in combination with the Geotechnical Exploration report prepared by Engeo, Inc.¹ The project civil engineers are JMH Weiss, Inc.² They prepared the Vesting Tentative Subdivision Map (VTSM).

Prior to deeming the application complete, the County requires sufficient data on site conditions to allow: (i) delineation the potential geologic hazards based on adequate subsurface data, and (ii) the data must be sufficient to serve as the primary basis for preparation of the “Geology and Soils” chapter of the CEQA document. Appendix G of the CEQA Guidelines issued by the State of California identifies the potential geologic and seismic hazards that must be evaluated by the CEQA document (see Table 1 for a list of the potential hazards that must addressed by the CEQA document).

¹ Engeo, Inc., 2024, *Geotechnical Exploration, Bethel Estuary Estates, Bethel Island, California*, Engeo, Inc. Job #24882.000.001 (report dated May 1, 2024).

² JMH Weiss, Inc, 2024, *Subdivision Tract 9669, Vesting Tentative Map (& Other Drawings), Bethel Estuary Estates, Contra Costa County, California*, Weiss Job #5298 (dated April 2024).

Table 1
Appendix G of State CEQA Guidelines

7. GEOLOGY AND SOILS – Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Understanding of the Project

The application is a request for approval of a VTSM and Final Development Plan that would allow 271 residential units on the 77-acre site. Architectural drawings indicate three story dwellings, with 2-car garages, and dwellings ranging up to 43 ft. 5 in. in height. Most of the project site is at or below sea level. Reclamation District #799 maintains the levees protecting the site. The district's responsibilities include collection and discharge of storm water accumulating behind the levees.

The VTSM indicates approximately 38.2 ac of the site will be utilized for residential land use, with an estimated 3 ac of easements and dedications. The remainder of the project site will be utilized as private open space. As proposed, 165 lots are to be low-density, single-family residences (2,200 to 3,000 square feet); and 62 lots are to be below market rate duplexes (1,100 to 1,200 square feet).

Scope

The scope of our review included (i) geologic analysis of vertical angle aerial photographs using a stereoscope equipped with 3x and 8x binoculars,³ (ii) review of pertinent published geologic reports and maps, including the Seismic Hazard Zone map and associated report, (iii) review of the Soil Survey of Contra Costa County, (iv) review of Safety Element geologic hazard maps and geologic-related Safety Element policies. With that background we (v) reviewed the geotechnical report and project plans submitted with the application, (vi) evaluated the data gathered, and (vii) prepared the 30-Day comment letter presented herein. In summary, the concern of the County at this point in the processing of the application is evaluation of potential geologic, seismic and geotechnical hazards. Detailed technical data on the design of planned improvements is not required by CEQA.

Background

1. Active Faults

Figure 1 presents a Vicinity Map. The project site is outlined in red and is within a red bullseye. The base map shows topography, blue-line creeks, State Route 4, local road network and city boundaries. Additionally, it shows faults mapped by the U.S. Geological Survey (USGS) that are represented by a black dashed line.⁴ These faults are not classified by activity status (i.e., they are bedrock faults that are presumed to be inactive).

The nearest fault that is considered active by California Geological Survey (CGS) is the north-northwest Greenville fault that passes approximately 15 miles southwest of the project site. The northwest trending Concord fault passes approximately 20 miles west-southwest of the project site. These faults are considered capable of generating an earthquake of magnitude 6.5 to 7.0. The CGS has issued maps that delineate *Earthquake Fault Zones* (EFZs) These zones encompass the recently active and potentially active traces of the Greenville and Concord faults. Typically, the EFZ is 1,700 to approximately 2,000 ft. in width (locally wider where there are branching or subparallel traces). According to the CGS, recently active and potentially active traces of the active faults may be present anywhere in the Earthquake Fault Zone (i.e. the location of future surface rupture generally can be assumed to be along an active major fault trace). Because the subject property is not within the Earthquake Fault Zone delineated by the CGS, the probability of the project experiencing surface rupture can be considered very low. It should be recognized that the CGS does not delineate an A-P zone unless it determines there is clear evidence of surface fault rupture during Holocene time (i.e. during the last 11,700 years±).

2. Seismicity

In additionally to the known active faults in Contra Costa County, there is a seismically active blind thrust belt underlies the Coast Range - Great Valley geomorphic boundary passes through the eastern portion of Contra Costa County. Its location is not well established, but it can be inferred to pass through the within 1 mile of the project site (see Figure 1). This fault, which trends approximately N10°W, is not known to offset Quaternary deposits. Consequently, the location shown on published maps is based on technical data of petroleum firms that was accessed by the USGS (typically deep seismic reflection data, possibly supplemented with data from deep borings that were logged by petroleum company geologists). This through-going fault is often referred to by geologists as the Great Valley fault. It represents a major geologic

³ Pacific Aerial Surveys, 1973, Aerial Photographs #CC3526-6-154 & -154; scale 1:12,000 (flight date May 7, 1973).

⁴ Graymer, R., D.L. Jones & E.E. Brabb, 1994. *Preliminary Geologic Map Emphasizing Bedrock Formations in Contra Costa County, California*. U.S. Geological Survey Open File Report 94-622.

contact (basement rock west of the Great Valley fault is the Franciscan mélange; east of the fault the basement rock is granitic and metamorphic rock. Although the Great Valley fault is not considered active by the CGS, it is a potential seismic source. Earthquakes associated with the Great Valley fault system include the 1983 Coalinga earthquake and 1985 Kettleman Hills earthquake, of magnitudes 6.7 and 6.1 respectively. Additionally, two greater than 6.0 magnitude earthquakes are believed to have occurred on the fault system in 1892 near Winters and Dixon. Similar magnitude (or larger) seismic events could originate on the segment of this fault system that passes through eastern Contra Costa County. In summary, the precise location of the Great Valley Fault System and associated blind-thrust faults are not well known because the earthquakes on this fault system do not result in fault rupture at the ground surface. Wakabayashi and Smith (1994) have proposed preliminary segmentation of the Great Valley Fault System.⁵ In the Alameda-Contra Costa County area, a 30-kilometer-long segment with a characteristic earthquake magnitude of 6.7 is indicated. Overall, Wakabayashi and Smith state the recurrence interval for the average Great Valley Fault segment, as estimated from historical seismicity, is 360 to 440 years. In summary, the San Francisco Bay Region is considered one of the most seismically active regions of the United States. Consequently, it can be assumed that the proposed improvements will be subject to one or more major earthquakes during their useful life. Earthquake intensities vary depending on numerous factors, including (i) earthquake magnitude, (ii) distance of the site from the causative fault, (iii) geology of the site, (iv) duration of earthquake shaking, and other factors. The USGS has stated that there is a 72 percent chance of at least one magnitude 6.7 or greater earthquake striking the Bay Region between 2014 and 2043.⁶

3. Bedrock Geologic Map

In 1994 the U.S. Geological Survey (USGS) issued a digitized bedrock geology map of Contra Costa County. Figure 2 presents a portion of this map. The base map shows the local road network, creeks and water bodies (blue color), and bedrock formations, and Quaternary deposits on the floor of the Great Valley of California topography and creeks. It also shows the bedrock faults mapped by the USGS. The faults shown are not considered active (i.e., no proven evidence of surface fault rupture during Holocene time (i.e., during the last 11,700 yrs.). The boundaries of the project site is shown in red. The geologic map indicates the site located within the broad, relatively level, valley floor area that is mapped as Quaternary deposits (undivided). The nearest bedrock is indicated to be 6 miles west-southwest of the site. These formations range in age from Pliocene to Eocene. The depth to bedrock beneath the project site is unknown, but it may be more that 300 ft. below the ground surface.

4. Quaternary Geologic Map

In 1997 the USGS issued a map that divided Quaternary deposits of Contra Costa County into nine categories that vary in age, depositional environment and engineering properties.⁷ A portion of this USGS map is presented in Figure 3 at a scale of 1 in.= 1,000 fr., where five (5) different surficial deposits are

⁵ Wakabayashi, J., and Smith, D.L., 1994, *Evaluation of Recurrence Intervals, Characteristic Earthquakes, and Slip Rates Associated with Thrusting along the Coast Range-Central Valley Geomorphic Boundary, California*, Bulletin of the Seismological Society of America, Vol. 84, No. 6.

⁶ Aagaard, Blair, Boatwright, Garcia, Harris, Michael, Schwartz, and De Leo, 2016, *Earthquake Outlook for the San Francisco Bay Region, 2014-2043*, USGS Fact Sheet 2016-3020, revised August 2016; ver. 1.1)

⁷ Helley E.J. and R.W. Graymer, 1997. *Quaternary Geology of Contra Costa County and Surrounding Parts of Alameda, Marin, Sonoma, Solano, Sacramento and San Joaquin Counties, California*. A Digital Database. U.S. Geological Survey, Open File Report 97-98.

mapped on the valley floor. Note that the legend for Figure 3 divides these units into groups according to age (i.e. from Historic deposits to units of Holocene and Holocene/Pleistocene age. Table 2 presents a brief description of these units. According to this map the project site is located within an area mapped as Qds (i.e., dune sand of Pleistocene and Holocene age. This unit consists of fine-grained, very well-sorted, well-drained eolian deposits. They occur mainly in two large northwest-southeast trending sheets as well as many small hills, most displaying Barchan morphology. The dunes display as much as 30 meters of erosional relief and in many areas, they are overlain by basin deposits (Qhb) and peaty mud (Qhpm). They are inferred to have begun accumulating after the last interglacial high stand of sea-level began to recede about 71 ka and continued to form when sea level dropped to its Wisconsin minimum (estimated to be 18 ka), and probably ceased to accumulate after sea level reached its present elevation (est. to be 6 ka).

Table 2
Quaternary Deposits Mapped in Vicinity of Project Site

<p>Historic Deposits</p> <p>Artificial Levee Fill (alf). These manmade deposits composed of various materials and constructed/strengthened at various times. Some are compacted and quite firm, and the materials used for level construction are variable.</p> <p>Artificial Stream Channels (Qhasc). Modified stream channels, usually where streams have been straightened and realigned.</p> <p>Holocene Deposits</p> <p>Peat and Peaty Mud (Qhpm). Water saturated peat and mud deposited in tidal wetlands. These deposits are the time equivalents of the Bay Mud which are mapped around the rim of San Francisco and San Pablo Bays. The unit consists in large part of the decomposed remains of roots and rhizome, particularly Tule, common reed, salt grass and cattail.</p> <p>Basin Deposits (Qhb). Very fine silty clay to clay deposits occupying flat areas in the Brentwood dune field where the basin deposits bury older eroded sand dunes (Qds).</p> <p>Holocene-Pleistocene Deposits</p> <p>Dune Sand (Pleistocene & Holocene (Qds). Fine-grained, well-sorted, well-drained, eolian deposits that include sand hills which display Barchan morphology; inferred to have been deposited from 71 ka to 6 ka.</p> <p style="text-align: right;"><small>Source: USGS Open File Report 97-98</small></p>

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5. Seismic Hazard Zone Mapping Act

The provisions of the Seismic Hazard Mapping Act can be found in the California Public Resources Code, Chapter 7.8, Sections 2690-2699.6. This law is similar in many respects to the Alquist-Priolo Earthquake Fault Zone Mapping Act, which has been implemented by the County for nearly 50-years. However, the official Seismic Hazard Zone (SHZ) maps issued by the California Geological Survey (CGS) identify areas that are at-risk of earthquake triggered landslides and earthquake triggered liquefaction. The procedure for issuance of official SHZ maps is to distribute preliminary review copies of the SHZ maps and invite local jurisdictions, public agencies, and property owner/ general public to provide comment, particularly technical data. The CGS professional staff reviews the comments/ technical data provided. Based on input provided on the preliminary map(s), the CGS may modify the Preliminary Map. Finally, a public hearing is held before the State Mining and Geology Board with a recommendation from the CGS that the map(s) be approved. When SHZ maps are accepted as adequate by the Mining and Geology Board, they are distributed to local jurisdictions and public agencies. Nearly all land development projects that are located within areas at-risk of earthquake-triggered landslide displacement or liquefaction (or both) and which will eventually lead to construction of structures for human occupancy (including all major and minor subdivisions), require comprehensive geological/ geotechnical investigation.

There are standards for the required investigations. To ensure that the resulting reports comply with the standards of the CGS, state law requires that all reports be subject to peer review by a California geologist or geotechnical engineer acting in behalf of the local jurisdiction. A copy of each consultant-prepared report, along with evidence of peer review, must be forwarded to the CGS within 30 days of completion of the peer review. Accompanying each SHZ map is a Seismic Hazard Zone Report.⁸ Those reports explain the factors used by the CGS staff in their analysis and present the report presents technical data on a) geology, b) groundwater, c) geologic probabilistic seismic hazard analysis model and its application to liquefaction and landslide hazard assessment d) results of materials testing, d) ground motion assessment, e) lists key references and f) explains the associated zoning techniques. Each SHZ Report provides ground-shaking levels for a seismic event having a 10 percent probability of being exceeded in a 50-year period.

The SHZ map for the Jersey Island Quadrangle does not identify any landslide hazard areas, but it does show all valley floor lands in the Quadrangle to be at-risk of liquefaction. Figure 4 presents an enlargement of the SHZ map showing the project site and adjacent area (scale of 1 in.=2,000 ft.). The boundary of the project site is outlined in green; the base map shows the local road network, creeks and water bodies (with a blue line) and topographic contours (10 ft. contour interval). As shown, the project site is within an *Earthquake-Induced Liquefaction Zone*. In making its determination the CEG considers the engineering properties of the various Quaternary deposits known to occur in the subsurface, available information on the elevation of the water table, and local seismic conditions. In this case one of the deposits known to occur in the subsurface are sand dune deposits that are saturated. Regarding the seismicity of the project site, SHZ Report 123 (Plate 3.2) indicates that the Project Site is in an area rated as having a Probabilistic PGA of 0.24 - 0.25 (i.e., 10% risk of exceedance in 50 years). For lands rated at-risk of liquefaction, there is a potential for permanent lateral and vertical ground displacements such that mitigation as defined in Public Resource Code Section 2693c is required. Disclaimer #8 on the SHZ map acknowledges that some sites within the designated hazard areas may have already been mitigated to standards of the local jurisdiction (i.e., the CGS has not performed exhaustive studies of previous geotechnical and engineering geologic reports in County project files.)

6. Soils

According to the Soil Survey of Contra Costa County,⁹ the soil series mapped on the site include the Piper loamy sand (Pe), Piper fine loamy sand (Ph), Egbert mucky clay loam (Ea) and the Shima muck (Se). Briefly, there is a sandy soil at the ground surface (Pe and Ph) but it is locally overlain by peaty, clayey saturated soils (Ea & Se). The Pe and Ph soils (slopes 0-2%) occur in concave areas. Runoff is slow to very slow; permeability is slow.

The typical soils profile for this soil series is 5 ft. in thickness. The A horizon extends from the ground surface to a depth of 10 inches below the ground surface. It is described as a dark gray to very dark gray and containing 2 to 50% organic material. or black clay. The B2 horizon extends to 38 inches below the ground surface. It is a light gray sandy loam that has segregated lime in few to many seams and soft rounded bodies. Part of this horizon has weak cementation. The C-horizon (which extends from 46 to 60 in. below the ground surface) is described as sand or loamy sand that contains a higher percentage of sand than the overlying B2 horizon. With regard to engineering properties, the Piper series is characterized by a *low* expansion potential but is considered to be *very highly* corrosive. The Ea and Se unit soils are considered to be *moderate to highly* expansive and *very highly* corrosive.

⁸ CGS, 2018, *Seismic Hazard Zone Report for the Jersey Island 7.5-Minute Quadrangles, Contra Costa County, California*, SHZ Report 123.

⁹ Welch, L.E. et. al., 1977, *Soil Survey of Contra Costa County, California*, USDA Soil Conservation Service.

Expansive soils expand when water is added and shrink when they dry out. This continuous change in soils volume causes homes and other structures to move unevenly and crack. Corrosive soil tends to damage concrete and/or uncoated steel that is in contact with the ground. Testing of the soils on the site is needed to confirm foundation conditions. Corrosivity is typically measured after rough grading is completed to ensure that corrosivity testing is based on pad conditions. Design-level geotechnical reports routinely provide specific criteria and standards to avoid/ minimize damage from expansive and corrosive soils.

Safety Element

As previously noted, the Seismic Hazard Zone Map considers the site and adjacent properties in the vicinity of the project site to be within an area that is at-risk of liquefaction, where detailed site-specific studies and needed to evaluate liquefaction and where liquefiable soils are confirmed to be present in the subsurface, effective mitigation of the hazard posed to new development is required. Operative General Plan policies are presented in Table 3. Note that Policy 10-21 has the following components: (i) define and delineate the hazardous geologic and/or soils conditions, (ii) recommend means of mitigating the adverse conditions that were confirmed to be present on the site, and (iii) identify the means to assure that the recommendation presented in the geotechnical/ geologic report are properly interpreted and implemented by their client and the client's contractor.

Table 3
General Plan Liquefaction Policies

<p>Policy 10-18. This General Plan shall discourage urban or suburban development in areas susceptible to high liquefaction dangers and where appropriate subject to the policies of 10-20 below, unless satisfactory mitigation measures can be provided, while recognizing that there are low intensity uses such as water-related recreation and agricultural uses that are appropriate in such areas.</p> <p>Policy 10-19. To the extent practicable, the construction of critical facilities, structures involving high occupancies, and public facilities shall not be sited in areas identified as having a high liquefaction potential, or in areas underlain by deposits classified as having a high liquefaction potential.</p> <p>Policy 10-20. Any structures permitted in areas of high liquefaction damage shall be sited, designed and constructed to minimize dangers from damage due to earthquake-induced liquefaction.</p> <p>Policy 10-21. Approvals to allow the construction of public and private development projects in areas of high liquefaction potential shall be contingent on geologic and engineering studies which define and delineate potentially hazardous geologic and/or soils conditions, recommend means of mitigating these adverse conditions, and on proper implementation of the mitigation measures.</p>

Engeo Investigation

1. Purpose and Scope

The purpose of the investigation was to provide a preliminary assessment of geotechnical and seismic hazards and provide preliminary recommendations for initial land planning and cost estimating purposes. In summary, the report was intended to identify the primary concerns associated with the residential use of the site. At the time of the investigation, Engeo was provided with *Preliminary Plans* for the Bethel Estuary Estates residential project (dated September 2023). Engeo's scope of work included: (i) site reconnaissance; (ii) review of pertinent geologic maps and reports; (iii) subsurface exploration of the project site, which included 12 test pits, 5 hand-auger borings and 7 cone penetration tests; (iv) laboratory testing of soil samples, (v) evaluation of the data gathered; and (vi) preparation of a report intended document the investigation and present Engeo's evaluation of potential hazards, preliminary earthwork recommendations, comments on the scope of the recommended design level report, along with a statement of limitations. Clearly the scope and intent of the Engeo investigation was to provide a preliminary characterization of

potential geologic and seismic hazards, that will require further investigation to confirm/ modify their preliminary assessment. Additionally, the design level report will provide a full range of geotechnical recommendations for the project based on review of construction drawings.

2. Background

Engeo reviewed aerial photographs and historical topographic maps and various other reference materials. The information gathered indicates the site is vacant land and has been vacant for many decades. Topographically, the site is relatively flat, and the existing elevation is estimated by Engeo to be -5 ft. A drainage channel that crosses the site going east to west, and there is evidence of a small seepage pond just south of the drainage channel. The FEMA Flood Insurance Rate Maps indicate the site is subject to inundation by the 100-year flood.

It is Engeo's understanding that the proposed dwellings are to be designed as two stories of living area above a garage. It is anticipated the rough graded finished pads will be at an elevation of +2 to 3 ft., and the finished floor of the living area on the 2nd floor would be at an elevation of 11 ft., with the 3rd floor at elevation of perhaps +19 or 20 ft.

3. Subsurface Exploration

Field exploration was performed during the period January 18, 2024, to March 5, 2024. The approach to subsurface exploration included use of test pits, hand auger borings and Cone Penetration test probes. The approach was to distribute the subsurface exploration points throughout the area being proposed for residential use. Typically, the subsurface data points were spaced at intervals of 200 to 400 ft. For logs that present details of observed features and conditions, see Appendix A of the Engeo report. Their findings can be summarized as follows:

- The site is mantled by unconfined or partially unconfined aquifer of poorly graded to silty sand, with local occurrences of low permeability silt and clay.
- The surface aquifer extends to a depth of between 35 and 40 ft. below the ground surface. At that point CPT data indicates the presence of a low permeability aquiclude.
- Several of Engeo's subsurface data points confirmed the presence of a surficial layer of highly organic soil that extended to depths of ½ to 7½ ft. below the ground surface. This material is considered to be compressible, highly expansive with a plasticity index values up to 47 and with an organic content ranging from 10 to 36%.
- Four test pits (TP-1, -9, -10 and -12) penetrated undocumented fill that ranged up to 2 ft. in thickness. The fill contained debris, broken concrete, bricks and gravel.
- Groundwater levels were recorded. Ground water was not encountered at all data points. At some locations groundwater was encountered at 1 to 2 ft. below the ground surface. Generally, ground water depths were less than 10 ft below the ground surface.

4. Laboratory Testing

Laboratory testing was performed on samples retrieved during the subsurface exploration program to provide data on the engineering properties of the on-site soils. Tests included moisture/ density, plastic index, size gradation, and organic content. The results of the testing are presented in Appendix B of the Engeo report.

5. Conclusions

Engeo considers the project feasible from a geologic/ geotechnical perspective. The primary concerns are as follows: a) expansive soils, b) liquefaction induced settlements, c) shallow depth to groundwater, d) organic content of soils, and e) undocumented fill. These adverse conditions are addressed as follows:

- Expansive Soils. Commencing on page 6 their report the project geotechnical engineers provide specific recommendations for compaction of expansive soil and moisture conditioning that are intended to reduce the swell potential. For details, Engeo references Section 5.6 of the report.
- provides measures to control its adverse effects (i.e., blending organic soils with non-organic sediments to reduce the organic content to 5 percent or less, followed by moisture conditioning and compaction in accordance with recommendations presented in Section 5.6 of the report.
- Existing Fill. Because of the potential for unsatisfactory performance, existing fills are considered undocumented are recommended to be over-excavated and any debris that is unsuitable for use in an engineered fill shall be removed. The removal recommendations are presented in Section 5.2 of the Engeo report.
- Shallow Groundwater. Engeo indicates that available information on the depth of the water table indicates a potential for construction activities to be impacted (e.g., impede grading and underground utility installation; and transmit moisture vapor through slabs causing a variety of problems).

To this listing of adverse conditions, we would add consolidation of compressible material, earthquake ground shaking, and corrosion potential of pad soil.

Seismic Hazards

The discussion presented in Table 4 is intended to highlight and summarize (not supersede) the evaluation of the project geotechnical engineers. Not addressed by Table 4 is the potential for direct or indirect potential for destruction of a unique paleontological resource or unique geologic feature. Based on the engineering properties of the alluvial deposits within 20 ft. of the ground surface, it is our opinion that these deposits are of Holocene and Latest Pleistocene age. Deposits of the age are generally considered to be too young to possess unique fossil resources, and there is no expectation of unique geologic features on the site. Consequently, it is our conclusion that item f) in Table 1 can be considered to have a less-than-significant impact and does not require further evaluation.

Table 4
Engeo Evaluation of Potential Seismic Hazards
Bethel Estuary Estates

- **Ground Rupture.** The site is not within an Alquist-Priolo Earthquake Fault Zone. On that basis the risk of surface fault rupture within the site is low.
- **Ground Shaking.** The site is within the seismically active San Francisco Bay Region area, where a moderate to high magnitude earthquake is a foreseeable event. The risk of damage from ground shaking is controlled by using sound engineering judgement and compliance with the latest provisions of the California Building Code (CBC), as a minimum. The seismic design provisions of the CBC prescribe minimum lateral forces applied statistically to the structure(s), combined with the gravity forces and dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than the comparable forces that would be associated with a major earthquake. The intent of the code is to enable structures to (//) resist minor earthquakes without

damage, (ii) resist moderate earthquakes without structural damage but with some non-structural damage, and (iii) resist major earthquakes without collapse but with some structural as well as non-structural damage.

- **Liquefaction / CPT Based Liquefaction-Induced Settlements.** Liquefaction results from a loss of strength during cyclic loading, such as imposed by an earthquake. Soil most susceptible to liquefaction is relatively clean, loose to medium dense silty sand that is saturated. Based on data collected by the eight (8) CPT probes (which extended to depth of 51 ft. below the ground surface). Engeo provides a preliminary evaluation of liquefaction potential on the project site. The discussion that follows (i) identifies the computer program used in the liquefaction analysis (ii) the project geotechnical engineer explains the methodology used to estimate seismic the peak acceleration the associated moment magnitude of the seismic event (6.8), and (iii) the assumed depth of the water table (1 ft. below the ground surface). The results of the liquefaction analysis indicate that sand layers are potentially liquefiable to depths of 48 ft. below the ground surface. The main liquefiable sand layer identified is within the upper 15 ft across the site. Regarding the consequences of liquefaction, Engeo states that total liquefaction induced settlement is estimated to be 4 inches across the site during the design-level seismic event, with an estimated 2 inches of differential settlement over a span of 50 ft. Engeo recommends the structures be designed to accommodate this amount of differential settlement. Note that this estimate is not for final design purposes. The geotechnical design-level report shall include soil borings and laboratory testing of the sand layer(s) to provide more accurate/ final estimates of liquefaction-related total and differential settlement.
- **Performance of Non-Liquefiable Cap.** Under the heading of "Surface Ejecta", comments on the potential for other surface manifestations of liquefaction beyond total and differential settlement. Engeo indicates that using the methods described by Hutabarat & Bray (2022) the potential for a sand volcano and other forms of ground failure were examined. Engeo indicates that its analysis indicates the additional settlement associated with failure of the non-liquefiable cap is minimal. However, this subject will need to be re-evaluated by Engeo once grading plans become available for review and further exploration is performed during the design level geotechnical report..
- **Flooding.** The FEMA Flood Hazard Zone maps indicate that the project site is subject to inundation. Specifically, the site is in Flood Zone AE, which signifies that the base flood elevation is at +9 ft. The living areas of the future residences are anticipated to be at elevation +11 ft., with garages and storage below. Engeo indicates that the project civil engineers should review pertinent information and provide any special design measures related to the flood hazard that may be warranted.
- **Seismic Design Parameters.** On page 10 of their report, Engeo provides seismic design parameters that are based on the 2022 CBC. Engeo goes on to suggest that a site-specific seismic hazard analysis can optimize the spectral values at the short period range, and Engeo offers to collaborate with the project structural engineer to further evaluate the effects of taking the advantage of the exceptions on the structural design; and identify the potential advantages of performing a site-specific seismic hazard analysis. (In our opinion, this approach warrants support from the County.)

Preliminary Recommendations

1. Overview of Engeo Recommendations

Engeo provides recommendations that are intended for initial land planning and preliminary estimating purposes. Final recommendations are to be provided after a future design-level investigation has been performed, which includes subsurface exploration (borings), laboratory testing of selected samples, and engineering analysis of the data gathered. The resulting recommendations are to be presented in the design level report. Nevertheless, the 2024 report provides preliminary recommendations that address (i) importance of construction monitoring (page 10), (ii) earthwork recommendations (including organic soil remediation, existing fill removal, clearing, over-optimum soil moisture conditions, acceptable fill standards, fill compaction and underground utility trench backfill, slope gradient standards, and surface

drainage recommendations, (iii) foundation design (including use of post-tensioned mat foundation, slab moisture vapor reduction, Trench backfill, and exterior flatwork), (iv) soundwall and retaining walls, (including lateral soil pressures, surface and subsurface drainage, backfill behind walls and wall foundations) (v) pavement design, including subgrade and aggregate base compactions standards.

2. Statement of Limitations

The consultant's recommendations are followed with a Statement of Limitations states that (i) as the project evolves Engeo should be provided the opportunity to comment of the design details pertinent to the geotechnical aspects of the project. Additional comments are as follows:

- Engeo's recommendations are solely professional opinions and are valid for a period of no more than 2 years.
- The conclusions and recommendations presented in the report are based on the subsurface data that was gathered. Engeo has assumed the data gathered is representative of the actual subsurface conditions across the site. Considering the possible underground variability of soil and groundwater, additional costs may be required to complete the project. Engeo goes on to recommend that their client establish a contingency fund to cover such unexpected costs.
- Actual field conditions encountered during construction will necessitate clarifications, adjustments, modifications, or other changes to Engeo's documents.

3. Exhibits

The Statement of Limitations is followed of a list of selected reference and four (4) maps that that provide background data. Figure 1 is a Vicinity Map; Figure 2 divides the development site into 11 zones. Within each zone there is a minimum of at least one subsurface data point; several zones have 2 or 3 subsurface data points, and Zone 6 has 5 data points. Figure 3 is a Quaternary deposits map issued by the U.S. Geological Survey. Figure 4 is a Regional Fault and Seismicity Map. It is pertinent to note that as shown, a *Historic Blind Thrust Zone* is shown passing immediately west of the project site and another fault zone is shown passing just east of the project site (i.e., a possible subsidiary branch of the Historic Blind Thrust Fault Zone).

DMA Evaluation

The immediate need of the Department of Conservation & Development is to determine if there is sufficient data to allow the processing of the pending applications, including preparation of the California Environmental Quality Act (CEQA) document. The provisions of CEQA and associated case law acknowledge that final design studies are not needed for the purposes of CEQA compliance. However, there must be sufficient information on the extent of potential geologic and geotechnical hazards, and guidance must be provided to the project designers pertaining to the layout of the planned improvements. Therefore, the type of data needed at this stage of the land development process is limited to the following:

- i. Evaluation of the project plans by the geotechnical engineers to ensure the layout is sensitive to geologic and geotechnical constraints.
- ii. The assessment of hazards identified by Engeo addresses the gamut of potential geologic, seismic, and geotechnical hazards identified in Appendix G of the CEQA Guidelines issued by the State of California (see Table 1). In our experience, the expectation of the County is that the project geologists and geotechnical engineers provide at least a preliminary evaluation of potential geologic hazards and provide recommendations to mitigate any significant hazards that are confirmed to be present.

In our professional opinion, that threshold has been satisfied by the Engeo report. We note that preliminary assessment of potential hazards and associated recommendation intended as guidance on geotechnical constraints will require further evaluation in the design-level geotechnical report. The purpose of that aspect of the design-level report will confirm (or modify) Engeo's preliminary hazards assessment and add needed specificity to the mitigation measures, and ensure compliance of the liquefaction analysis with requirements for projects located in a *Seismic Hazard Zone*. That future geotechnical report will also provide more specific standards and criteria for site grading, drainage and foundation design that are based on the project proponents specific approach to development.

In summary, it is our opinion there is sufficient available data available from the Engeo report, to deem the application complete.

DMA Recommendation

The following are recommended mitigation measures and/or conditions of approval.

GEO-1 At least 60 days prior to recording the final Subdivision Map, requesting issuance of construction permits or installation of utility improvements, the project proponent shall submit a design-level recommendations for the project, based on adequate subsurface exploration, laboratory testing and engineering analysis.

The scope of the geotechnical investigation should address to fully evaluated the following potential hazards: *(i)* grading, including removal of existing undocumented fill that is deemed to be unsuitable for use in engineered fills, preparation to receive fill, compaction standards for fill, etc., *(ii)* consolidation settlement, *(iii)* analysis of liquefaction potential, including estimating total settlement and differential settlement, and surface manifestation of liquefaction, *(iv)* foundation design, *(v)* measures to protect improvements from the relatively shall water table, *(vi)* laboratory testing to evaluate the expansive and corrosion potential soils, and measures designed to protect improvement that are in contact with the ground from these hazard, including the building foundation, parking garage slabs, flatwork, pavement and utilities, *(vii)* exploration/ testing/ and engineering analysis aimed at providing recommendations pertaining to foundation design, including foundation retaining walls, and pavement design *(viii)* evaluation of the drainage design, including the proposed bio-retention facilities and their effect on planned improvements, *(ix)* address temporary shoring and support of excavations, *(x)* provide updated California Building Code seismic parameters, and *(xi)* outline the recommended geotechnical monitoring, commencing with clearing and demolition, extending through final grading, installation of drainage improvements, and including the monitoring of foundation related work.

We strongly support the suggestion of Engeo that they work with the project structural engineers to optimize the spectral values at the short range period waves associated with earthquake ground shaking,

GEO-2 The geotechnical report shall be subject to review by the County's peer review geologist, and review/approval of the Zoning Administrator. Improvement, grading and building plans shall carry out the recommendations of the approved report.

GEO-3 The geotechnical report required by GEO-1 routinely includes recommended geotechnical observation and testing services during construction. These services are essential to the success of the project. They allow the geotechnical engineer to *(i)* ensure geotechnical recommendations for the project are properly interpreted and implemented by contractors, *(ii)* allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of

the design recommendations in the approved report, and (iii) provide the opportunity for field modifications of geotechnical recommendations (with BID approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of recommended drainage facilities, and foundation related work. A *hard hold* shall be placed on the "final" grading inspection, pending submittal of a report from the project geotechnical engineer that documents their observation and testing services to that stage of construction, including monitoring and testing of backfilling required for utility and drainage facilities.

GEO-4 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 revegetated 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 Inspector, and the review / approval of the Zoning Administrator.

Limitations and Purpose

This review has been performed to provide technical advice to assist the Community Development Division with discretionary permit decisions. Our services have been limited to review of the documents identified in this peer review letter. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the engineering geology profession.

We trust this letter provides the evaluation and comments that you requested. Please call if you have any questions.

Sincerely,
DARWIN MYERS ASSOCIATES



Darwin Myers, CEG 946
Principal

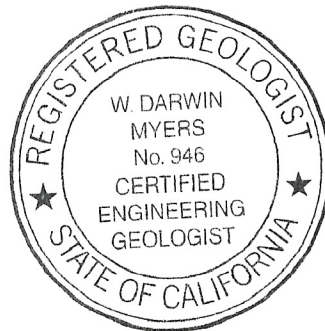
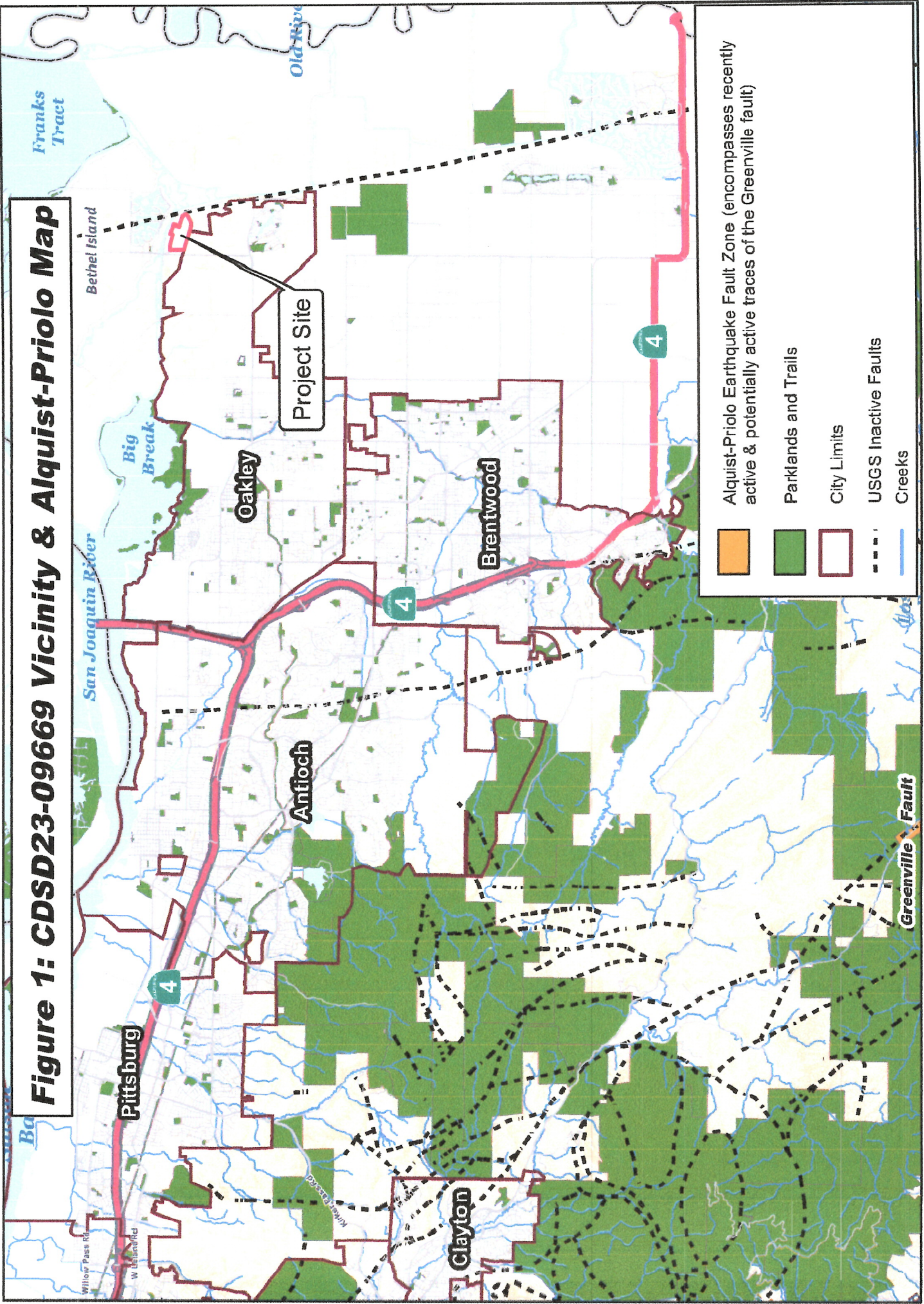


Figure 1: CDS23-09669 Vicinity & Alquist-Priolo Map



Alquist-Priolo Earthquake Fault Zone (encompasses recently active & potentially active traces of the Greenville fault)

Parklands and Trails

City Limits

USGS Inactive Faults

Creeks

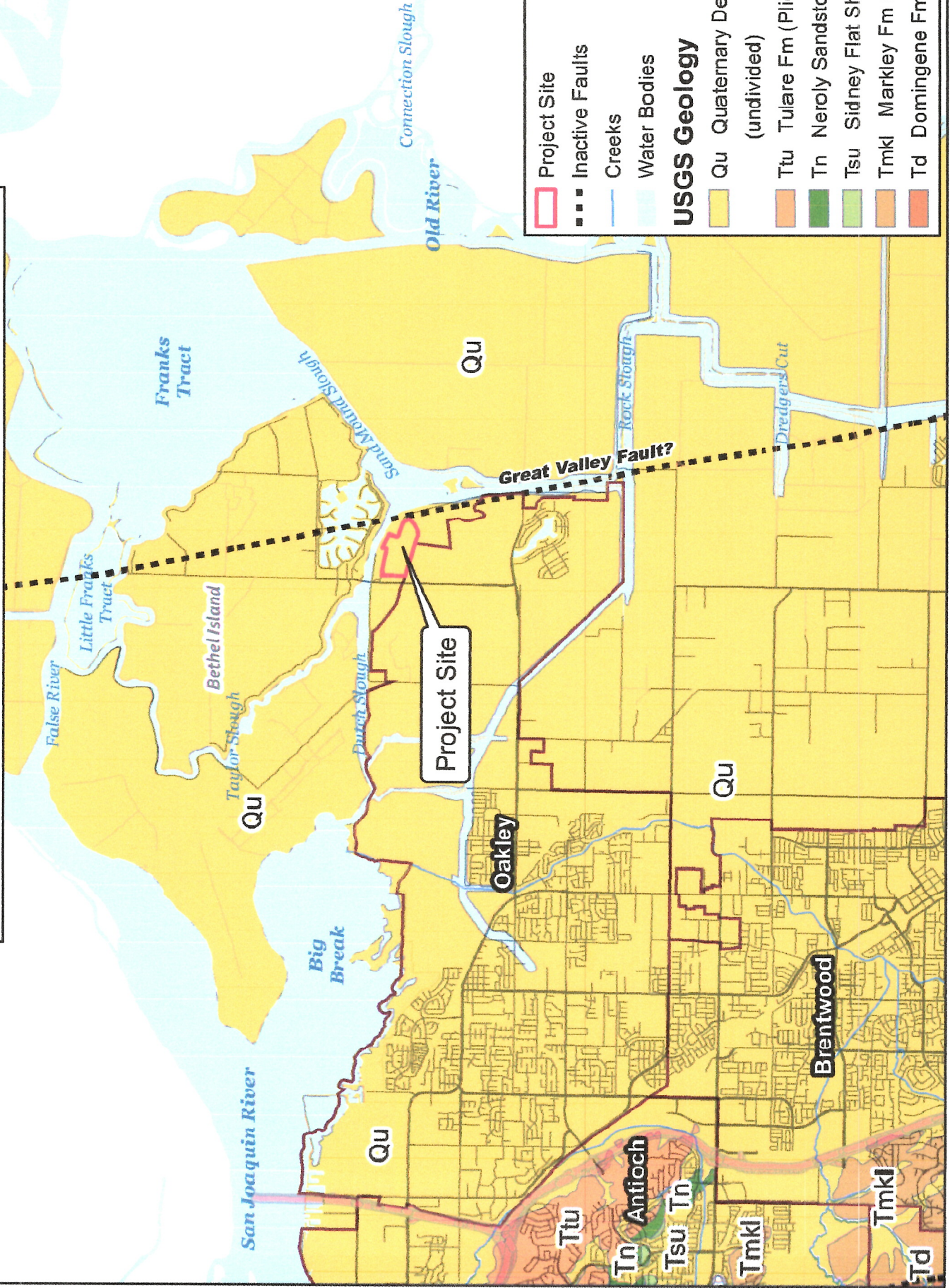
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0 2 4 8 Miles

source CGS, 2007, Special Publication 42

Figure 2: CDSD23-09669 USGS Geologic Map



Project Site
 [Pink outline symbol]

Inactive Faults
 [Dashed line symbol]

Creeks
 [Blue line symbol]

Water Bodies
 [Light blue area symbol]

USGS Geology

- [Yellow box] Qu Quaternary Deposits (undivided)
- [Orange box] Ttu Tulare Fm (Pliocene)
- [Green box] Tn Neroly Sandstone (Miocene)
- [Light green box] Tsu Sidney Flat Shale (Eocene)
- [Light orange box] Tmkl Markley Fm (Eocene)
- [Red-orange box] Td Domingene Fm (Eocene)



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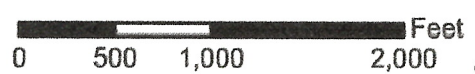
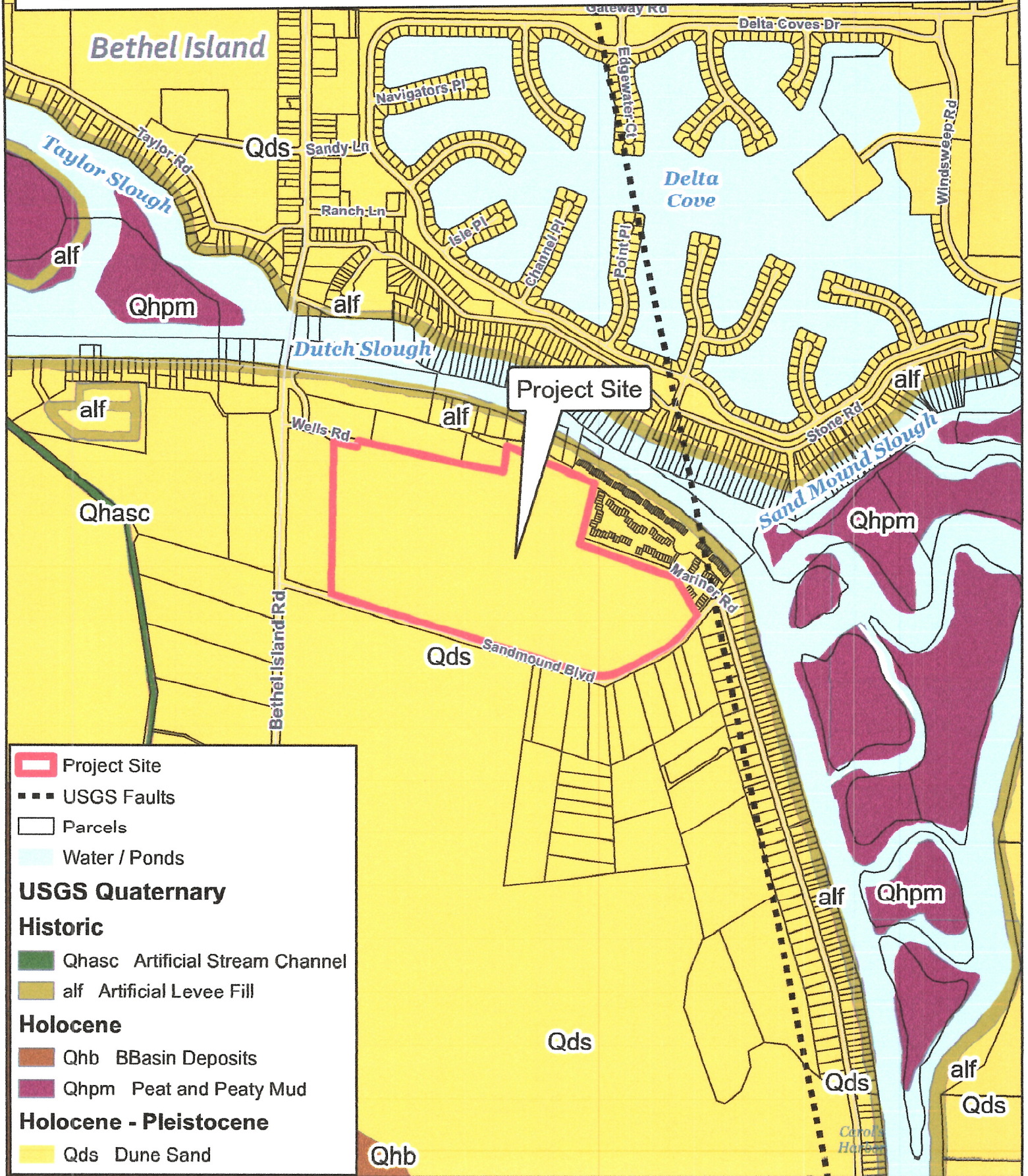
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Miles

0 0.5 1 2

Source: USGS Open File Report 94-622

Figure 3: CDSD23-09669 USGS Quaternary Geology Map



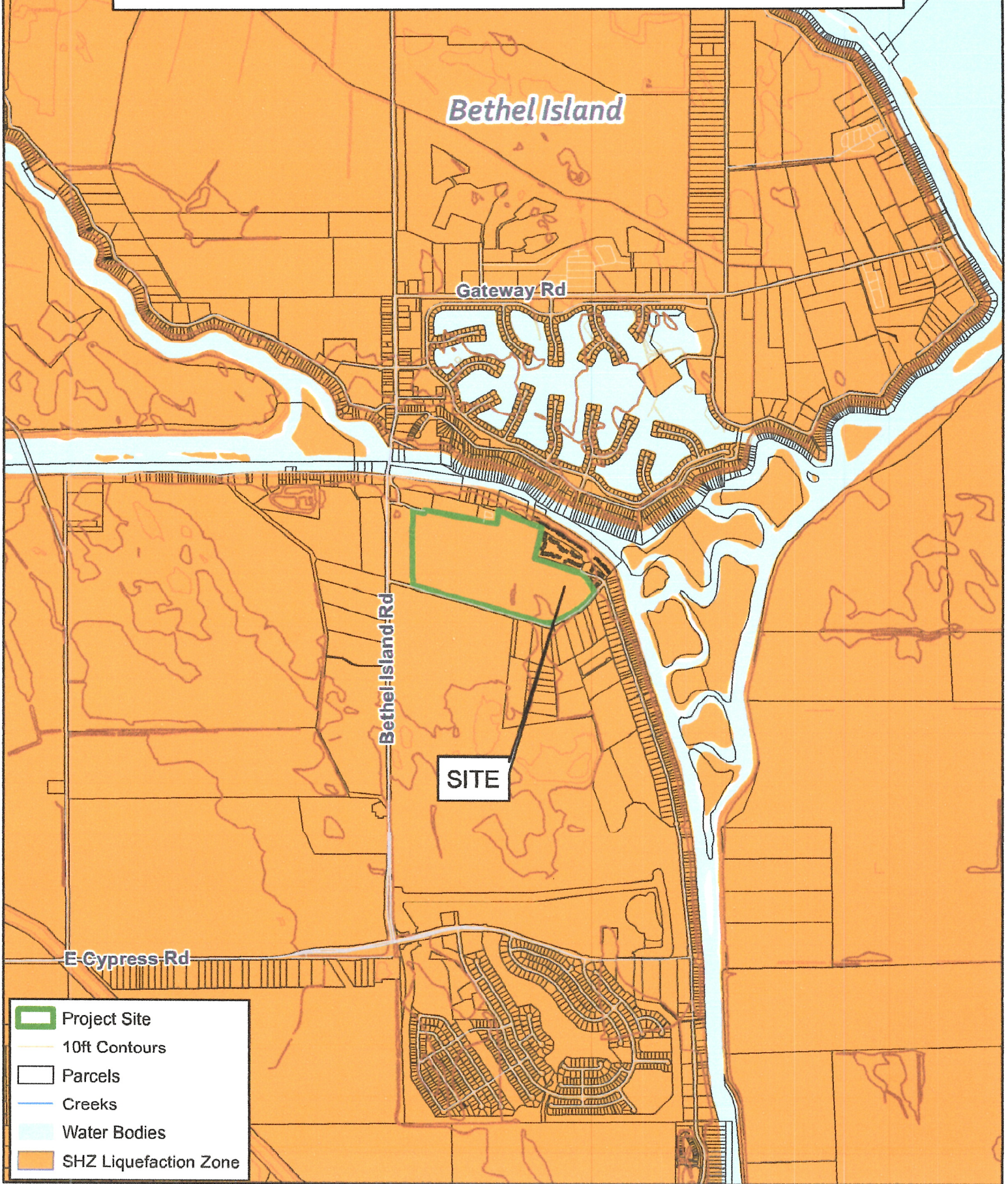
Source: USGS Open File Map 97-98







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Figure 4: CDSD23-09669 Seismic Hazard Zone Map



-  Project Site
-  10ft Contours
-  Parcels
-  Creeks
-  Water Bodies
-  SHZ Liquefaction Zone



0 500 1,000 2,000 Feet

Source: CGS Jersey Island, Boudin Island, Brentwood, Woodward Island SHZ Maps 2018,

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Northwest Information Center
Sonoma State University
1400 Valley House Drive, Suite 210
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
<https://nwic.sonoma.edu>

May 14, 2024

File No.: 23-1543

Jennifer Cruz, Project Planner
Contra Costa County
Department of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553-4601

re: CDS23-09669 - CDDP23-03040 / Bethel Island Rd, Oakley / APN: 032-112-007 / Kevin Weiss

Dear Jennifer Cruz,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description:

The applicant requests approval to allow the subdivision of an approximately 77-acre property into 271 dwelling units, which will include 209 market-rate low-density single-family detached homes and 62 below-market-rate duplexes and a Final Development Plan to allow an approximately 621,500 net (955,870 gross) square feet of residential building area, approximately 37.16 acres of on-site open space, a public trail system, and related infrastructure. The subject property is located east of the Bethel Island Road and Sandmound Boulevard intersection in unincorporated Oakley.

Previous Studies:

XX Study #29427 (Estes, Allan, and Self 2004), covering the proposed project area, identified no cultural resources within those portions surveyed within the proposed project area (*see recommendation below*).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological sites. Due to the passage of time since the previous survey and the changes in archaeological theory and method since that time, we recommend a qualified archaeologist conduct further archival and field study for the entire project area to identify any unrecorded archaeological resources.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

___ The proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended.

Built Environment Recommendations:

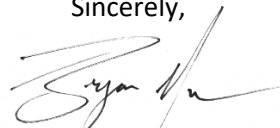
XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Contra Costa County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,



Bryan Much
Coordinator



Memo

May 17, 2024

TO: Jennifer Cruz, Principal Planner, Department of Conservation and Development
FROM: Larry Gossett, Senior Civil Engineer, Engineering Services Division
SUBJECT: **SUBDIVISION SD23-9669**
30-DAY COMMENTS – INCOMPLETE
(Duong Estuary Cove LLC/Sandmound Blvd./Oakley/APN 052-112-007)
FILE: **SD23-9669**

We have reviewed the revised application and tentative map for subdivision **SD23-9669** received by your office on **April 19, 2024**, and submit the following comments:

Background

Public Works issued an “incomplete” memo relative to the initial project submittal on October 24, 2023. This current resubmittal included annotated responses to those comments. Text and background information in the prior memo that did not require action and were “noted” by the applicant are still applicable and are not repeated herein. These comments focus on changes and review of supplemental documents from this submittal and outstanding action items,

Traffic and Circulation

If it is the intent to have the internal subdivision street to be accepted as public streets, several modifications to their design will be required, specifically pavement and right of way width, minimum centerline radius, and minimum street gradient. The applicant should review Chapter 98 of the County Ordinance Code for specifics and revise the plans accordingly.

Our Transportation Engineering Division provided the following comments relative to the revised submitted:

1. Page 177 of the Agency Comment Packet, under the “Queuing Analysis” section, states “The apparent queue spillback at the westbound left turn lane at Main Street & E. Cypress Road (Study Intersection 5) extends into a dedicated full turn lane, not into through lanes, and is not considered an.” The sentence ends abruptly and should be revised.
2. The developer asked for more information regarding Bethel Island AOB Project #2.1, which can be found in the Bethel Island AOB Nexus Study, linked here: <https://www.contracosta.ca.gov/4378/Bethel-Island-AOB>.

3. The County previously commented that the proposed roads serving the single-family duplexes do not appear to have adequate turnaround areas as they do not provide a 35-foot radius to the edge of pavement, required by County Ordinance Code 96-12.406. If the road widths are unchanged, the developer will need to request an exception to County Ordinance Code 96-12.406.
4. Note 12 of County Standard Plan CA70 states that driveways along higher speed, higher volume roads should be offset from intersections in accordance with Topic 405.1 (Sight Distance) in the Highway Design Manual. The developer should show that the location of the driveway to the proposed “public parking lot” has an adequate offset distance from the “future road to be built with adjacent commercial project” as shown on the site plan dated September 2023.

Public Park

Reference to a “Public Park” is noted in the application and tentative map. In response to this question from our previous memo, the applicant assumed the County would take this on. The County does not have a financing district established in this area and has no interest in maintaining the park.

Stormwater Management and Discharge Control

Stormwater management maintenance areas are identified on several sheets of the tentative map, but the requisite bound report was not included in the documents forwarded to us. Before we can deem the plan as “preliminarily complete”, such a plan is required. See the recently updated Stormwater C.3 Guidebook and template (available at www.cccleanwater.org)

Floodplain Management

A grading plan was submitted but underlying contours or spot elevations are not shown to determine depths of fills or conforms to adjacent properties or streets. An estimate of the proposed cut/fill should be provided to gauge the amount of import needed to achieve finished grades and the proposed impact on haul routes.

The submitted application should be considered incomplete. Before accepting the application as complete, the following concerns should be addressed:

- Provide response to Traffic and Circulation comments, and the requested Transportation Impact Analysis described above.
- Provide supplemental information relative to existing grade and estimated import quantities on the preliminary Grading Plan
- Provide a preliminary Stormwater Control Plan using the latest edition of the Stormwater C.3 Guidebook and template (available at www.cccleanwater.org) and meet the requirements of the Regional Water Quality Control Board.
- Any exceptions requested from County Ordinance Code Standards must be requested in writing by the applicant in conjunction with the tentative map submittal in accordance with Chapter 92-6 of the County Ordinance Code.

Should you have any questions, please contact me at (925) 313-2016r
larry.gossett@pw.cccounty.us.

Jennifer Cruz
May 17, 2024
Page 3 of 3

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C: J. LaRocque, Engineering Services
K. O'Connor, Engineering Services
Duong Estuary Cove LLC, *owner*
1211 Embarcadero Suite 300
Oakland, CA 94606
Kevin Weiss, *applicant*
1731 Technology Drive, Suite 880
San Jose, CA 95110



Reclamation District 799 (Hotchkiss Tract)

PO Box 353

6325 Bethel Island Road, Bethel Island, CA 94511

Phone: 925-684-2398 Fax: 925-684-2399

Email: dholder@rd799.com

Board of Trustees:

President –David Senior

& Trustees: Jim Price, Walter Pierce, Chris Mazotti and Matt Lipary

May 9, 2024

Ms. Jennifer Cruz, Principal Planner
Contra Costa County
Department of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553-4601

Re: ESTUARY COVE LL DUONG
APN: 032-112-00
County File No. CDS23-09669

Dear Ms. Cruz,

Thank you for sharing the planning application and associated documents related to the Estuary Cove LL Duong (Estuary Cove) project with us. This comment letter combined with the December 13, 2023, letter from the Reclamation District 799 (District) summarizes our concerns and are based on the available information. District would like to receive new information on Estuary Cove as they become available.

A. Background

As you may know the District was formed on July 23, 1909, under Sections 50000 et seq. of Division 15 of the California State Water Code to provide drainage, irrigation, and complete reclamation of lands within District boundaries. The District is governed by a five-member Board of Trustees, each elected by the landowners to a four-year term.

Hotchkiss Tract supports both agricultural activities together with a large on-island residential population and commercial and recreational businesses. The District, by the statute, is responsible for repair, maintenance, and improvement of the levees and drainage facilities protecting all assets and approximately 1,000 existing population within its jurisdiction. The District appreciates that new development coming to our community and bringing additional growth and urbanization to the region. We are prepared to provide any assistance required making the Estuary Cove a success. That said, we are also concerned about potential impacts of the new development on flood

control and drainage, pumping overload, and emergency response. The District goal is to ensure the existing and new population on Hotchkiss Tract to have an adequate protection from flooding.

B. District Understanding of the Subject Proposed Project

It is my understanding that the Estuary Cove plans to construct dwelling units, comprising of single-family detached homes and duplexes and on-site open space, and related infrastructure on the northern portion of Hotchkiss Tract, east of the Bethel Island Road and Sandmound Boulevard intersection. The Estuary Cove is located adjacent to the Sandmound Slough, just south of Wells Road and extends to Sandmound Blvd. on the southern and eastern boundaries. The western boundary is Bethel Island Road.

The Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) for the area shows this location is currently located within the 100-year flood plain. Estuary Cove plans show the ground floors of the new homes not to be used for habitation. The living space is planned to be at least 2 feet above the Base Flood Elevation (BFE).

C. District Specific Comments

I believe it is important to note the following. My recommendation to the District Trustees would be to support the new development providing we receive and review the following items. District support to Estuary Cove is essential as we are responsible to manage the drainage on Hotchkiss Tract and ensure public safety. This matter will not be on the agenda for the Board of Trustee's consideration until staff has satisfactorily completed its review process. The timing of the public hearing will be coordinated with the Estuary Cove and your office.

Emergency Preparedness, Response, and Recovery

Emergency preparedness, response, and recovery include ways to identify and reduce the potential for and adverse consequences of flooding by taking specific actions before, during, and after a flood. Estuary Cove should prepare an Emergency Action Plan and identify the evacuation routes for the existing and future residents prior to any actions taken by the District trustees. The EAP must be reviewed and approved by the District. Alternatively, District can take the lead if Estuary Cove prefers.

Levee Maintenance Responsibilities

District, as the local levee maintaining agency, has primary authority for both maintenance of levees and flood fighting and is responsible for patrolling and protecting levees during high water. Estuary Cove should avoid impacting District levees, any work near the levees should be closely coordinated with the District. All work plans, if impacting District levees, must be reviewed and approved by the District.

District Approval Requirements

District, as a public agency with flood and drainage management responsibilities, must be an approval agency on all issues related to flood and drainage. Estuary Cove should make certain to seek District approval on all pertinent matters. District has also the

authority to cease and desist if the project impacts any flood and/or drainage facilities.

Construction Management

District must have an oversight on all construction work if District flood and/or drainage facilities are impacted. All work plans, if impacting District facilities, must be reviewed, and approved by the District engineering team.

Soil Samplings and geotechnical Explorations

All soil samplings and geotechnical explorations, if conducted within District facilities, will require District approval prior to commencing the work.

Drainage Study and Report

Estuary Cove must conduct a study analyzing the impacts of storm water generated by their development, discuss the quantity and drainage contribution to the District ditches, canals, and pumps. The study should also identify the Estuary Cove stormwater facilities and how the runoff from the developed areas will be managed and disposed of.

The analyses should examine the District drainage system capacity if the District is receiving the stormwater and disposing it through its pumping facilities. It should be based on a 100-year, both 24-hour and 96-hour storm events to examine impacts of the Estuary Cove runoff on District facilities. The report should discuss the hydrologic setting of the project site, address the regulatory framework with respect to hydrology and water-quality, and identify potential impacts and appropriate mitigation measures to address the impacts.

Dewatering and Excavation Plans

District must review dewatering and excavation plans, if impacting District facilities. We are concerned about the subsurface conditions impacting District facilities, especially beneath the District levee embankments. Excavations should not cut through the projected levee slopes.

In closing, I would like to reiterate the desire of the District Board of Trustees and staff to collaborate with Estuary Cove making this a successful project. Please feel free to contact me at (925) 684-2398. You may also contact Mr. Mike Mirmazaheri of GEI Consultants, Inc. directly at (916) 631-4523 to discuss any issues associated with levee standards, drainage and any other related technical support.

Regards,



Mike Alvarez
District Manager