




**CONTRA COSTA COUNTY  
DEPARTMENT OF CONSERVATION AND DEVELOPMENT  
COMMUNITY DEVELOPMENT DIVISION**

**APPROVED PERMIT**

APPLICANT:	Pacific West Communities 430 E State Street Suite 100, Eagle, ID 83616	APPLICATION NO.:	CDLP21-02015 and CDMS21-00005
		ASSESSOR'S PARCEL NO.:	094-026-007 (Primary)
		PROJECT LOCATION:	Seven-acre site bound by Bailey Road, State Route 4, Ambrose Park, and West Leland Road in Bay Point, CA 94565
OWNER:	Contra Costa County 1025 Escobar Street Martinez, CA 94553	ZONING DISTRICT:	Bay Point P-1
		APPROVED DATE:	December 14, 2022

This matter having not been appealed within the period of time prescribed by law, a TENTATIVE MAP to create four parcels and LAND USE PERMIT AND DEVELOPMENT PLAN COMBINATION PERMIT for the development of a three-phase mixed-use project including up to 384 units, not to exceed 165 units in phase one, a 20,900 sq. ft. public library, and 10,900 sq. ft. of commercial space in the BAY POINT area is hereby APPROVED, subject to the attached conditions of approval.

By:   
Aruna M. Bhat  
Deputy Director

Unless otherwise provided, THIS PERMIT WILL EXPIRE THREE (3) YEARS from the approved date if the action allowed by this permit is not undertaken within that time.

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



**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP21-02015 AND #CDMS21-00005; PACIFIC WEST COMMUNITIES (APPLICANT) CONTRA COSTA COUNTY (OWNER) AS APPROVED BY THE COUNTY PLANNING COMMISSION ON DECEMBER 14, 2022**

**FINDINGS**

**I. Findings in Support of Cal. Pub. Res. Code §21155.4 CEQA Exemption**

In accordance with Section 21155.4 of the California Public Resources Code, the project is exempt from the requirements of the CEQA and is covered by previous environmental review for the following reasons:

- The proposed project is a mixed-use development project.
- The proposed project is within a transit priority area. The existing Pittsburg/Bay Point BART station is a major transit stop and is located within one-half mile of the project site.
- The proposed project is being undertaken to implement, and is consistent with, the Pittsburg/Bay Point BART Station Area Specific Plan adopted by the Board of Supervisors on June 18, 2002. An Environmental Impact Report for the specific plan was certified by the Board of Supervisors upon adoption of the specific plan. (State Clearinghouse #98022071)
- The proposed project is consistent with Plan Bay Area 2050, which has been determined by the California Air Resources Board as a strategy that would, if implemented, achieve the greenhouse gas emissions reduction targets. The Property is located within the Pittsburg / Bay Point BART Priority Development Area of Plan Bay Area 2050.
- None of the events specified in Section 21166 of the Public Resources Code have occurred.

**II. Growth Management Performance Standards**

1. Traffic: The Growth Management Program (GMP) of the County's General Plan requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The project involves the construction of an approximately 384-residential-unit mixed-use building and therefore, a Traffic Impact Assessment was prepared (TIA). The TIA and Traffic Demand Management (TDM) Plan for the project have been reviewed by County Transportation Planning staff for traffic management adequacy. The reports provide implementation measures for mitigating impacts from the project. Implementation measures include but are not limited to intersection improvements, cycling facilities, pedestrian facilities, and cycling initiatives for residents. With implementation of these measures the project meets the growth management performance standards related to traffic.
2. Water: The GMP requires new development to demonstrate that adequate water quantity can be provided. The Project Site is located within the service area of Golden State Water Company (GSWC). GSWC staff have reviewed the project and stated that

existing water service lines in the area are available to support the project. The Fire District's review of the flow test will determine the extent, if any, of required source, storage and distribution improvements that will be the responsibility of the developer to construct to conform to water pressure requirements. Thus, the project meets the GMP requirements for adequate water provision availability.

3. Sanitary Sewer: The GMP requires that new development demonstrate that adequate sanitary sewer service is available. The Project Site is located within the Delta Diablo Sanitation District (DDSD) service area. The DDSD Collection System Master Plan includes a capital improvement program to accommodate future growth. DDSD has been consulted concerning the Specific Plan's proposed land uses and development assumptions. No wastewater treatment plant capacity constraints were identified. With the payment of sanitary district impact fee and coordination with DDSD, adequate demand capacity is expected.
4. Fire Protection: The fire protection standards under the GMP require that a fire station be within one and one-half miles of development in urban, suburban, and central business district areas, or requires that automatic fire sprinkler systems be installed to satisfy this standard. The Project Site is in an area served by the Contra Costa Consolidated Fire Protection District (CCCYPD). The County and the CCCYPD have communicated throughout the application review of the Project. The district has reviewed the project plans and provided a preliminary review of the project, with applicable standards outlined. Given the proximity of Fire Station #86 (approx. 1 mile), the project is expected to meet the 5-minute response time goals provided for within the General Plan.
5. Public Protection: Public protection standards under the GMP require that a Sheriff Facility standard of 155 square feet of station area and support facilities per 1,000 in population shall be maintained within the unincorporated area of the County. The project is in an already urbanized commercial and residential neighborhood. The population increase anticipated for the Project represents less than one percent of the Sheriff's Office's current service population and would only result in a nominal increase in calls for law enforcement. In addition, throughout DCD's communication with the Sheriff's Office on the Project, there has been no indication that the Project would result in the need for new or expanded Sheriff facilities to maintain acceptable service ratios, response times, or other performance objectives.

Though the project is not within the service area of the Pittsburg Police Department (PPD), the department provides police services for many of the properties surrounding the site. In response to potential increases in service calls in the area, the applicant has agreed to provide funding for the opening of a police substation at the Oak Hill Center. Additionally, the applicant will provide on-site improvements for police security cameras and radio receivers.

6. Parks and Recreation: Parks and recreation standards under the GMP require three acres of neighborhood park area per 1,000 in population. The California Department of Parks and Recreation, the East Bay Regional Parks District, Ambrose Recreation and Park District, County, and incorporated cities in the vicinity of the Project Site each maintain state, County, or local parks, trails, and/or community recreational facilities throughout



the County for public use. The applicant is required to pay a per unit Park Dedication/Impact fee prior to the issuance of building permits for any residential unit, which will provide funding for future park improvements.

7. **Flood Control and Drainage:** The project is not located within a Federal Emergency Management Agency-designated Special Flood Hazard Zone. The site generally drains towards the north. There is an existing storm drain system on the north side of the property which ties into the drainage for State Route 4 and ultimately discharges into Willow Creek. The most eastern portion of the site drains east into a section of Willow Creek that runs adjacent to the site. As described in the preliminary stormwater control plan, drainage from the site will be routed through planter boxes, however these treatment facilities do not generally provide significant store volume to detain runoff for flood control purposes. Though existing drainage facilities are expected to accommodate additional drainage created from the project, the applicant would also be required to submit a drainage report utilizing County hydrology standards to verify that the receiving storm drainage system has adequate capacity to serve the development. Any additional on-site detention to meet the "collect and convey" requirements would be above and beyond the storage volume and minimum design standards required for stormwater treatment purposes. Thus, the project meets the GMS requirements related to flood control and drainage.

### **III. Tentative Map Findings**

1. ***Required Finding:*** *The County Planning Agency shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law.*

**Project Finding:** The project has been found to be consistent with the Residential Mixed-Use (M-6) land use designation. The designation includes the project site properties and two adjacent properties to the east. The intent of this designation is to encourage moderately high-density residential development which takes advantage of the area's proximity to both the BART Station and Ambrose Park. Limited commercial uses are intended as secondary to the residential development and oriented to providing goods and services to neighborhood residents and visitors to Ambrose Park. The project is fully consistent with the designation, providing moderately high-density housing as well as ground-floor commercial. The proposed project has a residential density of 71 units per acre, which is above the minimum of 40 units per acre required by the land use designation.

In reviewing the staff report and project documents, the County Planning Commission has also fully evaluated: the extent to which the project is consistent with General Plan policies pertaining to compatibility of land uses; compliance with principles of the Urban Limit Line, and Measure C-1990. Additionally, the projected related traffic is not anticipated to negatively affect local traffic patterns or significantly diminish the Level of Service of key intersections in the area. The tentative map for this subdivision is consistent with the applicable goals and policies as found in the County 2005-2020 General Plan.

Therefore, based on the entire record and as summarized herein, the tentative map is consistent with the County General Plan.

2. ***Required Finding:*** *The County Planning Agency shall not approve a tentative map unless it shall find that the proposed subdivision fulfills construction requirements.*

**Project Finding:** The project will comply with the collect and convey regulations, storm drainage facilities, and design standards for private roads. Additionally, compliance with the California Building Code and all applicable County Ordinances is required for grading of the property and construction of buildings.

#### **IV. Findings of Approval of P-1 Zoning District**

1. ***Required Finding:*** *The proposed project shall be consistent with the purpose of the Bay Point (P-1) Zoning District.*

**Project Finding:** The subject property is located within the Bay Point Planned Unit (P-1) zoning district. The Bay Point P-1 district provides development standards and guidelines to regulate orderly development within the district. The proposed transit-oriented mixed-use multi-family residential development would be in harmony with the surrounding BART station area, and single- and multi-family residential neighborhood-oriented commercial uses.

The Bay Point P-1 zoning district provides development standards and guidelines to regulate orderly development within the P-1 district. The development standards are dependent on the underlying General Plan land use designation. As the site has a Residential Mixed-use M-6 General Plan land use designation, the land uses and development standards for this designation apply. The project complies with the applicable development standards or is consistent based on the California Density Bonus law parking ratios and development standard waivers for specific development standards which would preclude the project. Furthermore, the project is consistent with the intent of the development standards and has provided evidence in support of reduced landscaping, reduced parking standards, and reduced setback requirements.

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

**Project Finding:** The proposed transit-oriented mixed-use multi-family residential development is in harmony with the surrounding BART station area, and single- and multi-family residential neighborhood-oriented commercial uses. The development includes high-density residential development and pedestrian oriented commercial development that benefits the transit-oriented area. The project's location across the street from the BART station, is well-suited for this type of development, which has been recognized in the area Specific Plan, and Plan Bay Area regional development plan. The project bridges the surrounding park and residential area to the BART station and commercial area across Bailey Road. The project provides additional circulation elements like sidewalks and bike and pedestrian pathways, to facilitate pedestrian and bicycle access. Additionally, the public library provides additional public resources for the



community. Therefore, the project is compatible with other uses in the vicinity, both inside and outside the district.

**V. Pittsburg/Bay Point BART Specific Plan Conditional Use Findings for Mixed-Use Residential:**

1. **Required Finding:** *The proposed use is appropriate to its location near the BART Station.*

Project Finding: The project includes a multi-unit mixed-use development with a public library and commercial space at the ground level. As identified in the Bay Point P-1 land use matrix, various uses that could be located within the commercial portions of the project require a land use permit. The following uses have been identified as potential uses that re consistent with the findings for conditional uses in the Pittsburg/Bay Point BART Specific Plan: Community Garden; Area Serving Retail; Art Galleries; Bakery Café or Coffee Shop; Computer Sales and Service; Convenience Store; Drug Store; Electronic Sales; Financial Institutions, including ATMs; Grocery Stores; Restaurants; Other Retail Businesses; Take-Out Food Consistent with the Take-out Food Establishments Ordinance; and Retail Businesses.

The uses approved with the land use permit for the project are appropriate near the BART Station. The uses covered by the permit are non-automobile oriented commercial development that would provide services or amenities to BART station users and the local community. Thus, the conditioned uses are appropriately located near the BART station.

2. **Required Finding:** *The proposed use is secondary to and supportive of the residential nature of the area.*

Project Finding: The uses approved with the land use permit for the project are secondary and supportive of the residential nature of the area. The listed uses are provide commercials services and amenities that would serve the future occupants of the development and surrounding community.

3. **Required Finding:** *The proposed use will not have traffic generation characteristics which would hinder the area's transit function.*

Project Finding: The uses approved with the land use permit for the project are not expected to have traffic generation characteristics which would hinder the area's transit function (i.e. automobile oriented uses). The uses include commercial services and amenities that would support the occupants of the development and the surrounding community. None of the listed uses encourage automobile use and by locating the uses adjacent to transit and moderately dense residential development, they could be supportive of pedestrian and bicycle transportation in the area.

**VI. Land Use Permit Findings**

1. **Required Finding:** *The project shall not be detrimental to the health, safety, and general welfare of the County.*

Project Finding: P-1 zoning districts allow for any land use permitted by an approved Final Development Plan which is in harmony with each other, serves to fulfill the function of the planned unit development, and is consistent with the General Plan (Section 84-66.402.1 – Uses). The Bay Point P-1 District Use Matrix outlines which uses are allowed following the issuance of land use permit. The commercial portion of the development may include the following land uses which would be covered by the land use permit for the project: Community Garden; Area Serving Retail; Art Galleries; Bakery Café or Coffee Shop; Computer Sales and Service; Convenience Store; Drug Store; Electronic Sales; Financial Institutions, including ATMs; Grocery Stores; Restaurants; Other Retail Businesses; Take-Out Food Consistent with the Take-out Food Establishments Ordinance; and Retail Businesses. These uses are consistent with the transit-oriented mixed-use multi-family residential development and would be in harmony with the surrounding BART station area, and single- and multi-family residential neighborhood-oriented commercial uses.

These uses provide commercial services and activities that support the transit-oriented development by providing services to the project residents and surrounding communities. Based on the mixed-use design of the development and proximity to the transit station, these uses are not expected to have adverse impacts to the health, safety, and general welfare of the surrounding community; rather, these uses would support the development and surrounding community.

2. ***Required Finding:*** *The project shall not adversely affect the orderly development within the County or the community.*

Project Finding: The commercial portions of the development which require a land use permit, and the project as a whole is not expected to adversely affect the orderly development within the County or community. The mixed-use project is adjacent to a transit station, shopping center, and single- and multi-family development. By providing affordable housing, a public library, and commercial development space, the project brings much needed housing and services to the County and community. Furthermore, the project is consistent with the Pittsburg/Bay Point BART Station Specific Plan, and Plan Bay Area 2050 long-range strategic plan, which are designed to encourage and direct development in an orderly manner.

3. ***Required Finding:*** *The project shall not adversely affect the preservation of property values and the protection of the tax base within the County.*

Project Finding: The project is expected to increase neighboring property values due to the high-quality design of the building and corresponding value increase in property value. Thus, as conditioned, the proposed project will not adversely affect the preservation of property values and protection of the tax base within the County. Furthermore, the development provides services and infrastructure to the area, which are expected to link the surrounding community to the shopping center and BART station, which is likely to increase surrounding property values. Thus, the proposal will not adversely affect the preservation of property values and the protection of the tax base within the County.

4. ***Required Finding:*** *The project as conditioned shall not adversely affect the policy and*



*goals as set by the General Plan.*

Project Finding: The following outlines the project's consistency with the policies and goals of each section of the General Plan.

### **Land Use Element**

The majority of the project site is designated Residential Mixed-Use (M-6). The designation includes the project site properties and two adjacent properties to the east. The intent of this designation is to encourage moderately high density, residential development which takes advantage of the area's proximity to both the BART Station and Ambrose Park. Limited commercial uses are intended as secondary to the residential development and oriented to providing goods and services to neighborhood residents and visitors to Ambrose Park. The project is fully consistent with the designation, providing moderately high-density housing as well as ground-floor commercial.

The Delta de Anza trail, which runs along the northern boundary of the project site, has a Parks and Recreation (PR) general plan designation. The PR designation includes publicly-owned city, district, County and regional parks facilities, as well as golf courses, whether publicly or privately owned. Appropriate uses in the designation are passive and active recreation-oriented activities, and ancillary commercial uses such as snack bars, and restaurants. The area of the site with this designation will continue to provide a public-access trail following project implementation.

The Land Use element includes the following implementation measures related to the project.

Implementation Measure 3-h (Job/Housing Balance): The General Plan states development applications for residential developments of 100 or more units must address the impact of that development upon the subregional jobs/housing balance.

The proposed Project includes the construction of approximately 384 residential units consistent with the Pittsburg/Bay Point BART Specific Plan. The Association of Bay Area Governments (ABAG) estimates that Contra Costa County will add approximately 45,450 new jobs between 2015 and 2025, with the largest growth sectors in the service sector with a total of 35,730 new jobs (an increase of 14.6 percent). The service sector includes retail, financial/professional services, and health/education/recreational services. Within this sector, the professional and managerial services and the health/education services are expected to experience the largest growth with a 19.6 percent and 15.8 percent increase, respectively. The project's location adjacent to BART provides housing that would meet the housing needs of the County while providing access to job destinations. Additionally, the mixed-use project would provide needed on-site job opportunities in the East County Subregion.

Specific Area Policies: The Land Use Element of the County General Plan provides policies for specific geographic areas of the unincorporated County. These specific area policies

focus on providing additional policies that pertain to the unique characteristics and needs of each identified area. Pursuant to Figure 3-2 of the County General Plan, the Project Site is located within the Bay Point Specific Geographic Area. General Plan specific policies 3-77 through 3-85 provide guidance for development within the Bay Point Specific Geographic Area. These policies largely focus on development along the two major thoroughfares in the area, Bailey Road and Willow Pass Road, and development surrounding the BART station. The project would be largely consistent with the applicable policies, as detailed below.

Policy 3-77 advises that development be compatible with surrounding neighborhood development, that landscaping should be included, and that development should upgrade the community appearance to encourage new development. The proposed landscaping plan would satisfy the policy and COAs #16 and #17 would ensure implementation.

Policy 3-83 is intended to guide development around the Pittsburg/Bay Point BART area. The Circulation and Urban Design sub-policies identified under the policy are pertinent to the project, including the following:

- 3-83(ab) - The utility of the Delta De Anza Regional Trail should be enhanced.
- 3-83(ac) - Pedestrian linkages to and from the BART station and within the Pittsburg/Bay Point community should be improved.
- 3-83(ae) - The use of transit/pedestrian-oriented design principles in new development projects should be encouraged.
- 3-83(ag) - New development and the renovation of existing structures, shall be designed with interesting facades and an orientation to adjacent streets and pedestrian ways.
- 3-83(ak) - All projects shall be expected to provide substantial, high-quality landscaping. The use of flowering plants and trees shall be encouraged to reinforce the strongly residential character of the area.

The transit-oriented project would be consistent with these policies with its proximity to BART, utilization of the Delta de Anza Trail, and pedestrian scale design.

### **Growth Management Element**

The Growth Management Element of the General Plan establishes measures of effectiveness and requirements for the analysis of circulation impacts associated with new land developments. A Traffic Impact Analysis (TIA) and Traffic Demand Management (TDM) Plan have been prepared for the project, and reviewed by County Transportation Planning staff. The reports provide implementation measures for mitigating impacts from

the project. Implementation measures include but are not limited to intersection improvements, cycling facilities, pedestrian facilities, and cycling initiatives for residents. To ensure adequate implementation, COA #18 requires that prior to issuance of a building permit, the draft TDM plan would be finalized and submitted to the transportation Planning Division staff for review and approval.

The Growth Management Element of the County General Plan requires that new developments demonstrate that fundamental utilities and services can be provided to support the proposed project. Accordingly, the availability of services such as fire protection and police protection, as well as the availability of infrastructure for water, sanitary sewer, drainage, and recreational services are analyzed during the application review process. As discussed in the Growth Management Findings above, the project would meet the standards outlined in the Growth Management Element.

### **Traffic and Circulation Element**

In part, the purpose of the Traffic and Circulation Element is to assure that the transportation system of the County will have adequate capacity to serve planned growth within the County for the near future. To achieve this purpose, the Traffic and Circulation Element consists of numerous policies and implementation measures that help guide development at both the project and policy levels. The Project consists of on- and off-site physical improvements along Bailey Road, which are intended to increase safety, accommodate additional demand created by the Project, and to minimize adverse impacts to the County's roadway network in the area of the Project.

The subject site is located east of Bailey Road, a County maintained road, and north of West Leland Road, a City of Pittsburg maintained road. The site is currently divided into three blocks and four County maintained roads: Maylard Street, South Broadway Avenue, Memorial Way and Wollam Avenue. Access to the site is gained from Bailey Road via Maylard Street and West Leland Road via South Broadway Avenue. Memorial Way provides access from South Broadway and Wollam Avenue to the neighboring park in the City of Pittsburg northeast of the site. County records describe Maylard Street as a 34-foot paved road within a 50-foot right of way, South Broadway and Memorial Way as a 32-foot paved road within a 50-foot right of way and Wollam Avenue as a 28-foot paved road within a 50-foot right of way.

The traffic analysis evaluated the Project for its potential to contribute to unacceptable traffic operations resulting from the project. With implementation of the proposed infrastructure updates and Traffic Demand Management Plan, the project would minimize adverse impacts to the County's roadway network. Additionally, the transit-oriented design of the project is expected to result in reduced automobile traffic compared to a comparable development not located in a transit-rich area. Furthermore, consistent with the General Plan and Pittsburg/Bay Point BART Area Specific Plan, the location has been identified for increased residential development.

### **Housing Element**

The Housing Element of the County General Plan has two purposes: 1) to provide an assessment of both current and future housing needs and constraints in meeting these needs; and 2) to provide a strategy that establishes housing goals, policies, and programs. To implement and address the County's housing needs and challenges, there are seven focus areas that are identified. The seven focus areas pertain to providing adequate housing sites, development of affordable housing, easing governmental constraints to housing investment, improving housing and neighborhoods, preserving assisted housing developments, promoting fair and equal housing opportunities, and encouraging energy conservation. Some of the goals associated with these areas of focus are implemented at the regional level, policy level, program level, or for existing developments, and thus would not be applicable at the project level for a new development such as the Orbisonia Village Mixed Use Project. However, as part of the County's review of the Project, compliance with the three applicable goals was analyzed.

- Providing adequate housing sites: Upon completion, the development would include approximately 384 residential units with various affordability levels. The following is a summary of the affordability level for the project as a whole.

<b>Number of Units</b>	<b>Affordability Level</b>	<b>% of Area Median Income</b>
38	Extremely Low	30%
38	Very Low	50%
230	Low	60%
74	Low	80%
4	Manager's Unit	80%
<b>384 Total Units</b>		

A component of preparing the County's Housing Element for the General Plan is the identification of vacant and underutilized sites suitable for residential development, and an evaluation of the housing development potential of these sites in fulfilling the County's share of the regional housing needs as determined by the Association of Bay Area Governments (ABAG). The project site was identified in the County's sites inventory for the potential development of 325 low-income units. As shown in the table, the project is consistent with this expected development.

- Affordable Housing: The project includes the development of affordable housing units consistent with the Housing Element's identified development potential. The additional 384 affordable residential units will provide a range of affordability levels and would be consistent with the County's Inclusionary Housing Ordinance.
- Encouraging energy conservation: The County's Climate Action Plan (CAP) is designed to reduce local greenhouse gas (GHG) emissions while improving community health. The CAP consists of a GHG reduction strategy that is an implementation measure



structured around six topics, one of which is Energy Efficiency and Conservation. To assist planning staff with implementation of the GHG Reduction Strategy, the CAP includes a development checklist (Appendix-E) which, when completed, identifies a project's consistency with the CAP. Among others, the checklist includes the following standards that pertain to energy efficiency:

- I. Installation of high-efficiency appliances and insulation to prepare for the statewide transition to zero net energy.
- II. New residential and non-residential development will meet the standards to be solar ready as defined by the California Building Standards.
- III. New single-family houses and multi-family units with private attached garages or carports will provide rewiring for EV charging stations inside the garage or carport.

The County Building Inspection and Community Development Divisions will verify compliance with the Appendix-E standards mentioned above, prior to approval of building permits for the proposed residences. Furthermore, California Code of Regulations Title 24 (Part 6, Energy Code) and Title 20 (Appliance Efficiency Regulation) will also apply to residential design at the project site.

### **Safety Element**

Since the Safety Element has the potential for affecting land use policies within the County, the policies, goals, and implementation measures of the Safety Element are closely coordinated with that of the Land Use Element. For example, seismic safety considerations in an area may be cause for additional consideration with respect to lowering density or altering design standards on hillsides. Agencies including, but not limited to the County Sheriff, Contra Costa Consolidated Fire Protection District, and County Health Services Department, have reviewed the Project to determine the potential existence of safety risks. There has been no indication from the reviewing agencies that the proposed Project would result in a significant safety hazard associated with the services and regulations under their purview. County staff's analysis determined that fire protection response times, facility capacity to serve, and compliance with other General Plan standards will not be adversely impacted given the Project is consistent with Fire District standards and review, and the applicant's requirement to pay applicable development impact fees. The Project has also been conditioned (COAs #19-#25) to incorporate security measures including security cameras, residential screening policies, funding up-front cost for an additional police substation and the Oak Hill Shopping Center, and other safety related measures.

### **Noise Element**

The Noise Element of the County General Plan discusses, among other things, the County's goal of improving the overall environment in the County by reducing annoying and physically harmful levels of noise. Figure 11-6 (Land Use Compatibility for Community Noise Environments) of the Noise Element categorizes ambient noise levels up to 65 dBA (A-weighted decibels)  $L_{dn}$  (day-night average level) as being "normally acceptable" for

multi-family land uses, levels between 60 and 70 dBA  $L_{dn}$  as being "conditionally acceptable," and levels above 70 dBA  $L_{dn}$  as being "normally or clearly unacceptable." Furthermore, Figure 11-6 indicates that new development should only be undertaken in areas with "conditionally acceptable" levels after a detailed noise analysis has performed, and necessary noise reduction features have been included in the design.

With respect to the Project's potential noise impacts on the surrounding residences, condition of approval (COA #28) would limit these potential noise impacts in compliance with the Noise Element. Specifically, the requirements would specify equipment type, timing, and geographic location of construction activities.

In addition to the noise impacts the Project could have on the nearby sensitive receptors, future residents of the Project could be subject to ambient noise levels from the surrounding land uses as well as on- and off-site traffic. Condition of approval #26 would require the applicant to conduct an acoustical analysis to confirm that the materials and design to be used for the residential units reduces interior noise levels to 45 dBA.

5. ***Required Finding:*** *The project as conditioned shall not encourage marginal development within the neighborhood.*

Project Finding: The project is located in a developed commercial and residential neighborhood. Furthermore, the project has been identified in the area's specific plan and is consistent with the P-1 district that was established for the area. Thus, the project would not encourage marginal development within the neighborhood; but instead provide planned infill residential and commercial development in the transit-oriented neighborhood.

6. ***Required Finding:*** *That special conditions or unique characteristics of the subject property and its location or surroundings are established.*

Project Finding: The design and scope of the mixed-use multi-family project was created based on the unique characteristics of the property and it's proximity to the adjacent BART station and Ambrose Park. The stormwater control plan and drainage plan for the project has also evaluated drainage and stormwater management concerns associated with the site. Given that the project was designed with the unique characteristics of the subject property in mind, these conditions have been identified and project would be harmonious with them.

## **VII. Tree Permit Findings**

***Required Finding:*** *The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:*

1. Reasonable development of the property will require the removal of five of the code-protected trees and work within the dripline of other code-protected trees to construct the project. All feasible efforts have been made to retain the maximum number of trees.

2. Development of this project cannot be reasonably accommodated on other parts of the property due to the project density and orientation of the development towards the BART transit station.

## **CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP21-02015 AND #CDMS21-00004**

### **Development Plan Approval**

1. Development is approved for three phases of development including up to 384 units, not to exceed 165 units in phase one, as generally described in the application materials received by the Department of Conservation and Development, Community Development Division (CDD) on April 22, 2021; revised site and architectural plans received August 17, 2022; and subject to the conditions below. The final design, including unit count, shall be administratively reviewed and approved by the Zoning Administrator prior to submittal of a building permit for each phase.

### **Land Use Permit Approval**

2. The following are permitted uses, provided that any such use that includes alcoholic beverage sales must comply with the Alcoholic Beverage Sales Commercial Activities Ordinance: Community Garden; Area Serving Retail; Art Galleries; Bakery Café or Coffee Shop; Computer Sales and Service; Convenience Store; Drug Store; Electronic Sales; Financial Institutions, including ATMs; Grocery Stores; Restaurants; Other Retail Businesses; Take-Out Food Consistent with the Take-out Food Establishments Ordinance; and Retail Businesses. These uses shall be administratively reviewed for consistency with the Bay Point Planned Unit District and other applicable ordinances prior to business operation or submittal of a building permit.

### **Tentative Map Approval**

3. Tentative Map Approval is granted to subdivide the project site into four (4) parcels, with vertical subdivisions of the airspace in Parcel One and Parcel Two in order to create separate parcels for the Housing Improvements and the Commercial Improvements, as generally shown on plans submitted August 17, 2022.

### **Tree Permit Approval**

4. Tree Permit Approval is granted to allow the removal of 23 trees and work within the dripline of 12 trees, some of which are code-protected.

### **Indemnification**

5. The applicant shall enter into an Indemnification Agreement with the County, and the applicant shall indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its boards, commissions, officers, employees, and agents (collectively "County Parties") from any and all claims, costs, losses, actions, fees, liabilities,



expenses, and damages (collectively, "Liabilities") arising from or related to the project, the applicant's permit application, the County's discretionary approvals for the project, including but not limited to the County's actions pursuant to the California Environmental Quality Act and planning and zoning laws, or the construction and operation of the project, regardless of whether those Liabilities accrue before or after project approval.

### **Application Costs**

6. The application was subject to an initial deposit of \$18,500.00 that was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to issuance of a building permit, or within 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The Applicant may obtain current costs by contacting the project planner. A bill will be mailed to the Applicant shortly after permit issuance.

### **Compliance Report**

7. At least 45 days prior to filing of the Parcel Map or issuance of a grading or building permit, whichever occurs first, the applicant shall provide a permit compliance report to the Department of Conservation and Development, Community Development Division (CDD) for review and approval. The report shall identify all conditions of approval that are administered by the CDD. The report shall document the measures taken by the applicant to satisfy all relevant conditions. Copies of the permit conditions may be obtained from the CDD. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the applicable conditions of this report prior to filing the Final Map.

The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$2,000 which shall be paid at the time of submittal of the compliance report.

### **General Provisions**

8. Building permits shall be obtained for the proposed work.
9. Any deviation from or expansion beyond the limits of this permit approved under this application may require the filing and approval of a request for modification of the Land Use Permit and Development Plan Combination Permit or Tentative Map.
10. The project site shall be maintained in an orderly fashion at all times. All random debris and trash shall be disposed of in a timely manner.
11. During construction, a publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This



person shall respond and take corrective action within 24 hours. The CDD phone number to call in complaints shall also be visible to ensure compliance with applicable regulations.

12. At least 15 days prior to the issuance of a grading permit or building permit the developer shall demonstrate compliance with the debris recovery program, which requires at least 50 percent of the jobsite debris generated by construction projects of 5,000 square feet or greater to be recycled, or otherwise diverted from landfill disposal.

#### **Park Impact/Park Dedication Fees**

13. Prior to the date of the final inspection, or the date the certificate of occupancy is issued, for the first-constructed building containing residential units, whichever occurs first, the Applicant shall pay a per unit Park Impact/Park Dedication fee as follows:
  - a. 50% of the Multi-Family Unit Fee, calculated at the applicable per unit rate as adopted by the Board of Supervisors.
  - b. The current per unit fee amount at the time of this approval is \$5,012 per unit. The actual amount due shall be based on the per unit rate that is in effect at the time of building permit issuance.
  - c. To qualify for the 50% reduced Multi-Family Unit Fee, the project shall enter into a regulatory agreement with the County, guaranteeing the use, occupancy, affordability, and term of affordability of such dwelling units. The regulatory agreement shall be consistent with and subject to the terms of the Disposition, Development, and Loan Agreement and the Master Development Agreement entered into between the County and the Applicant for the Project.

#### **Cultural and Archeological Resources**

14. The following Mitigation Measures shall be implemented during project related ground disturbance, and shall be included on all construction plans:
  - a. All construction personnel, including operators of equipment involved in grading, or trenching activities will be advised of the need to immediately stop work if they observe any indications of the presence of an unanticipated cultural resource discovery (e.g. wood, stone, foundations, and other structural remains; debris-filled wells or privies; deposits of wood, glass, ceramics). If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist, certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), shall be contacted to evaluate the finds and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies. If the cultural resource is also a tribal cultural resource (TCR) the representative (or consulting) tribe(s) will also require notification and opportunity to consult on the findings.

If the deposits are not eligible, avoidance is not necessary. If eligible, deposits will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

- b. Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may be those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

### **Take-Out Food Establishments**

15. Prior to establishing a take-out food establishment in the commercial portions of the property, the applicant must submit for an administrative review to confirm compliance with the Take-Out Food Establishments Ordinance, including the financial security requirements. The following requirements shall apply to any take-out food establishments:
  - a. At least three times a week, pick up and properly dispose of trash, litter and garbage originating from such take-out food establishment, deposited on public property within four hundred feet of any boundary of the premises on which such take-out food establishment is located.
  - b. Upon the request of any owner of private property located within four hundred feet of any boundary of the premises on which the take-out food establishment is located, at least three times a week, pick up and properly dispose of trash, litter and garbage originating from such take-out food establishment, deposited on such private property visible from a public street.
  - c. Either establish to the satisfaction of the CDD that the parking meter program referenced below will fund maintenance required by conditions a) and b), or post a bond or other security that complies with County Code section 88-16.010.

### **Landscaping**

16. A landscaping plan prepared by a certified landscape architect or licensed arborist must be submitted showing adequate landscaping within the project area. At least 30 days prior to the removal of trees or applying for a grading or building permit, whichever occurs first, the

applicant shall submit a final tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of the CDD. The plan shall comply with the County Water Efficient Landscape Ordinance. Verification of compliance with the Ordinance shall accompany the plan.

Prior to the final inspection for each phase of the development, the project sponsor shall submit a letter to the CDD, composed by a landscape architect or certified landscape contractor, certifying the landscaping and irrigation system has been installed. The report shall be submitted to the CDD for review, and it shall include any additional measures necessary for preserving the health of the landscaping. These measures shall be implemented by the project sponsor.

17. The property owner shall maintain the approved landscaping and irrigation system in good condition at all times, including landscaping along the Delta de Anza Trail where it crosses the project site.

### **Transportation Demand Management**

18. The Applicant shall implement a project-specific Final Transportation Demand Management (TDM) Program. Prior to issuance of a building permit, a final Transportation Demand Management plan shall be submitted for review and approval by the Transportation Planning Section staff.

### **Public Safety Improvements**

19. The Applicant, and any successor in interest, is required to request that the Contra Costa County Office of the Sheriff ("County Sheriff") (1) obtain a Flock Safety assessment, or other equivalent assessment, optimizing the site-specific external security camera system at the Project and (2) install any equipment recommended by the assessment. The Applicant, and any successor in interest, is required to provide the County Sheriff with a right-of-entry for ongoing maintenance of such security equipment.
20. The Applicant, and any successor in interest, is required to allow Pittsburg PD to install equipment, such as a repeater or transmitter, to enhance the Pittsburg camera system. The Applicant, and any successor in interest, is required to allow right-of-entry for Pittsburg PD and its contractors to maintain such equipment.
21. The Applicant, or any successor in interest, shall fund up to \$50,000 for the costs associated with implementing Condition of Approval Nos. 19 and 20.

Prior to the issuance of the first building permit for the Project, the Applicant, or any successor in interest, shall put \$50,000 into an escrow account for use exclusively to fund the implementation of Condition of Approval Nos. 19 and 20. After the requirements of the Condition of Approval Nos. 19 and 20 have been satisfied, any funds remaining in the escrow account shall be returned to the Applicant, or any successor in interest.



As requested by the County Sheriff or Pittsburg PD, the Applicant, or any successor in interest, shall use the funds in the escrow account to fund the implementation of Condition of Approval Nos. 19 and 20. The Applicant, or any successor in interest, may pay for the necessary equipment and labor required to satisfy the Conditions by either making direct payments to vendors or reimbursing the County Sheriff and/or Pittsburg PD for the costs of the equipment and labor.

22. For the life of the Project, the Applicant, or any successor in interest, shall enforce any and all zero tolerance policies (i.e., model conditions) for tenants that are included in the documents attached to these conditions of approval as Exhibit A. The Applicant, or any successor in interest, shall ensure that any other owner and/or operator of the Project adopts and enforces this policy.
23. For the life of the Project, the Applicant, or any successor in interest, shall screen all potential residents pursuant to any and all screening policies that are included in the documents attached to these conditions of approval as Exhibit A. Where policies differ depending on the type of housing, screening policies for Tax Credit Family housing shall apply. The Applicant, or any successor in interest, shall ensure that any other owner and/or operator of the Project adopts and screens all potential residents pursuant to these screening policies.
24. For the life of the Project, the Applicant, or any successor in interest, shall require that the Project have an internal security camera system that monitors all shared spaces (including, but not limited to, hallways, stairways, common areas, and parking lots) and is maintained and continually monitored. The Applicant, or any successor in interest, shall ensure that any other owner and/or operator of the Project maintains and continually monitors this internal security camera system.
25. The Applicant, or any successor in interest, shall request that the County Sheriff review Project design plans to identify consistency with Crime Prevention Through Environmental Design ("CPTED") (1) prior to the issuance of the first building permit for the Project and (2) within the first 60-days of occupancy.

The Applicant, and any successor in interest, is required to provide the County Sheriff with a right-of-entry for those County Sheriff reviews (1) prior to the issuance of the first building permit for the Project and (2) within the first 60-days of occupancy.

The Applicant, or any successor in interest, shall implement any and all recommendations from those County Sheriff reviews, and the Applicant, or any successor in interest, shall be responsible for the cost of implementing any and all such recommendations.

The Project shall include a gated/secure parking garage, which shall be a part of the County Sheriff's review pursuant to this condition of approval.



## Noise

26. Prior to the issuance of a building permit, the applicant shall conduct an acoustical analysis to confirm that the materials and design to be used for the residential development would reduce interior noise levels to 45 dB. If the analysis determines that additional noise insulation features are required, the acoustical analysis shall identify the type of noise insulation features that would be required to reduce the interior noise levels to 45 dB, and the applicant shall incorporate these features into the proposed project.

## Childcare Facilities

27. The Developer shall comply with the requirements of the Contra Costa County Child Care Facilities Ordinance. The developer shall submit to CDD a Childcare Needs Assessment prepared by the Contra Costa Childcare Council. The developer shall pay the required fee for childcare mitigation or provide a childcare facility on-site or off-site consistent with the needs assessment and response program, or shall demonstrate that the childcare needs of the project are mitigated through the use of existing facilities.

## Construction Restrictions

28. The Applicant shall comply with the following restrictions and requirements, **which shall be stated on the face of the construction drawings:**
  - A. Except as otherwise stated below, construction activities are limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on the calendar dates that the following State and Federal holidays are observed:
    - New Year's Day (State and Federal)
    - Birthday of Martin Luther King, Jr. (State and Federal)
    - Washington's Birthday (Federal)
    - Lincoln's Birthday (State)
    - Presidents' Day (State and Federal)
    - Cesar Chavez Day (State)
    - Memorial Day (State and Federal)
    - Independence Day (State and Federal)
    - Labor Day (State and Federal)
    - Columbus Day (State and Federal)
    - Veterans Day (State and Federal)
    - Thanksgiving Day (State and Federal)
    - Day after Thanksgiving (State)
    - Christmas Day (State and Federal)

For details on the actual date the state and federal holidays occur, please visit the following websites:

Federal Holidays: <http://www.opm.gov/fedhol>

California Holidays: [http://www.edd.ca.gov/payroll\\_taxes/State\\_Holidays.htm](http://www.edd.ca.gov/payroll_taxes/State_Holidays.htm)

- B. Transport of heavy equipment and trucks is limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M., and is prohibited on weekends and the aforementioned State and Federal holidays.
- C. The Applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties. This shall be communicated to project-related contractors.
- D. Construction equipment and materials shall be stored onsite to the maximum extent practicable.
- E. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- F. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.
- G. The Applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers that are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.

**PUBLIC WORKS CONDITIONS OF APPROVAL FOR PERMIT CDLP21-02015 & SUBDIVISION  
CDMS21-00004**

**Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan and tentative map received by the Department of Conservation and Development on August 17, 2022.**

**UNLESS NOTED OTHERWISE, THE APPLICANT SHALL COMPLY WITH THE FOLLOWING  
CONDITIONS OF APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.**

**General Requirements:**

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

**Roadway Improvements (Frontage):**

30. Applicant shall widen the existing sidewalk along the frontage of West Leland Road to match the existing sidewalk near the intersection of Bailey Road. Curb ramps at the intersection with South Broadway shall be modified to meet current ADA standards.
31. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of public streets. Concrete shall be saw-cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doveled into existing improvements.

**Roadway Improvements (On Site):**

32. Applicant shall construct the on-site road system to County public road standards as modified herein by these conditions of approval and subject to the review and approval of the Public Works Director or his/her designee. Transitions between public and private pavements shall be clearly defined by a border strip or other identifiable pavement transition.
33. The intersection of Maylard Street and South Broadway Avenue shall be all-way stop controlled.
34. All driveways entering public streets shall be stop controlled.
35. The raised crossing along South Broadway Avenue should be cleared by the Fire District.
36. The project shall comply with the minimum lane width for County roads is 11 feet.

**Access to Adjoining Property**Proof of Access

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

Encroachment Permit

38. Applicant shall obtain an encroachment permit from the Public Works Department for construction within the rights-of-way of Bailey Road, Maylard Street, Memorial Way, South Broadway Avenue and Wollam Avenue.
39. Applicant shall obtain an encroachment permit from the City of Pittsburg for construction within the rights-of-way of West Leland Road, and city-maintained portions of Bailey Road, and South Broadway Avenue.

40. Applicant shall obtain an encroachment permit from Caltrans for construction within the State right-of-way.

### **Abutter's Rights**

41. Applicant shall relinquish abutter's rights of access along Bailey Road and West Leland Road, with the exception of the public street intersections.

### **Road Alignment/Intersection Design/Sight Distance:**

#### Sight Distance

42. Applicant shall provide sight distance at the on-site driveways and all public streets for a design speed of thirty miles per hour. The applicant shall trim vegetation, as necessary, to provide sight distance at these driveways. Any new landscaping, signs, fencing, retaining walls, or other obstructions proposed at the driveways shall be setback to ensure that the sight lines are clear.
43. All trail crossings of public roads shall be designed for proper stopping sight distance per the current Caltrans Highway Design Manual.

### **Road Dedications**

44. Property Owner shall convey to the County, by Offer of Dedication, the right-of-way over those portions of the interior roadway system that includes the street travel way and contiguous shoulder and curb. The minimum acceptable right of way width shall be 28 feet. Proposed parking areas and sidewalks are specifically excluded.
45. Property Owner shall dedicate minimum 10-foot-wide public utility easements contiguous and outside of each side of the aforementioned public street right to provide an overall easement/road corridor or similar to what would otherwise be available along a standard public roadway section.
46. Trail easements over those portions of the bike paths that are outside public road rights of way shall be dedicated for public use.

### **Right-of-Way Vacation**

47. The first phase of this project shall include the filing of the Parcel Map over the project limits to dedicate/vacate public street rights of way and merge or realign existing property lines to conform with the subsequent development of the individual sites.
48. Prior to recording the Parcel Map, the Applicant shall record a covenant acceptable to the Director of Public Works against the private property within such Parcel Map pursuant to which the Applicant shall be obligated as follows:



- a. To accept ownership of the vacated property described in the foregoing condition within such parcel map;
  - b. To make such vacated property available for public parking;
  - c. To register with the Public Works Department to establish a private off-street parking meter program on such property in accordance with County Code Section 46-14, to the satisfaction of the Director of the Public Works Department; and
  - d. To pay the County the net revenues, if any, received from such off-street parking program after deducting costs associated with: (i) maintaining and operating such parking program, (ii) maintaining in good repair all improvements within on onsite sidewalks adjacent to public rights of way, and onsite street parking areas adjacent to public rights of way. Net revenues paid to the County shall be held in a trust account for the benefit of and for use within the Bay Point Community, as is deemed appropriate by the County.
49. All costs associated with the vacation of the public right of way, including but not limited to County staff time, title searches, counsel review of legal documents relative to the covenant, etc., shall be borne by the Applicant.

## **Bicycle - Pedestrian Facilities**

### Pedestrian Access

- 50. Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g., truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.
- 51. Safety improvements including but not limited to, intersection "bulb-outs", "speed tables", rectangular rapid flashing beacons (RRFB), or other measures may be required on public streets subject to consideration, review and approval by the Public Works Director or designee.
- 52. Pedestrian circulation for cars that park on the eastern end of South Broadway Avenue shall be provided. The two-way cycle track in that area is not acceptable as shown.
- 53. The two-way cycle track in the vicinity of Building C1 shall be modified to provide a separation element between southbound cyclists and northbound vehicles. Alternatively, narrowing the northbound travel lane to 11' on the segment near cross-section 3 and vertical delineators can be installed within the 2-ft buffer.

54. Parallel parking spaces immediately adjacent to the proposed raised crosswalk along the northern end of South Broadway Avenue may pose a hazard and will be subject to additional review.

## **Transit**

### Bus Stops

55. Bus stop locations within or abutting the project site shall be coordinated with Tri-Delta Transit. Signage, pullouts or other amenities within or adjacent to public street rights of way shall be subject to review and approval of the Public Works and/or the City of Pittsburg, as applicable.

## **Utilities/Undergrounding**

56. Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Bailey Road. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

## **Construction**

57. Prior to the start of construction-related activities, the applicant shall prepare a Traffic Control Plan (TCP), including a haul route, for the review and approval of the Public Works Department.
58. The applicant shall survey the pavement condition on roadways to be used as a haul route prior to the commencement of any work on site, with Public Works Department approval. The survey shall include a video tape of the roadways. The applicant shall complete any remedial work prior to initiation of use; OR provide a bonded agreement assuring completion of the remedial work.
59. The applicant shall provide a pavement analysis for those roads along the proposed haul route or any alternate route(s) that are proposed to be utilized by the hauling operation. This study shall analyze the existing pavement conditions and determine what impact the hauling operation will have over the life of the project. The study shall provide recommendations to mitigate identified impacts.
60. The applicant shall construct any recommended repairs to restore any roads, easements, and/or rights-of-way (the cost of constructing the recommended repairs). Prior to issuance of Building Permits, the applicant shall execute a bonded road improvement agreement to assure the roadway repairs. The amount shall be deemed sufficient by the Public Works Department. Alternatively, these repair/restoration costs may be included as bonded

improvements as part of the Subdivision Agreement and security posted with the filing of the Parcel Map.

### **Maintenance of Facilities**

61. Property Owner shall develop and enter into a financing and maintenance agreement that will ensure that all common and open space areas, private roadways, bike trails, parking areas, private streetlights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities will be maintained in perpetuity and that each parcel in this subdivision will share in the maintenance of the common public areas.
62. Applicant shall record a Statement of Obligation in the form of a deed notification to inform all future owner(s) of their obligation to remove any landscaping and appurtenances thereto at the expense of the lot owner(s) should it become necessary in the future for the County to do any work in the public right-of-way. This requirement shall be covenant, which shall run with the lot and shall bind all present and future owner(s) of the lot.

### **Drainage Improvements:**

#### Collect and Convey

63. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.
64. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the post project condition for the required design storm, improvements shall be constructed to make the system adequate. The applicant shall obtain access rights to make any necessary improvements to off-site facilities.

### **Miscellaneous Drainage Requirements**

65. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
66. The property owner shall dedicate a public drainage easement over any man-made drainage system which conveys stormwater run-off from public streets.



## **National Pollutant Discharge Elimination System (NPDES)**

67. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II).
68. Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:
  - Minimize the amount of directly connected impervious surface area.
  - Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permits.
  - Place advisory warnings on all catch basins and storm drains using current storm drain markers.
  - Shallow roadside and on-site swales.
  - Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
  - Filtering Inlets.
  - Sweep the paved portion of the site at least once a year between September 1<sup>st</sup> and October 15<sup>th</sup> utilizing a vacuum type sweeper. Verification (invoices, etc.) of the sweeping shall be provided to the County Clean Water Program Administrative Assistant at 255 Glacier Drive, Martinez CA 94553 (925) 313-2238).
  - Trash bins shall be sealed to prevent leakage OR shall be located within a covered enclosure.
  - Applicant shall attempt to incorporate the use of pavers and/or pervious pavement on-site to reduce the amount of directly connected impervious surface area.
  - Other alternatives comparable to the above as approved by the Public Works Department.

## **Stormwater Management and Discharge Control Ordinance:**

69. The applicant shall submit a FINAL Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing of the parcel/final map or issuance of a building permit. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.



70. Improvement Plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
71. Stormwater management facilities shall be subject to inspection by the Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
72. Prior to filing of the Parcel Map, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
73. Prior to filing of the parcel map, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.
74. Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.
75. All treatment BMP/IMPs constructed within each parcel of the proposed development shall be designed and sized to treat, at a minimum, stormwater generated from each parcel constructed.

#### **ADVISORY NOTES**

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

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

Pursuant to California Government Code Section 66000, et seq., the Applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90<sup>th</sup> day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the East Contra Costa Regional Fee & Finance Authority/ Regional

Transportation Development Impact Mitigation (ECCRFFA/RTDIM) and Bay Point Areas of Benefit, as adopted by the Board of Supervisors. The fee shall be paid prior to issuance of building permits.

- C. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, Bay Delta Region (Region 3), 2825 Cordelia Road, Suite 100, Fairfield, CA 94534 of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- D. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- E. Additional requirements may be imposed by the following agencies and departments:
  - Public Works Department
  - Building Inspection Division
  - Contra Costa County Consolidated Fire Protection District
  - Health Services Department
  - Golden State Water Company
  - Delta Diablo Sanitary District

The Applicant is strongly encouraged to review these agencies' requirements prior to continuing with the project.