



# CONTRA COSTA COUNTY

## AGENDA

### Contra Costa County Planning Commission

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**Wednesday, January 14, 2026**

**6:30 PM**

**30 Muir Road, Martinez, California**

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**Zoom: <https://cccounty-us.zoom.us/j/81302368821> Webinar ID: 813 0236 8821**

**Call in: (855) 758-1310 or (408) 961-3928**

**CHAIR:** Kevin Van Buskirk

**VICE-CHAIR:** Bhupen Amin

**COMMISSIONERS:** Donna Allen, Bob Mankin, Ross Hillesheim, Sanjiv Bhandari

The public may attend this meeting in person at the above location. The public may also attend this meeting remotely via Zoom or call-in. Login information and call-in information is provided below. Persons wishing to view the meeting but not participate may view the meeting live online at: <https://www.contracosta.ca.gov/4314/County-Planning-Commission>.

Persons who wish to address the Planning Commission during public comment or with respect to an item on the agenda may comment in person or may call in during the meeting by dialing (855) 758-1310 US Toll Free or (408)961-3928 US. A caller should indicate they wish to speak on an agenda item, by pushing "#2" on their phone. Access via Zoom is also available using the following link <https://cccounty-us.zoom.us/j/83831039285> Webinar ID: 838 3103 9285. Those participating via Zoom should indicate they wish to speak on an agenda item by using the "raise your hand" feature in the Zoom app. Public comments may also be submitted before the meeting by email at [planninghearing@dcd.cccounty.us](mailto:planninghearing@dcd.cccounty.us) or by voicemail at (925) 655-2860.

All public comments will be limited to 3 minutes per speaker. Public comments may also be submitted before the meeting by email at [planninghearing@dcd.cccounty.us](mailto:planninghearing@dcd.cccounty.us), or by voicemail at (925) 655-2860. Comments submitted by email or voicemail will be included in the record of the meeting but will not be read or played aloud during the meeting.

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Any disclosable public records related to an item on a regular meeting agenda and distributed by County staff to a majority of the Planning Commissioners less than 96 hours prior to the meeting are available for inspection at 30 Muir Road, Martinez, CA 94553, during normal business hours.

The Community Development Division of the Department of Conservation and Development will provide reasonable accommodations to those persons needing translation services and for persons with disabilities who wish to participate in County Planning Commission meetings. Please contact County staff at least 48 hours before the meeting at (925) 655-2860.

1. PLEDGE OF ALLEGIANCE

2. CONTINUED PUBLIC HEARING.

2a. ELLEN BULLA, SYCAMORE COURT HOME ASSOCIATION (Appellant), ROD SCHLENKER, INSURANCE AUTO AUCTIONS, INC. (Applicant), NGL SF BAY STORAGE & TRANSFER, LLC (Owner), County File CDDP18-03005.

25-5451

This is an appeal of the Zoning Administrator's decision to approve a development plan for the expansion of an existing Insurance Auto Auctions storage facility onto an adjacent vacant 10.35-acre property. The proposed expansion would allow the storage of an additional 1,136 vehicles bringing the total number of vehicles permitted to be stored at the facility to approximately 4,436 vehicles. The development plan approval includes approval of deviations to the Bay Point P-1 Development Standards for 7.5% of the subject lot to be landscaped (where 10% of the site is required to be landscaped) and to allow a 0-foot side yard setback (where a minimum of 10 feet is required) and a 3-foot street side yard setback (where a minimum of 10 feet is required) for portions of an 8-foot-tall metal screen wall extending along the eastern and southern property boundaries. In addition the applicant requests approval of a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter, and the granting of an exception to the collect and convey requirements of Division 914 of the County Code. Consideration of the appeal is continued from the December 10, 2025 County Planning Commission meeting. The Commission will also consider a mitigated negative declaration prepared for the project under the California Environmental Quality Act. The project site is located at 2770 Willow Pass Road in the Bay Point area of unincorporated Contra Costa County. (Zoning: Bay Point P-1 Planned Unit District) (Assessor's Parcel Number: 098-240-031)

(Continued from 12.10.2025) GF

**Attachments:** [Attachment A Findings and COAs final revised](#)

[Attachment B Letter of Appeal](#)

[Attachment C Maps](#)

[Attachment D Project Plans](#)

[Attachment E Updated Landscaping Plan](#)

[Attachment F CDDP18-03005 Staff Report ZA 7\\_6\\_22](#)

[Attachment G CDDP18-03005 Staff Report ZA Continuation 11\\_17\\_22](#)

[Attachment H Agency Comments](#)

[Attachment I CDDP18-03005 MND](#)

[Attachment J CDDP18-03005 MMRP](#)

[Attachment K CDDP18-03005 CEQA Comments](#)

3. MINOR SUBDIVISION: MAP EXTENSION

**3a.** LOEWKE PLANNING ASSOCIATES, INC. (Applicant) - DIABLO GLEN WALNT CREEK CCRC LLC (Owner), County File #CDMS20-00007, CDGP20-00001, CDRZ20-03255, CDDP20-03018, and CDLP20-02038. The applicant requests a two (2) year extension of the period of time for filing a parcel map, to November 22, 2027, for the tentative map for the Glen at Heather Farms project, consisting of two parcels approximately 25 and 5 acres in area, that was approved under minor subdivision #CDMS20-00007. The project is located at 850 Seven Hills Ranch Road in the unincorporated Walnut Creek area (Zoning: Planned Unit District, P-1) (Assessor's Parcel Number: 172-080-007 & 172-150-012) SS [26-37](#)

**Attachments:** [Attachment A - Assessor Parcel Map](#)

[Attachment B - Tentative Map CDMS20-00007](#)

[Attachment C - Final Permit CDDP20-03018\\_CDMS20-00007](#)

4. PUBLIC COMMENTS

5. STAFF REPORT

6. COMMISSIONERS' COMMENTS

7. COMMUNICATIONS

THE NEXT MEETING OF THE CONTRA COSTA COUNTY PLANNING COMMISSION WILL BE HELD ON WEDNESDAY, JANUARY 28, 2026.



# CONTRA COSTA COUNTY

1025 ESCOBAR STREET  
MARTINEZ, CA 94553

## Staff Report

File #: 25-5451

Agenda Date: 1/14/2026

Agenda #: 2a.

**Project Title:** 2770 Willow Pass Road Vehicle Storage Facility Expansion Development Plan

**County File(s):** CDDP18-03005

**Appellant:** Ellen Bulla, Sycamore Court Home Association

**Applicant/Owner:** Rod Schlenker, Insurance Auto Auctions, Inc. (Applicant) / NGL SF Bay Storage & Transfer, LLC (Owner)

**Zoning/General Plan:** Bay Point P-1 Planned Unit District / HI Heavy Industry, SL Single-Family Residential - Low Density (General Plan 2005-2020)

**Site Address/Location:** 2770 Willow Pass Road in the Bay Point area of unincorporated Contra Costa County (Assessor's Parcel Number: 098-240-031)

**California Environmental Quality Act (CEQA) Status:** Mitigated Negative Declaration, SCH 2021100408

**Project Planner:** Grant Farrington, Planner III (925) 655-2868  
grant.farrington@dcd.cccounty.us

**Staff Recommendation:** Approve (See Section II for Full Recommendation)

## I. PROJECT SUMMARY

This is an appeal of the Zoning Administrator's decision to approve of a development plan for the expansion of an existing Insurance Auto Auctions storage facility onto an adjacent vacant 10.35-acre property. The proposed expansion would allow the storage of an additional 1,136 vehicles bringing the total number of vehicles permitted to be stored at the facility to approximately 4,436 vehicles. The development plan approval includes approval of deviations to the Bay Point P-1 Development Standards for 7.5% of the subject lot to be landscaped (where 10% of the site is required to be landscaped) and to allow a 0-foot side yard (where a minimum of 10 feet is required) and a 3-foot street side yard setback (where a minimum of 10 feet is

required) for portions of an 8-foot-tall metal screen wall extending along the eastern and southern property boundaries. In addition, the applicant requests approval of a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter, and the granting of an exception to the collect and convey requirements of Division 914 of the County Code.

## II. **RECOMMENDATION**

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Planning Commission:

- A. DENY the appeal.
- B. ADOPT the Mitigated Negative Declaration / Initial Study (MND), SCH 2021100408 and the October 2021 Mitigation Monitoring and Reporting Program (MMRP), based on the attached findings, and specify that the Department of Conservation and Development (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other materials, which constitute the record of proceedings upon which this decision is based.
- C. Grant the exception to the drainage improvements required under County Code Division 914 (collect and convey), as detailed in the attached findings.
- D. APPROVE Development Plan CDDP18-03005, including deviations to the Bay Point P-1 Development Standards for 7.5% of the subject lot to be landscaped (where 10% of the site is required to be landscaped) and to allow a 0-foot side yard (where a minimum of 10 feet is required) and a 3-foot street side yard setback (where a minimum of 10 feet is required) for portions of an 8-foot-tall metal screen wall extending along the eastern and southern property boundaries, and a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter, based on the attached findings and subject to the attached conditions of approval.
- E. DIRECT staff to file a Notice of Determination with the County Clerk.

## III. **GENERAL INFORMATION**

- A. General Plan: HI Heavy Industry and SL Single-Family Residential - Low Density (General Plan 2005-2020). The CDDP18-03005 Development Plan application was deemed complete prior to adoption of the 2045 General Plan on November 5, 2024. Accordingly, General Plan 2005-2020 applies to the application.
- B. Zoning: Bay Point P-1 Planned Unit District.

C. California Environmental Quality Act (CEQA): A draft Mitigated Negative Declaration / Initial Study, State Clearinghouse Number (SCH) 2021100408, was prepared and published for the application. The public review period for the draft MND started on October 21, 2021 and ended on November 21, 2021. No letters were received during the 30-day public comment period.

D. Tribal Cultural Resources: In accordance with Section 21080.3.1 of the California Public Resources Code, a Notice of Opportunity to Request Consultation was sent on February 17, 2021 to the Wilton Rancheria, the one California Native American tribe that requested notification of proposed projects within unincorporated Contra Costa County in 2021. Pursuant to Section 21080.3.1(d), there was a 30-day time period from receipt of the Notice for the Native American tribes to either request or decline consultation in writing for this project. Staff did not receive a request for consultation from the Wilton Rancheria.

E. Lot Creation: The project site was originally part of a portion of Section 11 T2N R1W. The applicant has provided a chain of title for the property going back to 1946. Based on the chain of title, the lot was created by conveyance in 1973. Approval of the CDDP18-03005 Development Plan, along with the attached conditions of approval will result in the creation of "real property" that has been approved for development in accordance with Section 66499.34 of the Subdivision Map Act.

F. Previous Applications:

1. CDLP98-02056: A land use permit to establish a vehicle storage facility on the 31.53-acre parcel adjacent to the north of the project site at 2780 Willow Pass Road (APN: 098-240-024) that included an office building, a covered parking structure, and 15 acres of vehicle storage, was approved by the Zoning Administrator on October 12, 1998.
2. CDLP02-02009: A land use permit to expand the existing vehicle storage yard at 2780 Willow Pass Road from 15 acres to 25.5 acres, including an area for auto auctions, was approved by the Zoning Administrator on January 27, 2003.

#### IV. BACKGROUND

A. Zoning Administrator Decision: On January 21, 2018, the CDDP18-03005 Development Plan application was accepted by the CDD. On July 6, 2022, a public hearing was held before the Zoning Administrator. At the hearing, the Zoning Administrator continued the hearing item to the August 1, 2022 meeting. The item was continued to September 7, 2022 at the applicant's request. The Zoning Administrator continued the hearing again to the October 3, 2022 meeting and then subsequently to the November 21, 2022 meeting to allow staff to review supplemental materials that had been submitted. On November 21, 2022, the Zoning Administrator approved the development plan.

B. Appeal of the Zoning Administrator's Decision: On December 1, 2022, an appeal of the Zoning Administrator's decision was filed within the 10-day appeal period by Ellen Bulla, secretary of the Sycamore Court Home Association. The appeal letter is included in Attachment B.

C. Continuation of the Planning Commission Hearing: At the December 10, 2025 meeting, the Planning Commission took testimony from three persons in attendance to speak on the item and continued the hearing to January 14, 2026.

In addition, the applicant had previously submitted revised plans that included a change to the proposed metal screen wall that raised the total height to eight feet including portions located along the eastern property boundary within the required side yard setback and street side yard setback areas. Subsequent to the December 10, 2025 hearing, the applicant has requested approval of deviations to the Bay Point P-1 Development Standards to allow a 0-foot side yard (where a minimum of 10 feet is required) and a 3-foot street side yard setback (where a minimum of 10 feet is required) for these portions of the metal screen wall in lieu of reducing the height of the wall to the code-compliant height of seven feet. This request is now included in the proposed project.

## **V. SITE/ AREA DESCRIPTION**

The project site is located in an established heavy industrial area of Bay Point. The 10.35-acre parcel at 2770 Willow Pass Road (APN: 098-240-031) has a rectangular shape with a 9-foot-wide panhandle extension along the eastern edge of the Sycamore Court subdivision that abuts Willow Pass Road. Even though the site has this panhandle frontage along Willow Pass Road, it is inaccessible from the arterial roadway and is accessed from the adjacent parcel at 2780 Willow Pass Road (APN: 098-240-024). The site is predominantly flat and the only existing structures are several abandoned storage tanks. Three rail spurs are also present on the site. Previously, a propane storage business operated the parcel but no planning or building permit history could be obtained establishing any previous valid use on the project site. Properties adjacent to the site to the east and to the south are residential in nature with single-family and multi-family residences present. Industrial businesses are located to the west of the site. The adjacent parcel to the north is the established vehicle storage facility, which is proposed to expand onto the project site.

## **VI. PROJECT DESCRIPTION**

The applicant requests approval of a development plan to allow the expansion of the existing vehicle storage facility, located on the adjacent 31.53-acre parcel to the north, onto the project site to allow the storage of approximately 1,136 additional theft recovered and damaged vehicles. Deviations to the Bay Point P-1 Development Standards to allow landscaping of

approximately 7.5% of the subject lot (where 10% of the site is required to be landscaped) and to allow a 0-foot side yard (where a minimum of 10 feet is required) and a 3-foot street side yard setback (where a minimum of 10 feet is required) for portions of an 8-foot-tall metal screen wall extending along the eastern and southern property boundaries, are also requested along with a request for approval of a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter. No additional development is proposed with this project although security improvements would be made to the perimeter fencing. The project would expand the land use first established under Land Use Permit CDLP98-02056 onto the project site. The project is to be developed in three phases. Phase 1 includes the storage of 799 vehicles at the southern end of the parcel in five parking zones. Phase 2 includes the storage of 204 vehicles in five parking zones located on the central portion of the parcel. Phase 3 includes storage of 133 vehicles in four parking zones at the north end of the parcel. The phases are shown on the plans in Attachment D. The Contra Costa Fire Protection District has required the removal of the existing storage tanks on the project site prior to Phase 2.

The current business conducted by Insurance Auto Auctions, Inc. (IAAI) on the adjacent parcel at 2780 Willow Pass Road was originally established under Land Use Permit CDLP98-02056. Land Use Permit CDLP02-02009 expanded the allowed use from 15 acres of vehicle storage to 25.5 acres of storage and established the auction business on the parcel. Tow trucks arrive daily, Monday through Friday, to deliver theft recovered and damaged vehicles for temporary storage and auctions. The vehicles delivered by tow trucks are collected and evaluated, then the titles are processed through the California Department of Motor Vehicles so they may be auctioned off to the public. Auctions are conducted every Tuesday which brings in approximately 80 cars of auction participants, in addition to the regular tow truck traffic.

The CDDP18-03005 project would expand the vehicle storage facility from 25.5 acres to 35.9 acres by including vehicle storage on the project site. The project would increase the overall capacity of the vehicle storage facility by an additional 1,136 vehicles to approximately 4,436 vehicles.

Access to and from the project site is provided by a private access road from Willow Pass Road that is along the western and northern edges of the parcel at 0 Willow Pass Road (APN: 098-240-021), the eastern edge of the parcel at 2840 Willow Pass Road (APN: 098-240-052) and through the southeastern quadrant of the parcel at 2780 Willow Pass Road (APN: 098-240-024). Circulation of traffic to and from the site would occur between 8:00am and 5:00pm Monday through Friday. No paving of the site is proposed and length of storage duration for the theft recovered and damaged vehicles would be subject to the processing time it takes to prepare the vehicles for auction. The existing designated location for vehicle auctions would remain on the adjacent parcel at 2780 Willow Pass Road.

The project includes the planting of new landscape trees along the property line adjacent to the Sycamore Court neighborhood as shown in supplemental project plans dated July 16, 2025.

These plans are included in Attachment E. The plantings include five California live oaks and a row of blue Italian cypress trees along the entire length of the shared property line to be spaced no more than three feet apart. The updated project narrative from the plans dated July 16, 2025 includes a provision for the storage of recreational and electric vehicles to be located within the existing IAAI vehicle storage facility on the adjacent parcel to the north.

## **VII. AGENCY COMMENTS**

An Agency Comment Request packet was sent on January 29, 2018 to a number of public agencies, including the Building Inspection Division, the East Contra Costa County Habitat Conservancy, the Environmental Health Division of Contra Costa Health, the Engineering Services Division of the Public Works Department. The Contra Costa County Fire Protection District, the Contra Costa Water District, the City of Pittsburg, and the Bay Point Municipal Advisory Council. Comments received by staff are included in Attachment H. Following are summaries of the comments received.

- A. East Contra Costa County Habitat Conservancy: In a letter dated January 29, 2018, the Habitat Conservancy noted that the project is exempt from compliance with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan.
- B. Contra Costa Mosquito & Vector Control District: In a letter dated January 30, 2018, the Mosquito & Vector Control District indicated that the project should employ measures so that no vehicle, container, swale, or other on-site feature retains standing water longer than 72 hours in order to prevent mosquito breeding on the premises.
- C. Contra Costa Health, Environmental Health Division: In a letter dated February 1, 2018, the Environmental Health Division indicated that a permit from Environmental Health is required for any well or soil boring prior to commencing drilling activities and any abandoned wells and septic tanks must be destroyed under permit. In addition, debris from construction or demolition activity must go to a solid waste or recycling facility that complies with requirements and lawfully accepts the materials.
- D. Contra Costa County Fire Protection District: In a letter dated February 2, 2018 the Fire Protection District stated that removal of all above ground tanks, adequate and reliable water supply and a minimum 20-foot wide access would be required prior to any approval of the project by the district.
- E. Building Inspection Division: In a returned Agency Comment Request form dated February 16, 2018, the Building Inspection commented that compliance with current building codes is required.
- F. Bay Point Municipal Advisory Council (MAC): At its meeting held on Tuesday March 5, 2019,

the Bay Point MAC reviewed an earlier iteration of the proposed project that did not include a landscaping buffer adjacent to the residential neighborhoods to the south, and unanimously decided that they could not support the project. The MAC had concerns about the removal of trees as well as additional automobiles being stored in the area. The applicant has since revised the project to include tree plantings to replace the existing trees intended for removal (see Attachment E).

G. Public Works Department, Engineering Services Division: In a letter dated May 10, 2022, the Engineering Services Division submitted a memo describing the regulatory programs that applied to the project site and included a number of conditions of approval and advisory notes to be applied to the proposed project. Engineering Services recommended approval of the request for an exception to County Code County Division 914 (Collect and Convey).

The May 10, 2022 Public Works conditions of approval and advisory notes are incorporated in the Conditions of Approval and the Advisory Notes.

## **VIII. ENVIRONMENTAL REVIEW**

A draft Mitigated Negative Declaration/Initial Study, State Clearinghouse Number 2021100408, was prepared and published on October 21, 2021. Potentially significant impacts were identified in the draft MND, including the potential for: adverse aesthetics, biological resources and hydrology/water impacts. The public review period for the draft MND started on October 21, 2021 and ended on November 21, 2021. No comments were received during the public review period, and therefore, preparation of a final MND is not necessary. The draft MND constitutes the MND for the application and is included as Attachment I.

A Mitigation Monitoring and Reporting Program (MMRP) was prepared that addresses all of the mitigation measures recommended in the draft MND. The MMRP is included as Attachment J. If approved, the MND mitigation measures would apply to the CDDP18-03005 Development Plan as Conditions of Approval.

## **IX. PUBLIC COMMENTS**

Three letters were received after the end of the public review period for the draft MND on November 21, 2021. The comments in the letters do not explicitly challenge the findings in the draft MND and are objections to the project. Following is a summary of the objections along with staff responses.

A. Letter from Larry Estes of 1 Sycamore Court, Bay Point:

1. Objection: Mr. Estes is opposed to the development plan project because it will negatively impact surrounding property values, and the additional vehicles stored on site

will cause environmental issues including ground contamination and increased local emissions.

Staff Response: Staff has no evidence that the project or the existing approved land use on the adjacent parcel has or will negatively impact property values. The proposed expansion of the vehicle storage facility on the adjacent parcel at 2780 Willow Pass Road is a land use that is consistent with the Heavy Industrial General Plan designation on the project site. The project also includes a vegetation and fencing buffer of approximately 30 feet between the parcels located on Sycamore Court and the project site.

The proposed development plan does not change site access, which will continue to use the access road around the western and northern edges of the parcel at 0 Willow Pass Road (APN: 098-240-021). Also, as evaluated in the MND, the project will not generate additional traffic to and from the vehicle storage facility.

All vehicles intended for storage are to be drained of all fluids prior to the transportation to and storage on the site, thus mitigating the possibility of ground contamination and local emissions.

2. Objection: Mr. Estes wishes for the applicant to propose an alternative site for the project.

Staff Response: The applicant has only submitted plans pertaining to the project site for review and approval by the CDD. Should the applicant propose an alternative site for this project, staff will review it at that time.

B. Letter from Edward and Christina Swan, 5 Sycamore Court, Bay Point:

1. Objection: Mr. and Mrs. Swan object to the project because the removal of the code-protected trees will generate additional traffic.

Staff Response: The trees intended for removal will be replaced with new trees to be located along property lines for visual screening purposes. The project will not change the existing access to Willow Pass Road nor will it result in additional traffic to the vehicle storage facility. Access to the project site will be from the adjacent parcel to the north and no trees are located at the northern property line of the site.

2. Objection: Mr. and Mrs. Swan assert that the storage of automobiles on the project site will contribute pollutants of waterways.

Staff Response: As stated in Section A.1 above, all vehicles are drained of fluids prior to the transportation and storage on the project site. As conditioned, the applicant will be

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required to submit a Storm Water Pollution Prevention Plan for the project that is subject to review by the Public Works Department prior to the storage of any vehicles on the site.

C. Letter from Anton Shelton of 8 Sycamore Court, Bay Point:

1. Objection: Mr. Shelton opposes the project because it will generate environmental and noise pollution.

Staff Response: As evaluated in the MND, the project will not increase truck traffic to the vehicle storage facility and all vehicles intended for storage are drained of fluids prior to entering the facility. Noise from truck traffic with implementation of the project is not expected to increase significantly from existing noise levels. Also, the project includes a metal screen wall with vines and a buffer of landscaping trees between the subject parcel and the residential lots on Sycamore Court.

2. Objection: Mr. Shelton states the project will negatively impact property values in the area.

Staff Response: As stated in Section A.1 above, staff has no evidence that the project will negatively impact property values, if approved.

**X. ZONING ADMINISTRATOR APPEAL**

An appeal letter from Ellen Bulla, secretary of the Sycamore Court Home Association, and a resident of 7 Sycamore Court, Bay Point, was received on December 1, 2022. The appeal letter is included as Attachment B. This appeal is based on four appeal points, each of which are summarized below and followed by a staff response.

- A. Appeal Point #1: The proposed landscaping plan is insufficient for noise reduction and privacy screening.

Staff Response: The applicant has submitted a revised landscaping plan on July 16, 2025 that includes the planting of five California live oak trees and a row of blue Italian cypress trees along the south property line adjacent to the Sycamore Court neighborhood. The revised landscaping plan includes additional tree plantings beyond what was previously proposed. Staff contacted Ms. Bulla by telephone on November 14, 2025 to confirm that she has reviewed the revised landscaping plan. Ms. Bulla indicated that the additional tree plantings satisfy the request for additional screening along the shared property line.

- B. Appeal Point #2: The proposed project will bring additional noise impacts due to the storage of additional vehicles that are located closer to the appellant's residence.

Staff Response: The project will increase the storage capacity of the facility but will not require additional truck trips to and from the project site as the existing business practices will be maintained for delivery of theft recovered and damaged vehicles. The landscaping plan dated July 16, 2025 will include trees that will provide additional screening to lessen impacts to the appellant's residence as well as the surrounding neighborhood.

C. Appeal Point #3: Ms. Bulla states the proposed landscaping is inappropriate for the project site and native plantings should be required instead.

Staff Response: As discussed in the staff response to Appeal Point #1 above, the applicant has submitted an updated landscaping plan dated July 16, 2025, that includes additional oak and cypress trees to be planted along the southern property line that borders the Sycamore Court neighborhood. Oak trees are native to Contra Costa County. Although Cypress is not considered to be a native tree, it is common in Contra Costa County, is fire resistant and is drought tolerant.

D. Appeal Point #4: The new trees to be planted are not sufficient replacements for the removal of existing California live oak trees.

Staff Response: As stated above, this appeal letter was based on a previous landscaping plan and the applicant has submitted a revised plan that includes the planting of five new California live oak trees.

## **XI. STAFF ANALYSIS AND DISCUSSION**

A. General Plan Consistency: The CDDP18-03005 Development Plan application was deemed complete prior to adoption of the 2045 General Plan on November 5, 2024. Accordingly, General Plan 2005-2020 applies to the application. The rectangularly shape portion of the project site is located in the HI Heavy Industry land use designation of General Plan 2005-2020 while the a 9-foot-wide panhandle extension of the site along the eastern edge of the Sycamore Court subdivision is located in the SL Single-Family Residential - Low Density land use designation. The project does not utilize the panhandle extension and would be located entirely on the HI Heavy Industry portion of the parcel. The general intent of the HI designation in the Bay Point P-1 Planned Unit District is to allow activities requiring large areas of land with convenient truck, ship and/or rail access. The existing vehicle storage facility on the adjacent parcel to the north that is proposed to be expanded onto the project site is the storage of vehicles, which is considered to be a light industrial use per General Plan 2005-2020. Light industrial uses can be allowed on lots designated as HI Heavy Industry and can be developed to the standards outlined in the LI Light Industry land use designation of General Plan 2005-2020; however, aside from use of the site for vehicle storage, there is no development proposed with this project nor are there any employees to be permanently located on the subject parcel during normal business hours.

Lands that are designated as HI Heavy Industry require spatial separation from adjacent residential areas. The proposed expansion of the vehicle storage facility includes a 30-foot-wide buffer along the southern property line adjacent to the Sycamore Court subdivision, a 19-foot wide buffer along the eastern property line, and a 12-foot-wide buffer along the western property line that abuts the private access road from Willow Pass Road that is along the eastern edge of the parcel at 2840 Willow Pass. The buffer areas include fencing and landscaped screening in order to maintain spatial and visual separation. Inclusion of landscaping in the buffer areas is a modification to previous project plans that may result fewer vehicles being stored on the site to accommodate 42 landscape trees along with a row of blue Italian cypress trees and additional shrubs and climbing vines along the proposed metal screen wall along the southern and eastern edges of the rectangular portion of the project site.

#### *General Plan Policies for the Bay Point Area*

General Plan 2005-2020 includes land use policies for specific geographic areas of the County in addition to the countywide policies. Pursuant to the General Plan's Map of Unincorporated Communities with Adopted Area Policies, the project site is located within the Bay Point specific geographical area. Policy 3-78 for the Bay Point area includes the following policies to guide development in the area.

- Upgrade community appearance by encouraging new development to replace antiquated developments.
- Provide for well-designed projects that limit vehicular access to traffic arterials.
- Discourage new areas of expansion or strip development in the community.
- Achieve and maintain a healthy environment for people and wildlife that minimizes health hazards.

Expansion of the existing Insurance Auto Auctions, Inc. vehicle storage facility onto the project site will replace a vacant lot that was previously developed for a propane storage business. The existing conditions of the site include vacated propane storage tanks, rail spurs and several trees. The storage tanks and trees would be removed to accommodate vehicle storage on the site. The project does not include any heavy industrial development that would otherwise conflict with the Bay Point policies. The project also includes the installation of security and privacy screening measures that include new fencing and landscaping to provide screening of the vehicle storage on the site. The project will utilize the private access road to the vehicle storage facility at 2780 Willow Pass Road. Thus, there will be no additional

access from Willow Pass Road that would otherwise affect circulation along the arterial roadway. Further the project MND and MMRP includes measures to mitigate any potential adverse health hazards within the Bay Point area.

B. Zoning Compliance: The project site is located within the Bay Point P-1 Planned Unit District. The intent of the Bay Point P-1 District is to ensure that future growth and development occurs in accordance with the adopted elements of the General Plan for the Bay Point area by encouraging innovation in land development and renewal, developing of vacant and marginal properties within established areas, and protecting existing residential neighborhoods from harmful encroachment by intrusive or disruptive development and uses. A vehicle storage facility is a permitted use in the HI Heavy Industry designation in the Bay Point P-1 District. This project would expand an existing vehicle storage facility onto the vacant project site. Use of the vacant site for vehicle storage triggers the need for approval of a development permit. The project will utilize a vacant property within an established industrial area while maintaining a buffer with the adjacent residential land uses.

The project is subject to the development standards, design guidelines and conditions of approval of the Bay Point P-1 District. The *Conditions for Development and Use of Property in the Bay Point Area* includes Development Policies (#37 through #47) that provide specific criteria for all land use projects in the Bay Point area. The proposed expansion of the vehicle storage facility onto the project site will maintain the continued compliance of these conditions including:

- Development Policy 41. Off-street parking and loading areas shall be integrated into the overall vehicular circulation system.
- Development Policy 42. Development applications shall ensure that adequate buffer zones are provided between unlike land uses.

The project will require deviations from the *Development Standards* for the Bay Point P-1 District, to allow 7.5% of the property to be landscaped rather than the required 10% minimum landscaped area for Heavy Industrial parcels and to allow a 0-foot side yard for portions of the 8-foot-tall metal screen wall located along the eastern and southern property boundaries within the required minimum 10-foot side yard setback and a 3-foot street side yard setback for portions of the metal screen wall extending along the southern property boundary within the required minimum 10-foot street side yard setback. The project site is a 10.35-acre lot which would require approximately 45,000 square feet of landscaping to comply with the 10% minimum landscaped area requirement. The project includes approximately 34,000 square feet of landscaping as a buffer along the southern, eastern, and western property lines of the larger rectangular portion of the parcel and existing vegetation located on the panhandle extension along the eastern edge of the adjacent Sycamore Court subdivision. Fences up to seven feet in total height are not required to meet applicable

minimum yard setback requirements. As proposed, the metal screen wall will be eight feet in total height and thus is subject to the minimum yard setback requirements for Bay Point P-1 District. The 8-foot height of the wall was requested as a visual screening and security measure by the residents of the adjacent Sycamore Court subdivision and is designed to meet to the intent of the Industrial Guidelines of the Bay Point Design Guidelines including the screening of parking lots. With the landscape buffer and parking lot screening, the project with the requested deviations meets the intent and purpose of the Bay Point P-1 District.

The project is also subject to the *Bay Point Redevelopment Area Design Guidelines*. The purpose of the Design Guidelines is to minimize visual and noise impacts of commercial and industrial uses on adjacent residential areas which includes comprehensive screening and landscaping for industrial areas. There is no development proposed with this project that would otherwise conflict with the guidelines and the project will comply with the guideline requirements by providing dense climbing vines on the metal screen wall along the southern and eastern edges of the rectangular portion of the project site, landscaping to provide a buffer at shared property lines, and use of the existing the private access road that is located away from nearby residential development. Section III.G.4 (Universal Guidelines - Site Development) of the *Design Guidelines* requires an exterior lighting plan; however, lighting is not proposed as part of this project to mitigate any potential light pollution that would otherwise intrude onto adjacent residential lots. Therefore, the project meets the intent and purpose of the *Design Guidelines*.

C. Tree Protection and Preservation: The Tree Protection and Preservation Ordinance (County Code Chapter 816-6) aims to preserve certain trees in the unincorporated areas of the County in the interest of public health, safety, and in welfare in addition to environmental stability, beauty and privacy screening concerns. Pursuant to County Code Section 816-6.6004, trees that are at least 6½ inches in diameter at 4½ feet above ground on an industrial property are protected trees, and removal of code-protected trees or work within the drip lines of code-protected trees require prior approval of a tree permit. The project to expand vehicle storage onto the project site requires a tree permit because 41 code-protected trees would need to be removed to accommodate vehicle storage. As restitution for the removed trees, the applicant submitted a landscaping plan that includes the planting of 37 trees. An updated landscaping plan, dated July 16, 2025, includes the planting of five additional California live oak trees, a row of blue Italian cypress trees to be located along the southern property line, and a metal screen wall along the southern and eastern edges of the rectangular portion of the project site. The metal screen wall is shown on the updated landscaping plan as being 8 feet tall and therefore requires the deviations discussed above. The existing trees on the project site are located sporadically throughout the 10.35-acre parcel and the replacement trees will be located along the southern, eastern, and western perimeter of the site to serve as a screening buffer. Based on the location of existing trees within the proposed vehicle storage areas and information on the type and health of the

trees provided in the Arborist Report (*Tree Survey, 2770 Willow Pass Road, Bay Point*, Timothy C. Ghirardelli Consulting Arborist Services, February 19, 2019) that was prepared by a Certified Arborist, the project, as conditioned, satisfactorily meets the required factors for granting a tree permit.

D. Request for Exception: Division 914 of the County Code sets forth minimum drainage requirements that apply to land in unincorporated areas of the County, including collect and convey standards for storm water drainage in order to protect a subdivision from flood hazard, inundation, sheet overflow and ponding as a result of storm waters. The project does not include any new development and will utilize all existing infrastructure both on and off the site, and therefore, the applicant has requested an exception from the requirements of Division 914. The Public Works Department has reviewed the request for exception and has determined that there are no existing drainage problems in the area and with no development proposed, concentrated runoff is not anticipated to be directed at any adjacent parcels, and the existing drainage patterns will be maintained. Thus, the project satisfies the findings and requirements for granting an exception to Division 914 of the County Code.

E. Appropriateness of the Use: The project site is within an established heavy industrial area of Bay Point that is adjacent to single and multi-family residential housing. The proposed expansion of a vehicle storage facility on the adjacent parcel to the north onto the project site is compatible with the HI Heavy Industry land use designation of General Plan 2005-2020, and is a permitted use in the HI designation in the Bay Point P-1 District. No portion of the project is to be located on the area of the parcel that is designated as SL Single-Family Residential - Low Density. The proposed landscaping and screening elements will provide a buffer between the lot and the adjacent residential land uses. There is no development proposed and the project will not require any additional vehicular access from Willow Pass Road. The requested deviation to the minimum landscaped area meets the intent and purpose of the development standards. Also, the project, as conditioned, meets the required factors for granting a tree permit. Thus, the project as proposed is appropriate for the area.

## **IX. CONCLUSION**

The proposed vehicle storage facility expansion onto the project site will allow for the storage of approximately 1,136 theft-recovered and damaged vehicles on the vacant lot as an expansion of the existing Insurance Auto Auction Inc. vehicle storage facility approved under Land Use Permit CDLP98-02056. Aside from vehicle storage, there will be no development or permanent employees on the subject parcel nor additional traffic in the private access road. A landscaping and tree planting plan has been included with this project which has provided the screening and landscaping required by the Bay Point Planned Unit District Design Guidelines. The request for deviations from the minimum landscaped area and to allow the 8-foot-tall metal screen wall along the eastern and southern property boundaries within the required side yard setback and along the southern property boundary within the required street side yard

setback meets the intent of the P-1 Development Standards. The development plan approval includes a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter. As conditioned the project meets the required factors of Chapter 816-6 for granting a tree permit. In addition, staff has made the requisite findings for granting the exception to Division 914 of the County Code.

Staff recommends that the County Planning Commission deny the appeal, grant the exception to Division 914 of the County Code, and approve Development Plan CDDP18-03005 for the expansion of the existing Insurance Auto Auctions Inc. vehicle storage facility onto the vacant 10.35-acre project site to include storage of an additional 1,136 vehicles for a total number of vehicles permitted to be stored at the vehicle storage facility to approximately 4,436, including the deviations to the Bay Point P-1 Development Standards for 7.5% of the subject lot to be landscaped (where 10% of the site is required to be landscaped) and to allow a 0-foot side yard (where a minimum of 10 feet is required) and a 3-foot street side yard setback (where a minimum of 10 feet is required) for portions of an 8-foot-tall metal screen wall extending along the eastern and southern property boundaries, and a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter, based on the attached findings and subject to the attached conditions of approval.

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP18-03005;  
ROD SCHLENKER, INSURANCE AUTO AUCTIONS, INC. (APPLICANT) AND NGL SF  
BAY STORAGE & TRANSFER, LLC (OWNER)**

**FINDINGS**

**A. Development Plan Findings**

In approving a Development Plan in the Bay Point P-1 Planned Unit District, findings are required pursuant to County Code Section 84-66.1804(b) that the proposed project is consistent with the intent and purpose of the P-1 District and is compatible with other uses in the vicinity, both inside and outside the district.

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

Project Findings: The project site is located within the Bay Point P-1 Planned Unit District. The intent of the Bay Point P-1 District is to ensure that future growth and development occurs in accordance with the adopted elements of the General Plan for the Bay Point area by encouraging innovation in land development and renewal, developing of vacant and marginal properties within established areas, and protecting existing residential neighborhoods from harmful encroachment by intrusive or disruptive development and uses. A vehicle storage facility is a permitted use in the HI Heavy Industry designation in the Bay Point P-1 District. This project will expand an existing vehicle storage facility onto the vacant project site. The project will utilize a vacant property within an established industrial area while maintaining a buffer with the adjacent residential land uses.

The project site is a 10.35-acre lot which would require approximately 45,000 square feet of landscaping to comply with the 10% minimum landscaped area requirement. The project includes approximately 34,000 square feet of landscaping as a buffer along the southern and western property lines of the larger rectangular portion of the parcel and has existing vegetation located on the panhandle extension along the eastern edge of the Sycamore Court subdivision. Fences up to seven feet in total height are not required to meet applicable minimum yard setback requirements. As proposed, the metal screen wall will be eight feet in total height and thus is subject to the minimum yard setback requirements for Bay Point P-1 District. The 8-foot height of the wall was requested as a visual screening and security measure by the residents of the adjacent Sycamore Court subdivision and is designed to meet to the intent of the Industrial Guidelines of the Bay Point Design Guidelines including the screening of parking lots. With the landscape

buffer and parking lot screening, the project with the requested deviations meets the intent and purpose of the Bay Point P-1 District.

The project is also subject to the *Bay Point Redevelopment Area Design Guidelines*. The purpose of the Design Guidelines is to minimize visual and noise impacts of commercial and industrial uses on adjacent residential areas which includes comprehensive screening and landscaping for industrial areas. There is no development proposed with this project that would otherwise conflict with the guidelines and the project will comply with the guideline requirements by providing dense climbing vines on the metal screen wall along the southern and western edges of the rectangular portion of the project site, landscaping to provide a buffer at shared property lines, and use of the existing the private access road that is located away from nearby residential development. In addition, lighting is not proposed as part of this project to mitigate any potential light pollution that would otherwise intrude onto adjacent residential lots. Therefore, the project meets the intent and purpose of the *Design Guidelines*.

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

Project Finding: The project includes approximately 34,000 square feet of landscaped area that will serve as a buffer area to adjacent residential lots, and a metal screen wall along the eastern and southern project boundaries. With the landscaping and wall, the project is in compliance with other adjacent land uses within the Bay Point P-1 District. Thus the project will be compatible with other uses in the vicinity both inside and outside of the district.

B. Findings for Deviations from the Required Landscaped Area and Minimum Required Yard Setbacks

The project will require deviations from the *Development Standards* for the Bay Point P-1 District, for required 10% minimum landscaped area of Heavy Industrial parcels and to allow a 0-foot side yard (where 10 feet is required) and a 3-foot street side yard setback (where a minimum of 10 feet is required) for portions of an 8-foot-tall metal screen wall extending along the eastern and southern property boundaries. The project site is a 10.35-acre lot which would require approximately 45,000 square feet of landscaping to comply with the 10% minimum landscaped area requirement. The project includes approximately 34,000 square feet of landscaping as a buffer along the southern and western property lines of the larger rectangular portion of the parcel

and has existing vegetation located on the panhandle extension along the eastern edge of the Sycamore Court subdivision. Fences up to seven feet in total height are not required to meet applicable minimum yard setback requirements. The project includes an 8-foot wall for the purpose of visually screening from the adjacent neighborhood. The following findings are required to allow the deviation.

- Any deviation authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: In comparison to nearby residential lots, the project site is a relatively large vacant lot that will be developed with surface vehicle storage. This use is consistent with uses of other industrially zoned property to the north and west of the site. With the updated landscaping plan, approximately 34,000 square feet of landscaping will be installed as a buffer along the southern and western property lines of the larger rectangular portion of the parcel with existing vegetation located on the panhandle extension along the eastern edge of the Sycamore Court subdivision. Industrial lots have specific parking lot screening criteria in the Bay Point Development Guidelines and due to the subject lot being adjacent to residential lots, the updated landscaping plan includes an 8-foot-tall metal screen wall located within the yard setback areas. These onsite improvements are consistent with the overall development pattern in this industrial area of Bay Point, and therefore, the deviations are not a grant of special privilege.

- Because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the P-1 setbacks is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The project would expand the vehicle storage facility from 25.5 acres to 35.9 acres by including vehicle storage on the project site. The project would increase the overall capacity of the vehicle storage facility by an additional 1,136 vehicles to approximately 4,436 vehicles. Accordingly, much of the interior of the site will be used for vehicle storage and the existing propane storage tanks will be removed. Due to the characteristics of the vehicle storage business, there will be no buildings on the site, and the landscaping to be installed will be located at the southern, western, and eastern property lines of the larger rectangular portion of the parcel with existing vegetation located on the panhandle extension along the eastern edge of the Sycamore Court subdivision. At these locations, the

landscaping will serve as a buffer between the vehicle storage use on the site and the adjacent land use. In addition, vehicle storage business require additional screening and security measures to deter thefts and further provide additional visual buffers from nearby residential lots. Accordingly, the applicant has proposed an 8-foot-tall metal screen wall located along the eastern and southern property boundaries within the required minimum 10-foot side yard setback and along the southern property boundary within the required minimum 10-foot street side yard setback. Strict adherence of the 10% minimum landscaped area requirement and the minimum yard setbacks deprives the subject property of the ability to adequately serve as a vehicle storage facility expansion site in a manner comparable to other industrial properties in the vicinity.

3. *Any deviation authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.*

Project Finding: The intent of the Bay Point P-1 District is to ensure that future growth and development occurs in accordance with the adopted elements of the General Plan for the Bay Point area by encouraging innovation in land development and renewal, developing of vacant and marginal properties within established areas, and protecting existing residential neighborhoods from harmful encroachment by intrusive or disruptive development and uses. A vehicle storage facility is a permitted use in the HI Heavy Industry designation in the Bay Point P-1 District. This project will expand an existing vehicle storage facility onto the vacant project site. The project will utilize a vacant property within an established industrial area while maintaining a buffer with the adjacent residential land uses.

The Bay Point P-1 development standards require a minimum of 10% landscaped area, a 10-foot minimum side yard and a 10-foot minimum street side yard for lots with a Heavy Industry General Plan designation. The subject lot is 10.35 acres in total size which would require approximately 45,000 square feet of landscaping to comply with this requirement. Since the project is for the storage of vehicles and does not include any development other than surface vehicle storage areas, the project requires more physical space for the proposed use as opposed to the construction of a building for another Heavy Industry use. The project does include approximately 34,000 square feet of landscaping as a buffer along the southern and western property lines of the larger rectangular portion of the parcel and has existing vegetation located on the panhandle extension along the eastern edge of the Sycamore Court subdivision. The project also includes an 8-foot metal screen wall to provide additional visual buffering of the industrial land use from the

adjacent residential neighborhoods. The amount and location of the proposed and existing landscape, as well as the size and location of the metal screen wall meet the intent and purpose of the Bay Point development standards.

### C. Tree Permit Findings

County Code Section 816-6.8010 lists a number of factors to be considered in granting or denying a tree permit. The Zoning Administrator is satisfied that the following factors have been satisfied.

- *Reasonable development of the property would require the alteration and removal of code-protected trees, and the development could not be reasonably accommodated elsewhere on the property.*

Project Finding: As detailed in the Arborist Report (*Tree Survey, 2770 Willow Pass Road, Bay Point*, Timothy C. Ghirardelli Consulting Arborist Services, February 19, 2019) that was prepared by a Certified Arborist, there are 41 code-protected trees of various species located in the interior of the project site, many of which are in poor health or were prone to failure. These trees are located in those areas on the site where vehicle storage is planned. The vehicle storage areas cannot be relocated to other areas of the project site and still meet the project objective of providing storage space for 1,136 vehicles. Therefore, the reasonable development of the project site will require the removal of 41 code protected trees.

- *Where the arborist report has been required, the director is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.*

Project Finding: The Arborist Report (*Tree Survey, 2770 Willow Pass Road, Bay Point*, Timothy C. Ghirardelli Consulting Arborist Services, February 19, 2019) that was prepared by a Certified Arborist, included a survey of 53 trees on the project site, and evaluated a number of trees that are in poor health or where branch structure was inherently weak and prone to failure, including 41 code-protected trees located in the interior of the project site. As restitution for the removal of the 41 trees, the project includes an updated landscaping plan that calls for the planning of 42 trees plus a row of blue Italian cypress trees along the southern boundary adjacent to the Sycamore Court subdivision. Thus, as conditioned to implement the updated landscaping plan, issuance of the tree permit will not negatively affect the sustainability of trees on the project site.

**D. Exceptions Findings:**

The applicant has requested an exception to Division 914 of the County Code that sets forth minimum drainage requirements that apply to land in unincorporated areas of the County, including collect and convey standards for storm water drainage in order to protect a subdivision from flood hazard, inundation, sheet overflow and ponding as a result of storm waters. Pursuant to Chapter 92-6 of the County Code, the Advisory Agency (County Planning Commission) may authorize exceptions to the requirements and regulations of Division 914 of the County Code. Accordingly, following are the findings for granting the requested exception.

*1. That there are unusual circumstances or conditions affecting the property.*

Project Finding: The project is the expansion of the current IAAI operations at their existing vehicle storage facility at 2780 Willow Pass Road onto the project site at 2770 Willow Pass Road. No new improvement or addition of impervious materials are proposed under this application, which is considered to be an unusual circumstance affecting the property, as only surface vehicle storage areas will be added to the otherwise vacant site. Consequently, no incremental impacts on existing drainage facilities or other infrastructure improvements are anticipated.

Existing storm drainage improvements supporting the original propane storage operation remain existing on the site and are as reflected on drainage inventory map for 2770 Willow Pass Road on file with the Contra Costa County Public Works Department. These existing drainage improvements are reflected on the plans submitted for the CDDP18-03005 application and are considered to be unusual conditions affecting the property.

*2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

Project Finding: The exception is necessary for the preservation and enjoyment of a substantial property right of the applicant to use their property in a manner consistent with other industrial properties in the immediate vicinity. No new improvement or building structures are proposed. All existing infrastructure improvements, both public and private, will be retained in their current locations and configurations.

3. *That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.*

Project Finding: All existing infrastructure improvements, both public and private, will be retained in their current locations and configurations. Moreover, a determination can be made that "no material detrimental impact to the public welfare or injurious to other property" since no new construction or improvements are proposed under this application. Drainage patterns will remain and will be dissipated such that storm water flow is not concentrated.

#### **E. Environmental Findings**

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

1. A draft Mitigated Negative Declaration/Initial Study (MND), State Clearinghouse Number SCH 2021100408, was prepared and published on October 21, 2021. The public review period for the draft MND started on October 21, 2021 and ended on November 21, 2021. No comments were received during the public review period for the draft MND.
2. As there were no comments received on the draft MND, preparation of a final MND that includes written comments received, responses to the comments received, and staff-initiated text changes is not necessary.
3. On the basis of the whole record before it, including the draft MND, the County Planning Commission finds that:
  - There is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment;
  - MND SCH 2021100408, consisting of the draft MND, reflects the County's independent judgement and analysis;
  - The MND is adequate and complete; and
  - The MND has been prepared in compliance with the California Environmental Quality Act and the State and County CEQA guidelines.

4. A Mitigation Monitoring and Reporting Program has been prepared, based on the identified potentially significant environmental impacts and mitigation measures in MND SCH 2021100408. The mitigation measures in the Mitigation Monitoring and Reporting Program are included in the project Conditions of Approval.

## **CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP18-03005**

### Project Approvals

1. The Vehicle Storage Facility Expansion Development Plan is APPROVED for the storage of approximately 1,136 theft recovered and damaged vehicles on the vacant 10.35-acre lot at 2770 Willow Pass Road (APN: 098-240-031) as an expansion of the existing vehicle storage facility at 2780 Willow Pass Road (APN: 098-240-024).
2. Deviations to the Bay Point P-1 Planned Unit District Development Standards to allow approximately 7.5% of the project site to be landscaped (where 10% of the site is required to be landscaped) and to allow a 0-foot side yard (where 10 feet is required) and a 3-foot street side yard setback (where a minimum of 10 feet is required) for portions of an 8-foot-tall metal screen wall extending along the eastern and southern property boundaries are APPROVED.
3. A Tree Permit to allow removal of 41 code-protected trees ranging in size from 7" to 60" in diameter is APPROVED.
4. The project approvals described above are granted based on, or as generally shown on, the following documents:
  - Application materials submitted to the Department of Conservation and Development, Community Development Division (CDD) on January 21, 2018;
  - *Tree Survey ,2770 Willow Pass Road, Bay Point*, Timothy C. Ghirardelli Consulting Arborist Services, February 19, 2019, received by the CDD on March 6, 2019.
  - Revised project plans received by the CDD on January 4, 2022.
  - Preliminary landscaping plan received by the CDD on May 28, 2020.
  - Updated landscaping plan received by the CDD on July 16, 2025.

5. The portion of the metal screen wall extending onto the adjacent property to the south of the subject lot, as shown on the project plans and updated landscaping plan, is not part of this approval. Approval for structures on adjacent lots requires the submittal and approval of a new Development Plan application.
6. Any modification to the project approved under this permit that is not required by a Condition of Approval herein shall be subject to the review and approval of the CDD and may require the filing of an application for a Development Plan or Land Use Permit, if deemed necessary.

#### Application Costs

7. The Development Plan application was subject to an initial application deposit of \$3,170.00, which 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 within 60 days of the permit effective date or prior to use of the 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 2019/553, 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 in the event that additional fees are due.

#### Aesthetics

8. A buffer is required to be implemented as shown on the plans dated May 28, 2020 between the storage of any vehicles and the nearest property line to the east and to the south of the subject property prior to the storage of any vehicles and evidence of such shall be submitted to the CDD for review and approval. (Mitigation Measure AES-1)
9. To lessen the visual impacts of the auto storage facility from adjacent residential properties, landscape screening as shown on the project landscaped plans dated May 28, 2020 shall be planted and maintained between the facility and the adjacent residential lots. (Mitigation Measure AES-2)

Trees

10. Prior to commencing operation of the expanded auto storage facility, the applicant shall plant the 37 trees shown on the landscaping plan dated May 28, 2020. (Mitigation Measure BIO-1)
11. Prior to commencing operation of the expanded auto storage facility, the applicant shall also plant the five California live oak trees and row of blue Italian trees along the southern property line that is adjacent to the residential neighborhood at Sycamore Court as shown on the updated landscaping plan dated July 16, 2025.
12. Required Restitution for Approved Tree Removal – The following measures are intended to provide restitution for the tree that has been approved for removal.
  - A. Required Security to Assure the Completion of Plan Improvements - *Prior to submitting an application for a demolition permit or the removal of any code-protected trees (whichever occurs first)*, the applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD. The bond shall include the amount of the approved cost estimate for the proposed 42 new trees to be planted and blue Italian Cypress row as shown on the project plans, *plus* a 20% inflation surcharge.
  - B. Initial Fee Deposit for Processing a Security - The County ordinance requires that the applicant pay fees for all time and material costs of staff for processing a landscape improvement security (Code S-060B). At time of submittal of the security, the applicant shall pay an initial deposit of \$200.
  - C. Duration of Security – *Prior to the storage of any automobiles on the subject lot*, the consulting arborist shall verify that the trees and landscaping have been installed; and when verified, notify CDD in writing. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of the written verification of the installation. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the existing trees and prepare a report on the trees' health. In the event that the CDD determines that the existing tree(s) have been damaged or have died, and determines that the applicant has not been diligent in providing a replacement, then the CDD may require that all or part of the security be used to provide for replacement of the dead or damaged tree(s).

Water Efficient Landscapes Ordinance

13. Any new landscaping shall comply with the County's Water Efficient Landscapes Ordinance. Verification of compliance with the Ordinance shall accompany the plan. The plan shall also include an estimate prepared by a licensed landscape architect, arborist, or landscape contractor of the materials and labor costs to complete the improvements (accounting for supply, delivery, and installation of trees and irrigation).

Existing Structures

14. Prior to the storage of any automobiles in the phase area identified as "Phase 2" and "Phase 3" in the plans dated January 4, 2022, the applicant shall remove all existing structures in those locations including the seven above ground storage tanks. A permit from the Contra Costa Fire Protection District is required prior to the removal of the storage tanks and evidence of the removal of the structures is required to be submitted to the CDD.

Dust

15. Heavy equipment vehicles are limited to 15 miles per hour.
16. Prior to the expansion of the existing facility, the proposed site will be treated with Envirotach II or equivalent binding agent and when completed, the applicant will submit photo verification to CDD.
17. Reapplication of Envirotach II or equivalent will be administered on the subject lot no less than once per year and additional applications are to be conducted as needed.
18. All dust control management practices are to remain in place for the existing facility.

Storm Water Pollution Prevention Plan

19. The applicant is required to submit a Storm Water Pollution Prevention Plan (SWPPP) for the project that is subject to review and approval by the Contra Costa Public Works department, that documents permanent and operational Best Management Practices (BMPs) that will be implemented to minimize potential impacts to water quality prior to the storage of any vehicles on site. (Mitigation Measure Hyd-1).

### Construction Restrictions

All construction activity shall comply with the following restrictions, which shall be included on the construction drawings.

20. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
21. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
22. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
23. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also be visible to ensure compliance with applicable regulations.
24. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)

Birthday of Martin Luther King, Jr. (State and Federal)

Washington's Birthday (Federal)

Lincoln's Birthday (State)

President's Day (State)

Cesar Chavez Day (State)

Memorial Day (State and Federal)

Juneteenth National Independence Holiday (Federal)

Independence Day (State and Federal)

Labor Day (State and Federal)  
Columbus Day (Federal)  
Veterans Day (State and Federal)  
Thanksgiving Day (State and Federal)  
Day after Thanksgiving (State)  
Christmas Day (State and Federal)

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

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

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

25. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

#### PUBLIC WORKS CONDITIONS OF APPROVAL FOR PERMIT CDDP18-03005

The applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on March 31, 2022.

The applicant shall comply with the following conditions of approval prior to initiation of the use proposed under this permit.

#### General Requirements

26. Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

### Access to Adjoining Property

#### *Proof of Access*

27. The applicant shall furnish proof to the Public Works Department that legal access to the property is available from the neighboring property to assure access is available to serve this site from Willow Pass Road.

#### *Site Access*

28. The applicant shall only be permitted access at the locations shown on the approved site/development plan.

### Street Lights

29. The property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

### Drainage Improvements

#### *Collect and Convey*

30. 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. The 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 existing and project condition for the required design storm event, the applicant shall construct improvements to make the system adequate. The applicant shall obtain access rights to make any necessary improvements to off-site facilities.

#### *Exceptions (Subject to Advisory Agency findings and approval)*

The applicant shall be permitted an exception from the "offsite collect and convey" requirements of the County Ordinance Code provided that the existing drainage

pattern is maintained and concentrated storm drainage is not discharged onto adjacent property. The applicant shall submit a drainage report with hydrology and hydraulic calculations to Public Works for review and approval that demonstrates the adequacy of the in-tract drainage system and the downstream drainage system.

National Pollutant Discharge Elimination System (NPDES)

31. 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.
32. The applicant shall inspect each vehicle upon delivery to the site. Prior to storage on-site, any system containing fluid shall be drained and fluids disposed of properly. Fluid removal shall take place at an appropriate off-site facility.
33. Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:
  - Minimize the amount of directly connected impervious surface area.
  - Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
  - Place advisory warnings on all catch basins and storm drains using current storm drain markers.
  - Other alternatives comparable to the above as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance

34. Based on the proposed new and/or redeveloped impervious surface area totaling less than 10,000 square feet (5,000 square feet for projects that include parking lots, restaurants, automotive service facilities and gas stations), this project does not require submittal of a final Stormwater Control Plan. This project shall be subject to all other

provisions of the County Stormwater Management and Discharge Control Ordinance (§1014, Ordinance No. 2005-01).

Area of Benefit Fee Ordinance

35. The applicant shall 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 (AOB) as adopted by the Board of Supervisors prior to initiation of the use.

Drainage Area Fee Ordinance

36. The applicant shall comply with the drainage fee requirements for Drainage Area 48D as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to initiation of proposed use.

**ADVISORY NOTES**

**PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.**

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

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

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

of the approval date of this permit.

- B. Prior to applying for a building permit, the applicant may wish to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:
  - Department of Conservation and Development, Building Inspection Division
  - Public Works Department
  - Contra Costa Health, Environmental Health Division
  - Contra Costa County Fire Protection District
  - Golden State Water District
  - Contra Costa Mosquito and Vector Control District
- 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 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. Further development of the parcel may need to comply with the latest Stormwater Management and Discharge Control Ordinance (§1014) and Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This compliance may require a Stormwater Control Plan and an Operations and Maintenance Plan prepared in accordance with the latest edition of the *Stormwater C.3 Guidebook*. Compliance may also require annexation of the subject property into the Community Facilities District 2007-1 (Stormwater Management Facilities) and entering into a standard Stormwater Management Facilities Operation and Maintenance Agreement with Contra Costa County.

To: Planning Commission, Contra Costa County

Re: Appeal

12/1/22

CONTRA COSTA COUNTY

2022 DEC - 1 PM 3:54

APPLICATION & PERMIT  
CENTER

This is an appeal to the decision to approve the Insurance Auto Auction expansion, file # CDDP18-03005, to proceed as requested, from November 21, 2022. My name is Ellen Bulla and I am a resident and the secretary of the Sycamore Court Home Owners Association (HOA). Our seven Tudor homes were built in 1930, long before any of the local industry was established or expanded. We would like to request someone come actually see our properties and their relation to the southern border with the proposed site. We have a unique community and would like to maintain it to a reasonable degree, despite the expansion of the Auto Auction. The expansion of the Auto Auction will most definitely decrease our property values, as currently the property to the north of us is open acreage with numerous large trees of which 41 of the code protected trees will be cut down.

We in Sycamore Court believe that the proposed landscaping plan is insufficient for adequate noise control, and screening, and will most definitely affect our daily quality of life. We would like to see consideration for a more extensive buffer zone on the south side of the property providing more noise control than proposed landscaping.

We also feel not enough consideration is being given to the visual impact in front of #8 Sycamore Ct. The front door of #8 Sycamore court owned by Anton Shelton, faces directly onto the property in question and the front door is only approx. 34 feet from the property line. The rear bedroom is only approximately 12 feet from the property line. The elevation of the ground on our property is approx. 2 1/2 feet higher than the Auto Auction's at the property line. Therefore, the proposed 6 ft. high fence would only provide approximately 3 1/2 to 4 ft height between Mr. Shelton's front door/ yard and the 10 additional acres of damaged cars. A picture of the view from Mr. Shelton's front door into the property, is attached. There is no doubt that this extended parking lot will adversely affect Mr. Shelton's property value.

We believe that there WILL be increased noise of the delivery and maneuvering of the additional 1,136 cars by "18 wheelers" bringing vehicles to and from the facility. Perhaps a tall "sound wall" is in order. We understand that this property is owned by the auto auction, but we would like to request that they consider our property as good neighbors and reconsider the current landscaping plan, and redesign the South side of the proposed 10 acres with sufficient height, depth and thickness so that the residents of Sycamore Court will not be so adversely affected. We would like to see additional larger plantings, particularly in front of property #8 for less destruction of his view.

The parties representing the auto auction indicated they were open to doing whatever is necessary to maintain good relations with the county and adjacent residents. We would also like to request the current plans be revised to include the use of native trees and shrubs only, particularly due to the fact we are within one mile from the Delta and Suisun Bay.

Also, we would like to have the owners consider maintaining at least the native California Live Oak tree and several of the California peppers as sound and visual barriers for the residents to the east of the property. When the Bay Point MAC (Municipal Advisory Committee) reviewed the original plans, they stated that they could not approve the cutting down of the 41 code protected trees.

We hope you will consider these concerns and be willing to review them in a different light. We are open to working with the owners, engineers and landscapers to make this a mutually beneficial end result. Thank you in advance.

Ellen Bulla, secretary

Sycamore Court Home Association

#7 Sycamore Court

Bay Point, CA, 94565

(925) 752-3913

[Ellen.bulla@hotmail.com](mailto:Ellen.bulla@hotmail.com)

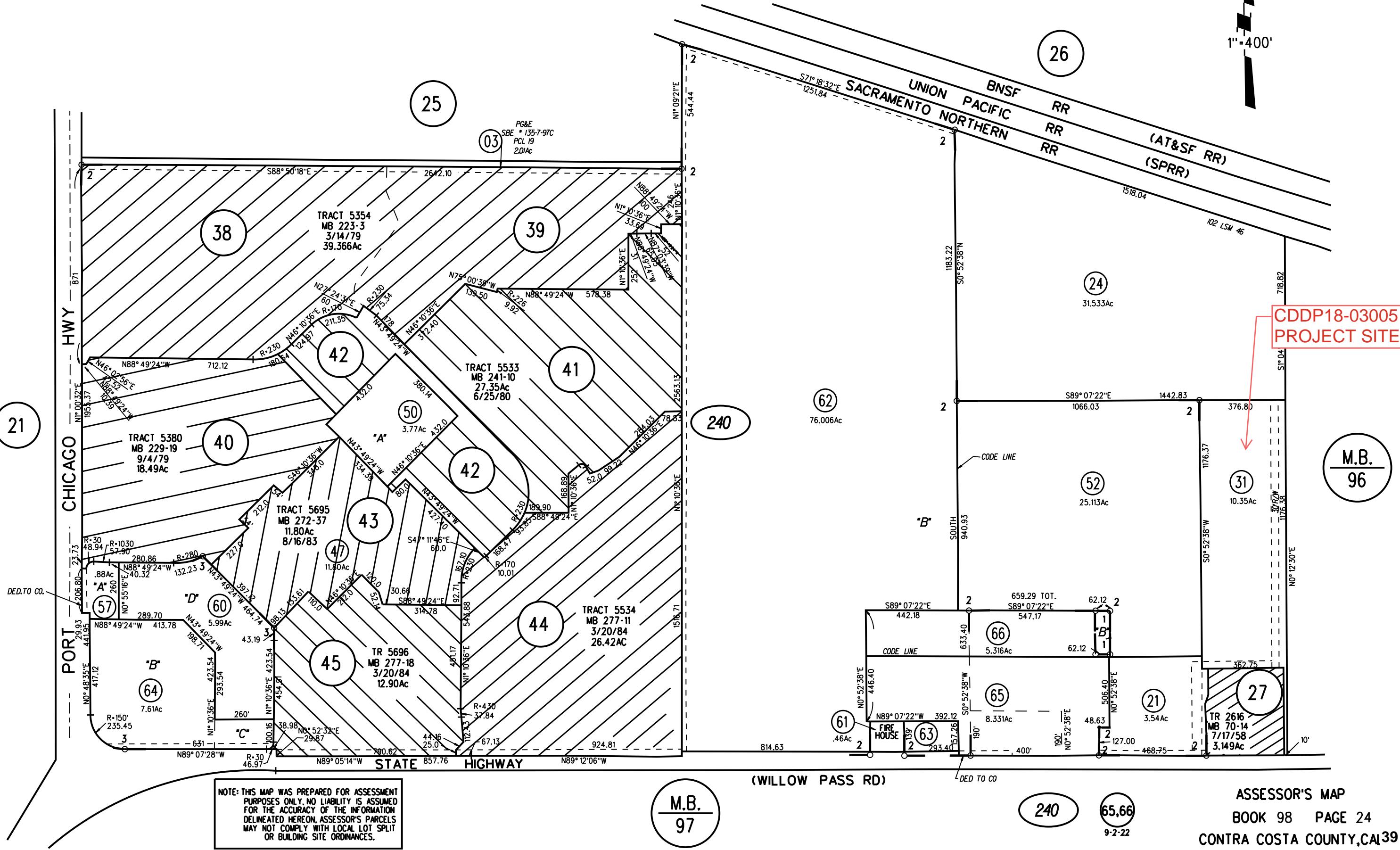
8# Shearers of



SE 1/4 SEC 10 & POR OF W 1/2 SEC 11 T2N RIW MDBM

1- 59LSM22 6/18/  
2- 70PM1 9/14/78  
3- 113PM42 12/26/8

1" = 400



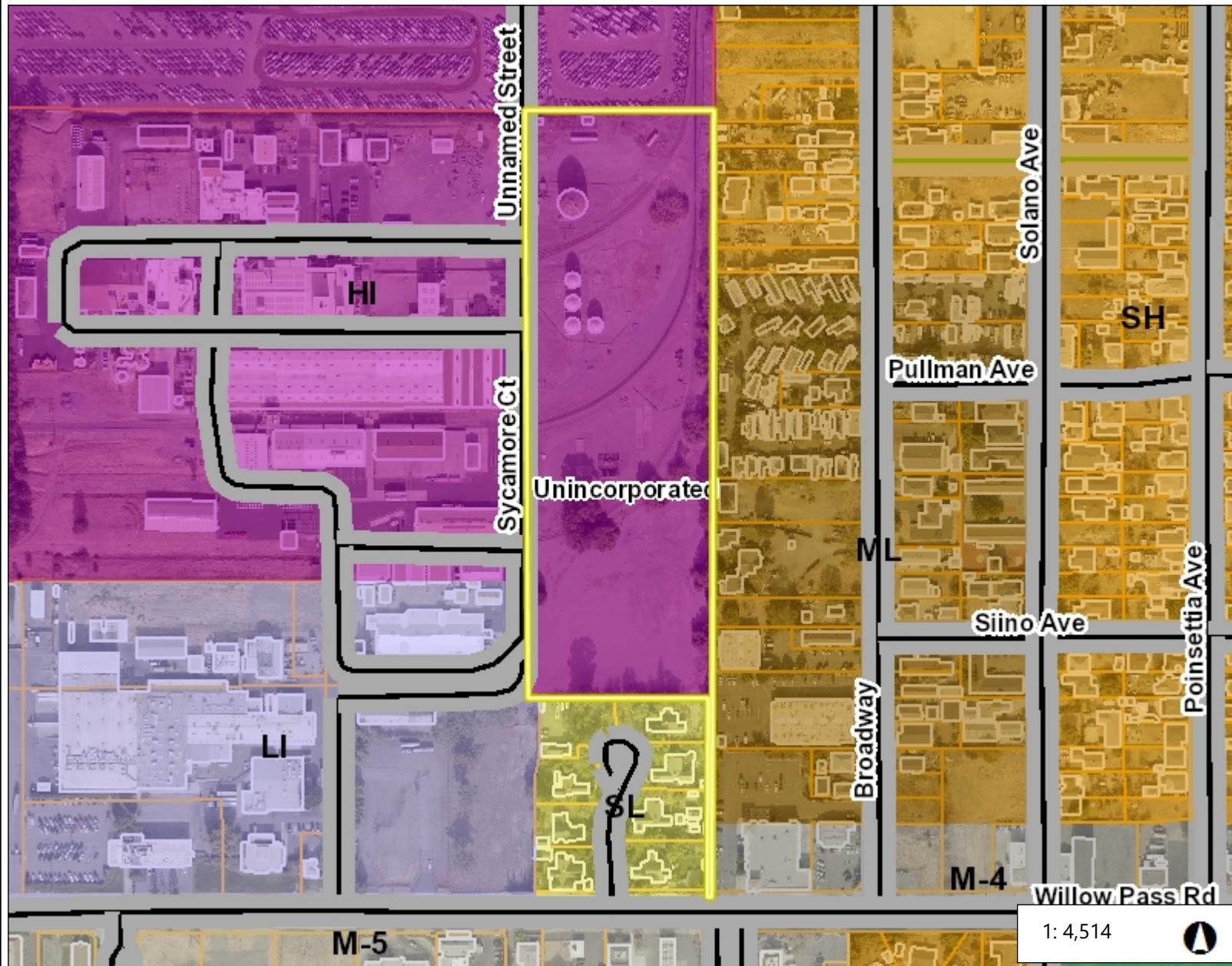
NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

5

WILLOW PASS R

ASSESSOR'S MAP  
BOOK 98 PAGE 24  
CONTRA COSTA COUNTY, CALIFORNIA

# General Plan: Heavy Industry, Single-Family Residential-Low



## Legend

	City Limits
	Unincorporated
	Highways
	Highways Bay Area
	Streets
<b>General Plan</b>	
	SV (Single Family Residential - Very High Density)
	SL (Single Family Residential - Low Density)
	SM (Single Family Residential - Medium Density)
	SH (Single Family Residential - High Density)
	ML (Multiple Family Residential - Low Density)
	MM (Multiple Family Residential - Medium Density)
	MH (Multiple Family Residential - High Density)
	MV (Multiple Family Residential - Very High Density)
	MS (Multiple Family Residential - Low Density)
	CC (Congregate Care/Senior Housing)
	MO (Mobile Home)
	M-1 (Parker Avenue Mixed Use)
	M-2 (Downtown/Waterfront Rodeo I)
	M-3 (Pleasant Hill BART Mixed Use)
	M-4 (Willow Pass Road Mixed Use)
	M-5 (Willow Pass Road Commercial)
	M-6 (Bay Point Residential Mixed Use)
	M-7 (Pittsburg/Bay Point BART Station)
	M-8 (Dougherty Valley Village Center)
	M-9 (Montalvin Manor Mixed Use)

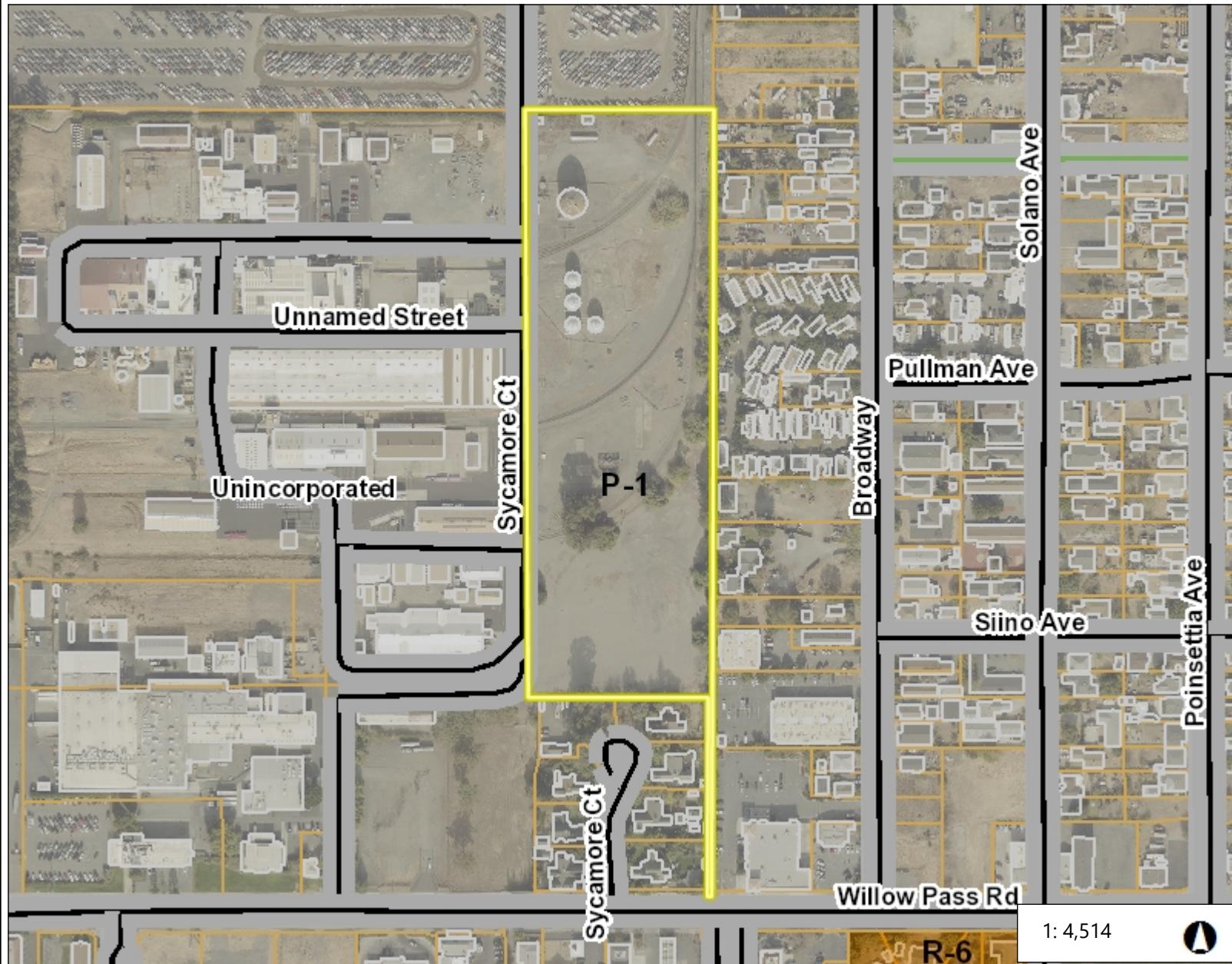
## Notes

Contra Costa County -DOIT GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Zoning: P-1



0.1

0

0.07

0.1 Miles  
WGS\_1984/Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



### Legend

<span style="color:red;">■</span>	City Limits
<span style="background-color:gray;">■</span>	Unincorporated
<span style="color:orange;">■</span>	Highways
<span style="color:lightgray;">■</span>	Highways Bay Area
<span style="color:black;">■</span>	Streets
<b>Zoning</b>	
<span style="color:orange;">■</span>	R-6 (Single Family Residential)
<span style="color:orange;">■</span>	R-6, -FH -UE (Flood Hazard and A)
<span style="color:orange;">■</span>	R-6 -SD-1 (Slope Density Hillside I)
<span style="color:orange;">■</span>	R-6 -TOV -K (Tree Obstruction and)
<span style="color:orange;">■</span>	R-6, -UE (Urban Farm Animal Excl)
<span style="color:orange;">■</span>	R-6 -X (Railroad Corridor Combinir)
<span style="color:orange;">■</span>	R-7 (Single Family Residential)
<span style="color:orange;">■</span>	R-7 -X (Railroad Corridor Combinin)
<span style="color:orange;">■</span>	R-10 (Single Family Residential)
<span style="color:orange;">■</span>	R-10, -UE (Urban Farm Animal Exc)
<span style="color:lightgreen;">■</span>	R-12 (Single Family Residential)
<span style="color:lightgreen;">■</span>	R-15 (Single Family Residential)
<span style="color:lightgreen;">■</span>	R-20 (Single Family Residential)
<span style="color:lightgreen;">■</span>	R-20, -UE (Urban Farm Animal Exc)
<span style="color:lightgreen;">■</span>	R-40 (Single Family Residential)
<span style="color:lightgreen;">■</span>	R-40, -FH -UE (Flood Hazard and A)
<span style="color:lightgreen;">■</span>	R-40, -UE (Urban Farm Animal Exc)
<span style="color:lightgreen;">■</span>	R-65 (Single Family Residential)
<span style="color:lightgreen;">■</span>	R-100 (Single Family Residential)
<span style="color:lightbrown;">■</span>	D-1 (Two Family Residential)

### Notes

Contra Costa County -DOIT GIS

# Orthophotography



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THIS MAP IS NOT TO BE USED FOR NAVIGATION



## Legend

- City Limits
- Unincorporated
- Highways
- Highways Bay Area
- Maintained Roads
- Water Bodies
- County Boundary
- Bay Area Counties
- Assessor Parcels
- Aerials 2019
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

## Notes

Contra Costa County -DOIT GIS

## PROJECT TEAM:

OWNER: 100 SOK FRANCISCO BAY STORAGE & TRANSFER  
STOCKTON, CA 95204-0465  
CONTACT: PETER CAMPORA

DEVELOPER: INSURANCE AUTO AUCTIONS  
TWO WESTBROOK CORPORATE CENTER  
SUITE 500  
WESTCHESTER, IL 60154  
PH: (224) 254-5529  
CONTACT: WILLIAM DYTRECH  
W.DYTRECH@IAAI.COM

CIVIL ENGINEER: MILANI AND ASSOCIATES  
2655 STANWELL DRIVE, SUITE #105  
CONCORD, CA 94520  
PHONE: (925) 674-9082  
MMILANI@MILANI-ENG.COM  
CONTACT: MICHAEL MILANI  
RCE 35121 EXP 09-30-2025

SITE ADDRESS: 2770 WILLOW PASS ROAD  
BAY POINT, CA 94565

APN: 098-240-031  
ZONING: HI. HEAVY INDUSTRIAL

EXISTING USE: VACANT LOT

PROPOSED USE: STORAGE OF DAMAGED VEHICLES, RVs, SEMI-TRAILERS  
AND OTHER TYPES OF AUTO'S

UTILITIES  
WATER: GOLDEN STATE WATER COMPANY  
SEWER: DELTA DIABLO SANITARY DISTRICT  
STORM DRAINAGE: CONTRA COSTA COUNTY  
POLICE: CONTRA COSTA COUNTY SHERIFF  
FIRE: CONTRA COSTA COUNTY CONSOLIDATED FIRE DISTRICT  
POWER & GAS: PG&E

## LEGEND

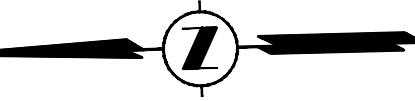
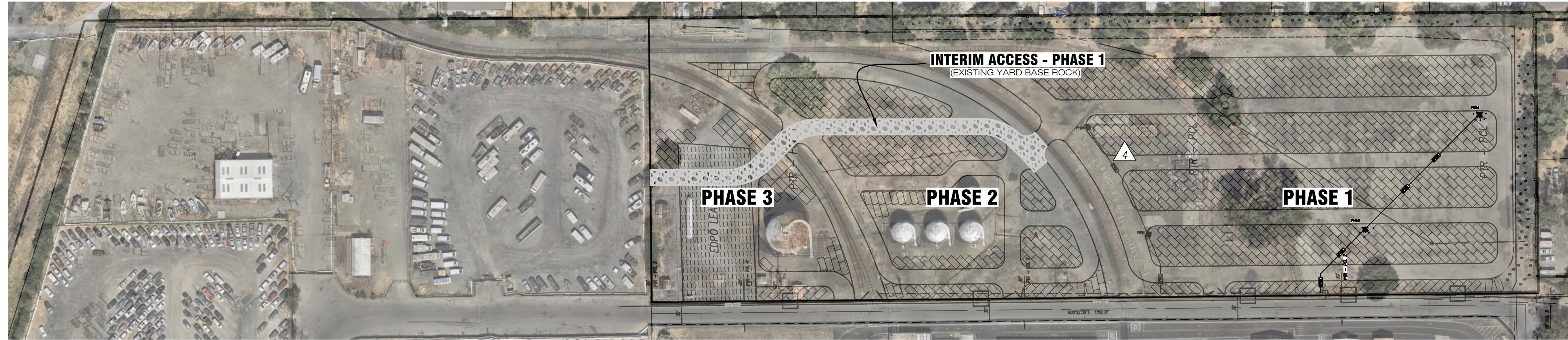
EXISTING	DESCRIPTION	PROPOSED
420	MAJOR CONTOUR	420
419	MINOR CONTOUR	419
—	BOUNDARY LINE	—
—	CENTERLINE	—
—	EASEMENT LINE	—
—	CONCRETE CURB & GUTTER	—
—	GOOD NEIGHBOR FENCE	—
—	CHAINLINK FENCE	—
—	CONCRETE SIDEWALK	—
EX.GAS	SCREEN WALL	GAS
U.U. (O.H.U.)	GAS LINE	N/A
PERF	UNDERGROUND/OVERHEAD UTILITY	PERF
EX.SS	PERFORATED PIPE	SS
EX.SD	SANITARY SEWER	SD
EX.W	STORM DRAIN	W
N/A	WATER LINE	—
N/A	CURVE NUMBER	①
N/A	GRADE PERCENT	2%
YARD BASE ROCK	YARD BASE ROCK	ROCK
STREET LIGHT	STREET LIGHT	—
TREE	TREE	—
STORM DRAIN AREA DRAIN	STORM DRAIN AREA DRAIN	—
BLOW OFF	BLOW OFF	—
FIRE HYDRANT	FIRE HYDRANT	—
GATE VALVE	GATE VALVE	—
MANHOLE	MANHOLE	—
SANITARY SEWER CLEANOUT	SANITARY SEWER CLEANOUT	—
STORM DRAIN INLET	STORM DRAIN INLET	—
WATER METER	WATER METER	—
SITE CIRCULATION	SITE CIRCULATION	—

# USE PERMIT EXHIBIT

## Insurance Auto Auctions Storage

BAY POINT, CONTRA COSTA COUNTY, CALIFORNIA

RECEIVED on 07/16/2025 CDDP18-03005  
By Contra Costa County  
Department of Conservation and Development



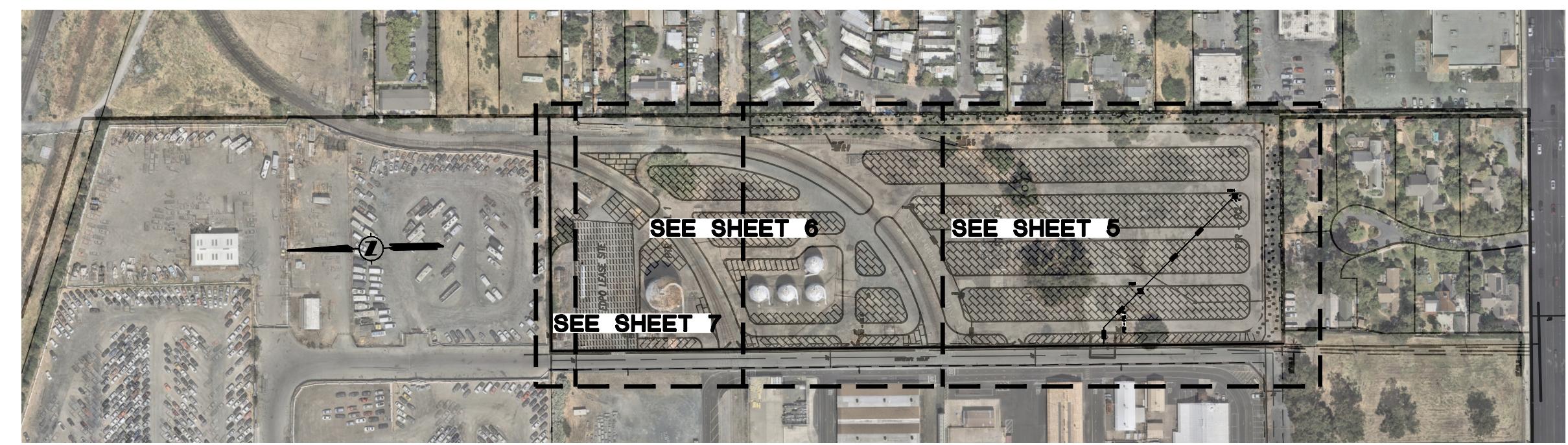
INTERIM ACCESS - PHASE 1  
(EXISTING YARD BASE ROCK)

PHASE 3  
PHASE 2  
PHASE 1

SITE

100 50 0 100  
SCALE: 1"=100'

SHEET INDEX	
SHEET NUMBER	DESCRIPTION
1	COVER SHEET
2	COMPOSITE SITE PLAN
3	EXISTING CONDITIONS
4	DEMOLITION PLAN
5	TREE REMOVAL SURVEY REPORT
6	SITE LAYOUT PLAN
6A	ALTERNATE SITE LAYOUT PLAN
7	SITE LAYOUT PLAN
8	SITE LAYOUT PLAN
9	DETAILS



SHEET INDEX

UPDATED PROJECT NARRATIVE: 5

THE PROPOSED PROJECT IS AN EXPANSION OF THE APPLICANTS' ONGOING ACTIVITIES WHICH WERE PERMITTED UNDER THE PRIOR 2009 APPROVED LAND USE PERMIT, FILE NO. LP02-2009. ACCESS TO THE PROPOSED EXPANSION WILL OPERATE UNDER THE SAME PROTOCOLS AS THE EXISTING IAAI FACILITY AND SHOULD HAVE NOT ADDITIVE IMPACTS ON THE EXISTING ADJOINING INDUSTRIAL USERS. PORTIONS OF THE NEW EXPANSION AREA WILL AFFECT EXISTING RESIDENTIAL USES. IMPACTS ON THE ADJOINING RESIDENTIAL USES SHOULD NOT BE ANY GREATER THAN THE PRIOR INDUSTRIAL ACTIVITIES CONDUCTED ON THE PREMISES. IT IS ANTICIPATED THAT THE PROPOSED TEMPORARY VEHICLE STORAGE ACTIVITIES WILL BE OF A LESSER IMPACT IN THAT THE PRIOR INDUSTRIAL ACTIVITIES CONSISTED OF THE STORAGE AND TRANSPORTATION OF NATURAL GAS. THE PRIOR ACTIVITIES INCLUDED DAILY YARD ACTIVITIES AND USE OF ADJOINING RAIL SPUR LINES TO RECEIVE GAS DELIVERIES, ALL OF WHICH WILL BE UTILIZED UNDER THE CURRENT APPLICATION.

IN SUPPORT OF THE PROPOSED TEMPORARY VEHICLE STORAGE OPERATIONS THE PROJECT PROPOSES A ROBUST PERIMETER LANDSCAPE MITIGATION ZONE ALONG PORTIONS OF THE WEST AND EAST PROPERTY LINE AND ALONG THE ENTIRE SOUTH PROPERTY LINE. REFER TO THE PROJECT LANDSCAPE PLANS PREPARED BY RW STOVER & ASSOCIATES. THE PROJECT LANDSCAPE PLANS DETAIL THE LOCATION OF THE PERIMETER SCREEN WALL AND WOOD 2 RAIL FENCING ALONG THAT PORTION OF THE PROJECT BOUNDARY THAT BORDERS RESIDENTIALLY ZONED AREAS. THE PROJECT WILL ALSO REPLACE THE EXISTING CHAIN LINK FENCE ALONG THE WESTERLY PORTION OF THE SITE THAT BORDERS THE MAIN ACCESS ROAD TO THE PROJECT ENTRANCE. THE CHAIN LINK FENCE WILL BE COVERED WITH A SCREENING MATERIAL TO MATCH THE EXISTING FENCING/SCREENING CURRENTLY SUPPORTING THE EXISTING IAAI OPERATIONS. THE PROJECT NORMAL WORKING HOURS WILL BE LIMITED TO NORMAL BUSINESS HOURS, 8:00 TO 5:00 PM, MONDAY THRU FRIDAY WITH NO WORK TO BE PERFORMED ON WEEKENDS. THE PROJECT PROPOSES NO ADDITIONAL ON SITE OR PERIMETER LIGHTING SO NO ADDITIONAL GLARE OR ADVERSE BROADCAST LIGHTING WILL OCCUR.

THE REVISED PROJECT, IN COMPLIANCE WITH THE FINAL CONDITIONS OF APPROVAL WILL REMOVE ALL ON SITE PRESSURE VESSELS PRIOR TO START OF OPERATIONS. THE ON SITE VEHICLE PARKING STORAGE WILL BE NO LONGER BE STAGES BUT WILL BE IMPLEMENTED IN ON IMPROVEMENT PHASE.

THE UPDATED VEHICLE STORAGE PLAN INCORPORATES INCREASED VEHICLE STORAGE SETBACKS ALONG THE EAST AND SOUTH PROPERTY LINES IN CONSIDERATION OF DISCUSSIONS AND SITE PLAN MODIFICATIONS REQUESTED BY THE SYCAMORE COURT HOA. IAAI STORAGE OPERATIONS WILL FOCUS ON MAINTAINING RV AND EV VEHICLE WITHIN ITS EXISTING NORTHERLY VEHICLE STORAGE OPERATIONS.

PROJECT NARRATIVE:

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GENERAL NOTES:

1. HOURS OF OPERATION 8AM TO 5PM MONDAY THRU FRIDAY.
2. 25-30 TOW TRUCKS WILL BE ENTERING THE YARD DAILY FROM GRAVEL SERVICE ROAD.
3. THE REPAIRING AND DISMANTLING OF VEHICLES SHALL NOT BE PERMITTED.
4. NO EXTERIOR LIGHTING WILL BE ADDED.
5. NO SIGNAGE WILL BE ADDED.
6. APPROXIMATELY 79 END OF SERVICE VEHICLES ARE PLANNED FOR STORAGE. 1
7. NO NEW PAVING OR STRUCTURES ARE PROPOSED UNDER THIS APPLICATION.

REVIEW COPY  
SUBJECT TO REVISION  
NOT FINAL

THIS NOTICE TO BE REMOVED UPON  
COMPLETION OF MAP AND UPON  
AGENCY/CLIENT APPROVAL OF MAP

5	SITE PARKING REVISIONS - TANK REMOVALS	MEM	10/18/23
4	SYCAMORE COURT HOA REVISIONS	MEM	06/20/23
3	RESUBMITTAL - EXTEND 8' METAL FENCE	LLC	03/24/23
NO	REVISIONS	BY	APP DATE
1	RESUBMITTAL - EXISTING YARD ROCK		03/29/22
1	RESUBMITTAL - PERIMETER LA REVISIONS		01/04/22
	RESUBMITTAL		08/29/19
	RESUBMITTAL		03/04/19
	RESUBMITTAL		04/24/18
	INITIAL SUBMITTAL		01/17/18

1  
9  
SHEETS  
OF

Planning  
Surveying & Mapping  
Land Development Engineering  
Municipal Engineering  
Construction Staking  
Environmental Engineering  
SWPPP Monitoring & Reporting

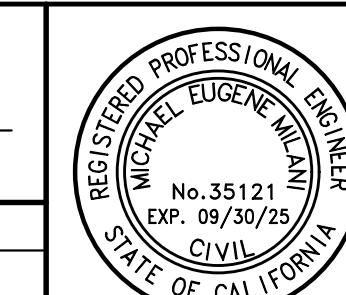
**MILANI**  
& Associates

A.P.N. 098-240-031-9  
2655 Stanwell Drive, Suite 105  
Concord, CA 94520  
Phone: (925) 674-9082  
Fax: (925) 674-9279  
Web: www.milanassociates.com

USE PERMIT EXHIBIT  
INSURANCE AUTO AUCTIONS STORAGE FACILITY  
CDDP18-03005  
BAY POINT  
CONTRA COSTA COUNTY

CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:  
MICHAEL MILANI  
R.C.E. No. 35121 REGISTRATION EXPIRES 09/30/25  
JOB NO: 1041  
DRAWN: SMS, LML  
DATE: OCTOBER 2023  
CHECKED: KRA  
SCALE: AS SHOWN





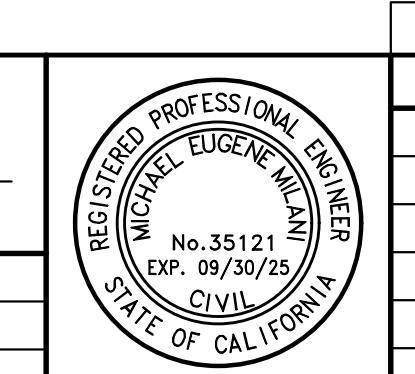
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SCALE: 1"=100'

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**MILANI**  
& Associates

**USE PERMIT EXHIBIT**  
2770 WILLOW PASS ROAD  
INSURANCE AUTO AUCTIONS STORAGE FACILITY  
CDDP18-03005  
BAY POINT CONTRA COSTA COUNTY

A.P.N. 098-240-031-9  
DESIGNED UNDER THE DIRECTION OF:  
MICHAEL MILANI  
R.C.E. No. 35121 REGISTRATION EXPIRES 09/30/25  
DATE  
03/29/2022  
JOB NO: 1041  
DESIGN: SMS, LML  
DRAWN: SMS, LML  
CHECKED: KRA  
SCALE: AS SHOWN



LEGEND:  
MAIN SITE ACCESS CORRIDOR

REVIEW COPY  
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NOT FINAL  
THIS NOTICE TO BE REMOVED UPON  
COMPLETION OF MAP AND UPON  
AGENCY/CLIENT APPROVAL OF MAP

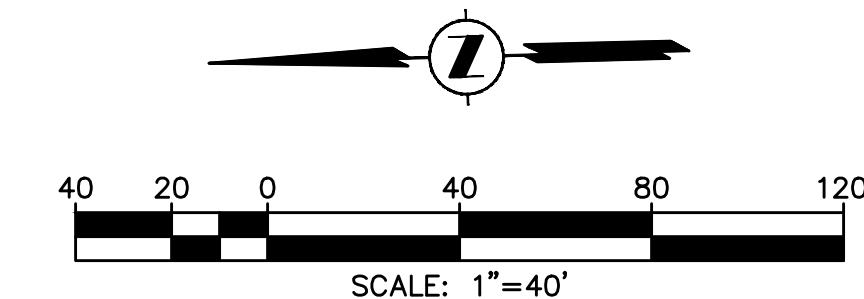
NO	REVISIONS	BY	APP	DATE	SHEET
1	RESUBMITTAL - EXISTING YARD ROCK			03/29/22	2
1	RESUBMITTAL - PERIMETER LA REVISIONS			01/04/22	
	RESUBMITTAL			08/29/19	
	RESUBMITTAL			03/04/19	
	RESUBMITTAL			04/24/18	
	INITIAL SUBMITTAL			01/17/18	9



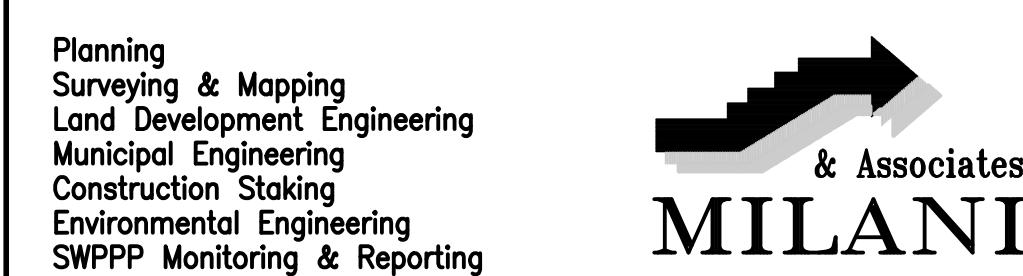
# **EASEMENT NOTES:**

1. BOOK 92 PAGE 540 – BLANKET EASEMENT FOR INGRESS, EGRESS, PIPE LINE, POLE LINE, ETC. CONSTRUCTION AND MAINTENANCE
2. BOOK 92 PAGE 541 – BLANKET EASEMENT FOR INGRESS, EGRESS.
3. BOOK 186 PAGE 278 – BLANKET EASEMENT FOR INGRESS, EGRESS.

# SITE PLAN



## **EXISTING CONDITIONS**



2655 Stanwell Drive, Suite  
Concord, CA 94518  
Phone: (925) 674-9999  
Fax: (925) 674-9999  
Web: [www.milaniassociates.com](http://www.milaniassociates.com)

A.P.N. 098-240-031-9      2770 WILLOW PASS  
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com

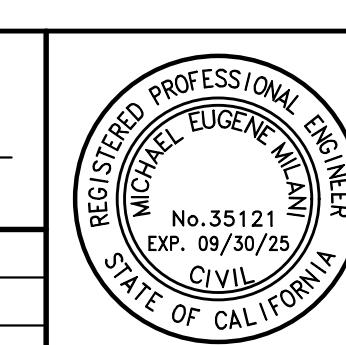
# USE PERMIT EXHIBIT

*INSURANCE AUTO AUCTIONS STORAGE FACILITY*

CDDP18-03005

BAY POINT      CONTRA COSTA COUNTY      CALIFO

DESIGNED UNDER THE DIRECTION OF:	
	
03/29/2022	
MICHAEL E. MILANI R.C.E. No. 35121 REGISTRATION EXPIRES 09/30/25	
DATE	
DESIGN:	SMS, LML
DRAWN:	SMS, LML
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DATE:	OCTOBER 2023
SCALE:	AS SHOWN



AGENCY/CLIENT APPROVAL OF MAP				
4	SYCAMORE COURT HOA REVISIONS	MEM		06/20/23
NO.	REVISIONS	BY	APP	DATE
2	RESUBMITTAL - EXISTING YARD ROCK			03/29/22
1	RESUBMITTAL - PERIMETER LA REVISIONS			01/04/22
	RESUBMITTAL			08/29/19
	RESUBMITTAL			03/04/19
	RESUBMITTAL			04/24/18
	INITIAL SUBMITTAL			01/17/18



## INSET

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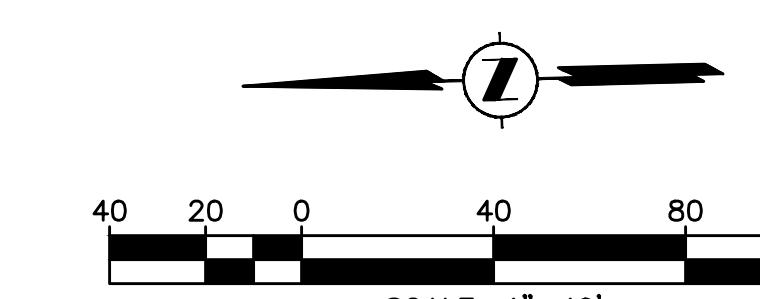
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AGENCY/CLIENT APPROVAL OF MAP

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### DEMOLITION NOTES:

1. ALL ON SITE TREES TO BE REMOVED.
2. NEIGHBORING TREES SHALL BE PRUNED AS NEEDED.
3. TREE REMOVAL TOTAL IS APPROXIMATE.
4. TREES TO BE TRIMMED TO BE DETERMINED IN FIELD.



### DEMOLITION TOTALS:

1. CONCRETE REMOVAL (SEE NOTE BELOW) - 5,700 SQUARE FEET
2. TREE REMOVAL - 20 TOTAL

NOTE: REPLACE ALL CONCRETE REMOVAL WITH CLASS II AB.

### DEMOLITION PLAN



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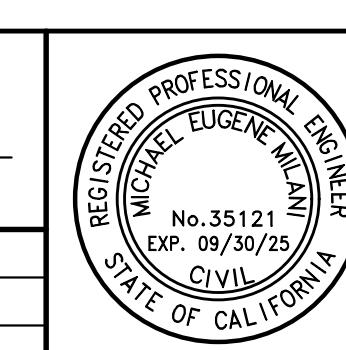
Planning  
Surveying & Mapping  
Land Development Engineering  
Municipal Engineering  
Construction Staking  
Environmental Engineering  
SWPPP Monitoring & Reporting



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NO.	REVISIONS	BY	APP	DATE	SHEET
1	RESUBMITTAL - EXISTING YARD ROCK			03/29/22	4
	RESUBMITTAL - PERIMETER LA REVISIONS			01/04/22	
	RESUBMITTAL			08/29/19	
	RESUBMITTAL			03/04/19	
	RESUBMITTAL			04/24/18	
	INITIAL SUBMITTAL			01/17/18	

TREES TO BE REMOVED (TYP)

Tree Survey							
Tree No.	Species	Size @ 54"	Health Vigor	Const. Impacts	Remove For Const.	Retention Rating	Comments
101	California pepper ( <i>Schinus molle</i> )	22-11	Good	High	✓	Good	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.
102	Black locust ( <i>Robinia pseudoacacia</i> )	7-8	Good	High	✓	Poor	Co-dominant trunk structure is weakly attached.
103	Black locust grove ( <i>Robinia pseudoacacia</i> )	Multi	Good	High	✓	Poor	Tag represents 12 trees in grove. Tree sizes range from 3" to 10" inches in diameter. Average diameter is 6 inches.
104	Black locust grove ( <i>Robinia pseudoacacia</i> )	Multi	Good	High	✓	Poor	Tag represents 9 trees in grove. Tree sizes range from 8" to 12" inches in diameter. Average diameter is 7 inches.
105	Modesto ash ( <i>Fraxinus velutina</i> )	32	Good	Moderate Low		Good Fair	On adjoining property. Will likely require pruning for clearance. Any alterations within the canopy require review.
106	Modesto ash ( <i>Fraxinus velutina</i> )	30	Good	Moderate Low		Good Fair	On adjoining property. Will likely require pruning for clearance. Any alterations within the canopy require review.
107	Modesto ash ( <i>Fraxinus velutina</i> )	34	Good	Moderate Low		Good Fair	On adjoining property. Will likely require pruning for clearance. Any alterations within the canopy require review.
108	Black locust	6-8-5	Good	High		Poor	Adjacent to 8"-surface pipe. Poor suitability to future environment.
109	Modesto ash ( <i>Fraxinus velutina</i> )	12-18	Fair-Poor	High		Poor	Suppressed structure leans south into subject property. May be located on adjoining property.
110	Siberian Elm ( <i>Ulmus pumila</i> )	34-30	Fair	High		Poor	Nearing the end of useful life expectancy. Tree structure is inherently weak and prone to failure.
111	California pepper ( <i>Schinus molle</i> )	9-9-7	Good	High		Good	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.
112	California pepper ( <i>Schinus molle</i> )	17	Good	High		Good	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.
113	Siberian Elm ( <i>Ulmus pumila</i> )	31	Good	High		Poor	Nearing the end of useful life expectancy. Tree structure is inherently weak and prone to failure.
114	Almond ( <i>Prunus dulcis</i> )	16-8-5	Good	High		Poor	Over mature. Poor suitability to future environment.
115	California pepper ( <i>Schinus molle</i> )	18-15-10	Good	High		Good	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.
116	Smooth sumac ( <i>Rhus glabra</i> )	10	Good	High	✓	Poor	Invasive species. Poor suitability to future environment.
117	Siberian Elm ( <i>Ulmus pumila</i> )	10-10-8-11	Good-Fair	High	✓	Poor	Nearing the end of useful life expectancy. Tree structure is inherently weak and prone to failure.

1,2,3 See Tree Health Evaluation \*Adjoining Property-no access-metal tag/tree number located on fence adjacent to tree

Timothy C. Ghirardelli Consulting Arborist 925.899.8090

3

Tree Survey							
Tree No.	Species	Size @ 54"	Health Vigor	Const. Impacts	Remove For Const.	Retention Rating	Comments
118	California pepper ( <i>Schinus molle</i> )	10-8-7	Good	High	✓	Good	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.
119	Almond ( <i>Prunus dulcis</i> )	8-5-4-4-2	Good-Fair	High	✓	Poor	Over mature. Poor suitability to future environment.
120	Blue gum Eucalyptus ( <i>Eucalyptus globulus</i> )	13-7-6	Good	High	✓	Poor	Branch structure is inherently weak and prone to failure. Poor suitability to future environment.
121	Almond ( <i>Prunus dulcis</i> )	8-5-5-4	Good	High	✓	Poor	Over mature. Poor suitability to future environment.
122	Almond ( <i>Prunus dulcis</i> )	7-5-5-6	Good	High	✓	Poor	Over mature. Poor suitability to future environment.
123	California pepper ( <i>Schinus molle</i> )	22-14	Good	High	✓	Good	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.
124	California pepper ( <i>Schinus molle</i> )	40	Good	High	✓	Good	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.
125	Almond ( <i>Prunus dulcis</i> )	10-6-6	Good	High	✓	Poor	Over mature. Poor suitability to future environment.
126	Blue gum Eucalyptus ( <i>Eucalyptus globulus</i> )	56-22	Good	High	✓	Poor	Branch structure is inherently weak and prone to failure. Poor suitability to future environment.
127	Blue gum Eucalyptus ( <i>Eucalyptus globulus</i> )	30-15	Good	High	✓	Poor	Branch structure is inherently weak and prone to failure. Poor suitability to future environment.
128	Blue gum Eucalyptus ( <i>Eucalyptus globulus</i> )	54	Good	High	✓	Poor	Branch structure is inherently weak and prone to failure. Poor suitability to future environment.
129	Blue gum Eucalyptus ( <i>Eucalyptus globulus</i> )	10-8-8-7-7	Good	High	✓	Poor	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.
130	California pepper ( <i>Schinus molle</i> )	13-7-5	Good	High	✓	Good	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.
131	Common laurel ( <i>Laurus nobilis</i> sp.)	4-3-3-2-2	Good	High	✓	Good	Well-suited to future environment.
132	Coast live oak ( <i>Quercus agrifolia</i> )	15-13-10-15-14	Good	High		Good	Well established in what is considered a harsh environment for the species. Low branching and multi-trunk structure. Any plans to retain the tree shall require no disturbances within the natural tree canopy.
133	Blue gum Eucalyptus ( <i>Eucalyptus globulus</i> )	48	Good	High		Poor	On adjoining property. Branch structure is inherently weak and prone to failure.

1,2,3 See Tree Health Evaluation \*Adjoining Property-no access-metal tag/tree number located on fence adjacent to tree

Timothy C. Ghirardelli Consulting Arborist 925.899.8090

4

Tree Survey							
Tree No.	Species	Size @ 54"	Health Vigor	Const. Impacts	Remove For Const.	Retention Rating	Comments
134	American elm ( <i>Ulmus americana</i> )	6-5-4-4	Good	High		Fair	On east boundary. Provides screening between properties.
135	American elm ( <i>Ulmus americana</i> )	7-7-5-4	Good	High		Fair	On east boundary. Provides screening between properties.
136	American elm ( <i>Ulmus americana</i> )	8-7-4-4	Good	High		Fair	On east boundary. Provides screening between properties.
137	Flowering plum ( <i>Prunus triloba</i> )	6-6-5-6	Good	High		Poor	Poor suitability to future environment.
138	Coast redwood ( <i>Sequoia sempervirens</i> )	16	Good	High		Good Fair	On adjoining property. Provides screening between properties. Any alterations within the canopy require arborist review.
139	Chinese elm ( <i>Ulmus parvifolia</i> )	12	Good	High		Good	On adjoining property. Provides screening between properties. Any alterations within the canopy require arborist review.
140	Coast redwood ( <i>Sequoia sempervirens</i> )	8	Good	High		Good Fair	On adjoining property. Provides screening between properties. Any alterations within the canopy require arborist review.
141	Blue gum Eucalyptus ( <i>Eucalyptus globulus</i> )	12	Good	High		Poor	Branch structure is inherently weak and prone to failure. Poor suitability to future environment.
142	English walnut grove ( <i>Juglans regia</i> )	Multi	Good	High		Poor	Tag represents 8 trees in grove. Tree sizes range from 4 to 6 inches in diameter. Average diameter is 5 inches.
143	Green acacia ( <i>Acacia decurrens</i> )	6-5	Good	High		Fair	Provides screening between properties. Considered an invasive species.
144	Green acacia ( <i>Acacia decurrens</i> )	8-4-4	Good	High		Fair	Provides screening between properties. Considered an invasive species.
145	Green acacia ( <i>Acacia decurrens</i> )	6	Good	High		Fair	Provides screening between properties. Considered an invasive species.
146	Green acacia ( <i>Acacia decurrens</i> )	17	Good	High		Fair	Provides screening between properties. Considered an invasive species.
147	California pepper ( <i>Schinus molle</i> )	24	Good	High		Good	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.
148	English walnut ( <i>Juglans regia</i> )	16	Good-Fair	High		Poor	Nearing the end of useful life expectancy.
149	American elm ( <i>Ulmus americana</i> )	16	Good	High		Fair	On north boundary. Provides screening between properties.
150	California pepper ( <i>Schinus molle</i> )	23	Good	High		Good	Well-suited to future environment. Low branching and multi-trunk structure. Successful retention of the tree however would require minimal to no grade disturbances within canopy.

1,2,3 See Tree Health Evaluation \*Adjoining Property-no access-metal tag/tree number located on fence adjacent to tree

Timothy C. Ghirardelli Consulting Arborist 925.899.8090

5

Tree Survey							
Tree No.	Species	Size @ 54"	Health Vigor	Const. Impacts	Remove For Const.	Retention Rating	Comments
151	Blue gum Eucalyptus ( <i>Eucalyptus globulus</i> )	60	Good	High		Poor	Branch structure is inherently weak and prone to failure. Poor suitability to future environment.
152	English walnut ( <i>Juglans regia</i> )	15	Fair	High		Poor	Nearing the end of useful life expectancy.
153	American elm ( <i>Ulmus americana</i> )	12	Good	High		Fair	On north boundary. Provides screening between properties.

Timothy C. Ghirardelli Consulting Arborist 925.899.8090

6

## TREE SURVEY REPORT

Planning  
Surveying & Mapping  
Land Development Engineering  
Municipal Engineering  
Construction Staking  
Environmental Engineering  
SWPPP Monitoring & Reporting

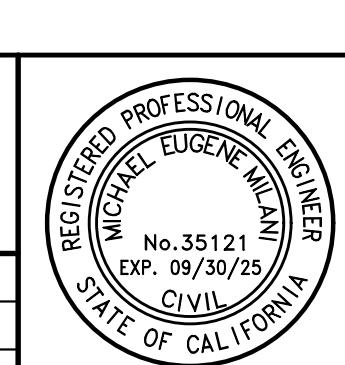
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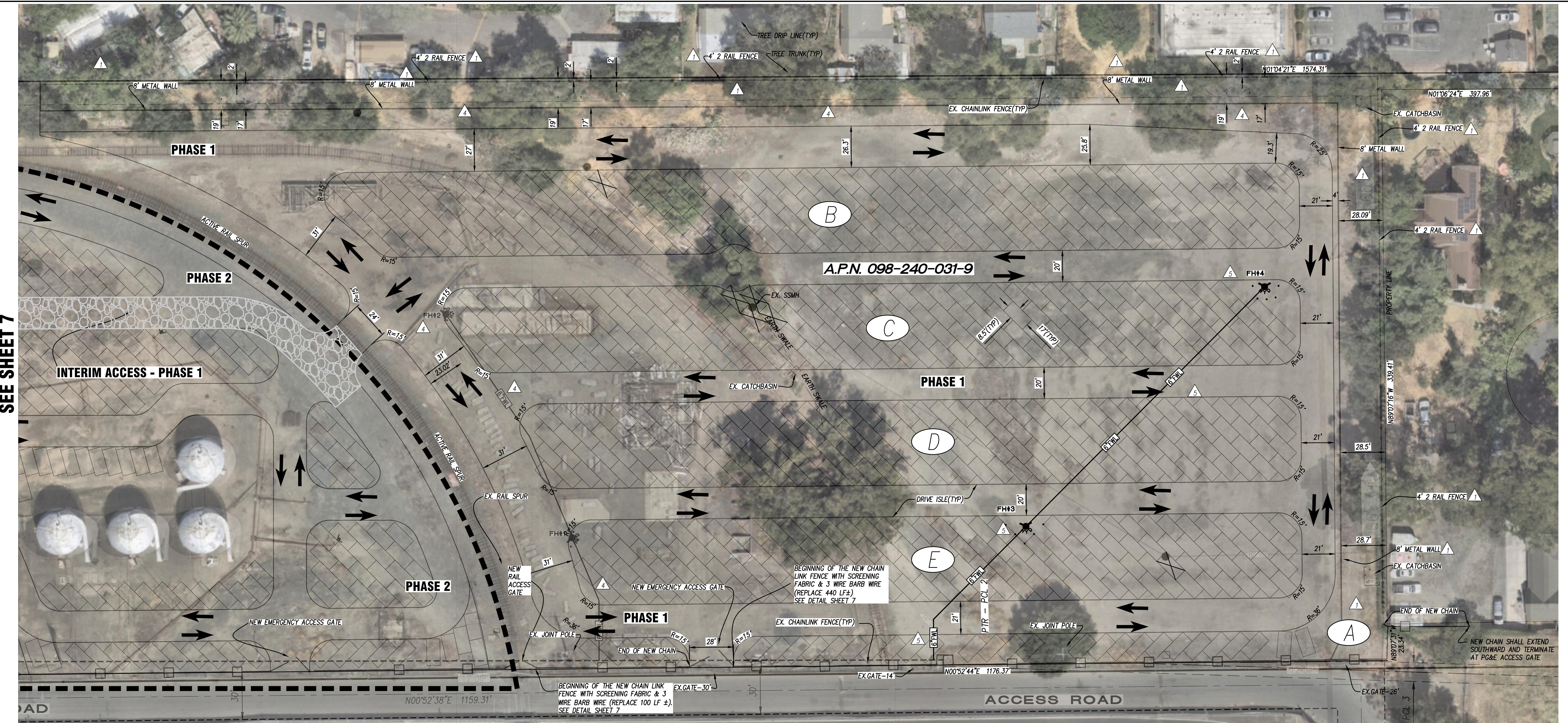
2770 WILLOW PASS ROAD  
CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:  
*Michael Milani*  
R.C.E. No. 35121 REGISTRATION EXPIRES 09/30/25  
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CHECKED: KRA  
DATE: 03/29/2022  
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DATE: OCTOBER 2023  
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NO. 35121  
EXPIRES 09/30/25  
RESUBMITTAL - EXISTING YARD ROCK  
RESUBMITTAL - PERIMETER LA REVISIONS  
RESUBMITTAL  
RESUBMITTAL  
RESUBMITTAL  
INITIAL SUBMITTAL

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R:\jobs\1041\USE PERMIT\USE PERMIT1041.dwg 2/18/2025 2:13:06 PM MikeMilani



# SITE PLAN

30 15 0 30 60

SCALE: 1"=30'

### LEGEND:

## SITE CIRCULATION

## **SITE PLAN - PHASE 1**

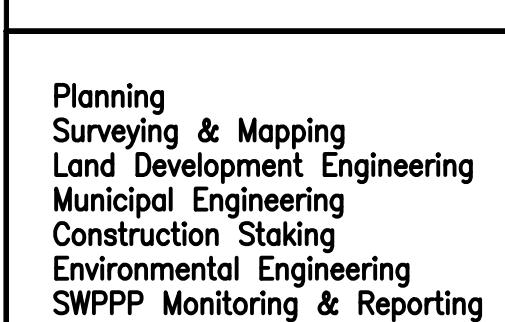
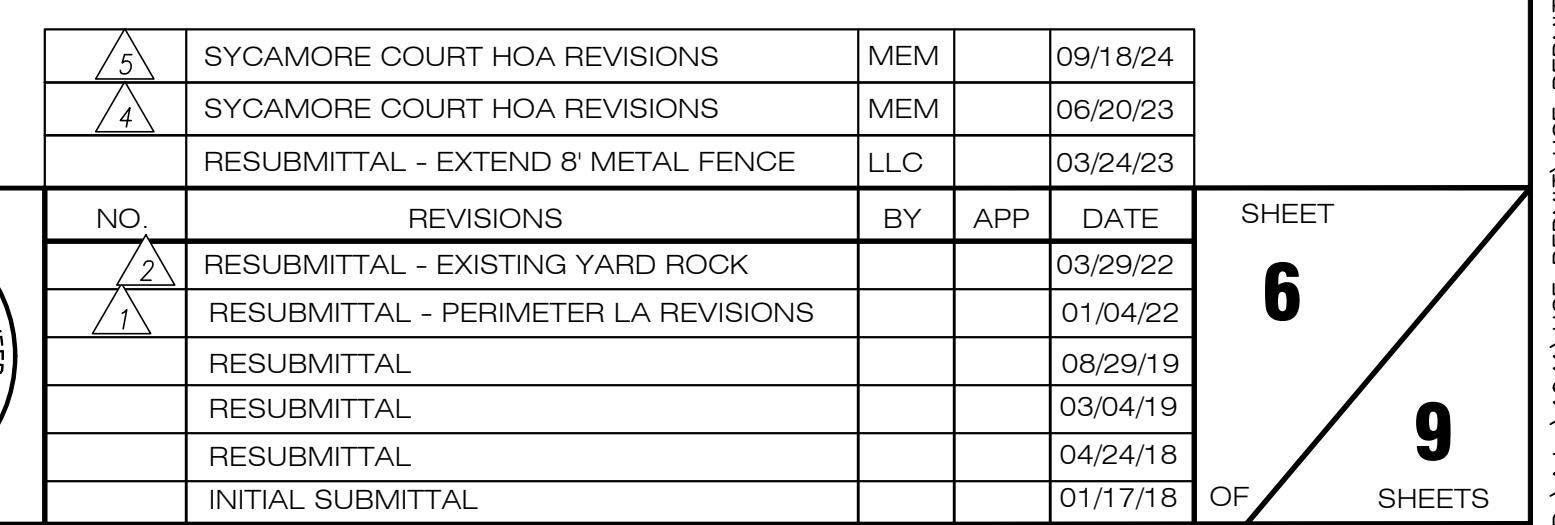
## **SITE PLAN NOTES:**

1. A SMALL AMOUNT OF GRADING IS TO OCCUR AT EXISTING EARTH SWALE TO SOFTEN THE TRANSITION AND IMPROVE THE EASE OF PARKING. CROSS SLOPE 5% MAXIMUM.
2. EXISTING DRAINAGE PATTERNS TO BE PRESERVED.
2. APPROXIMATELY 1,120 SF OF NEW CHAIN LINK FENCE WITH SCREENING AND 3' WIRE BARB WIRE WILL BE REPLACED. PROPOSE GREEN COLOR FOR THE NEW FENCE SCREEN.  
SEE DETAIL ON SHEET 8.

<b>PHASE 1 PARKING TABLE</b>		
<b>ZONE</b>	<b>SPOTS</b>	
'A'	0	
'B'	198	
'C'	173	
'D'	160	
'E'	151	
<b>TOTAL</b>	<b>799</b>	

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A.P.N. 098-240-031-9      2770 WILLOW PASS RD  
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0  
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n

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CDDP18-03005

BAY POINT      CONTRA COSTA COUNTY      CALIFORNIA

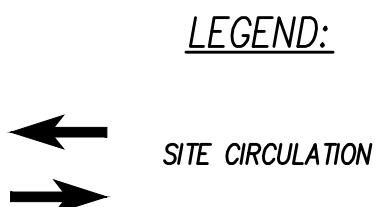
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A circular registration stamp. The outer ring contains the text "REGISTERED PROFESSIONAL ENGINEER" at the top and "STATE OF CALIFORNIA" at the bottom. The inner circle contains "MICHAEL EUGENE MILANI" at the top and "No. 35121" at the bottom. Below that is "EXP. 09/30/25" and "CIVIL" at the bottom.



SCALE: 1"=40'

### SITE PLAN



LEGEND:

PARKING TABLE	
TOTAL	1463

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### SITE PLAN - VEHICLE STORAGE EXHIBIT -PRESSURE VESSEL REMOVAL- NO PHASING

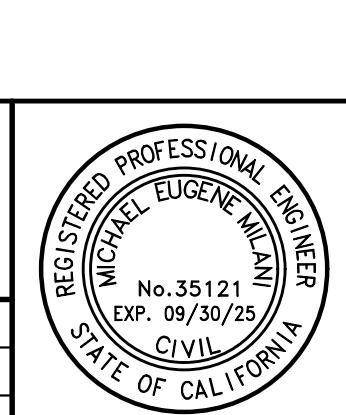
Planning  
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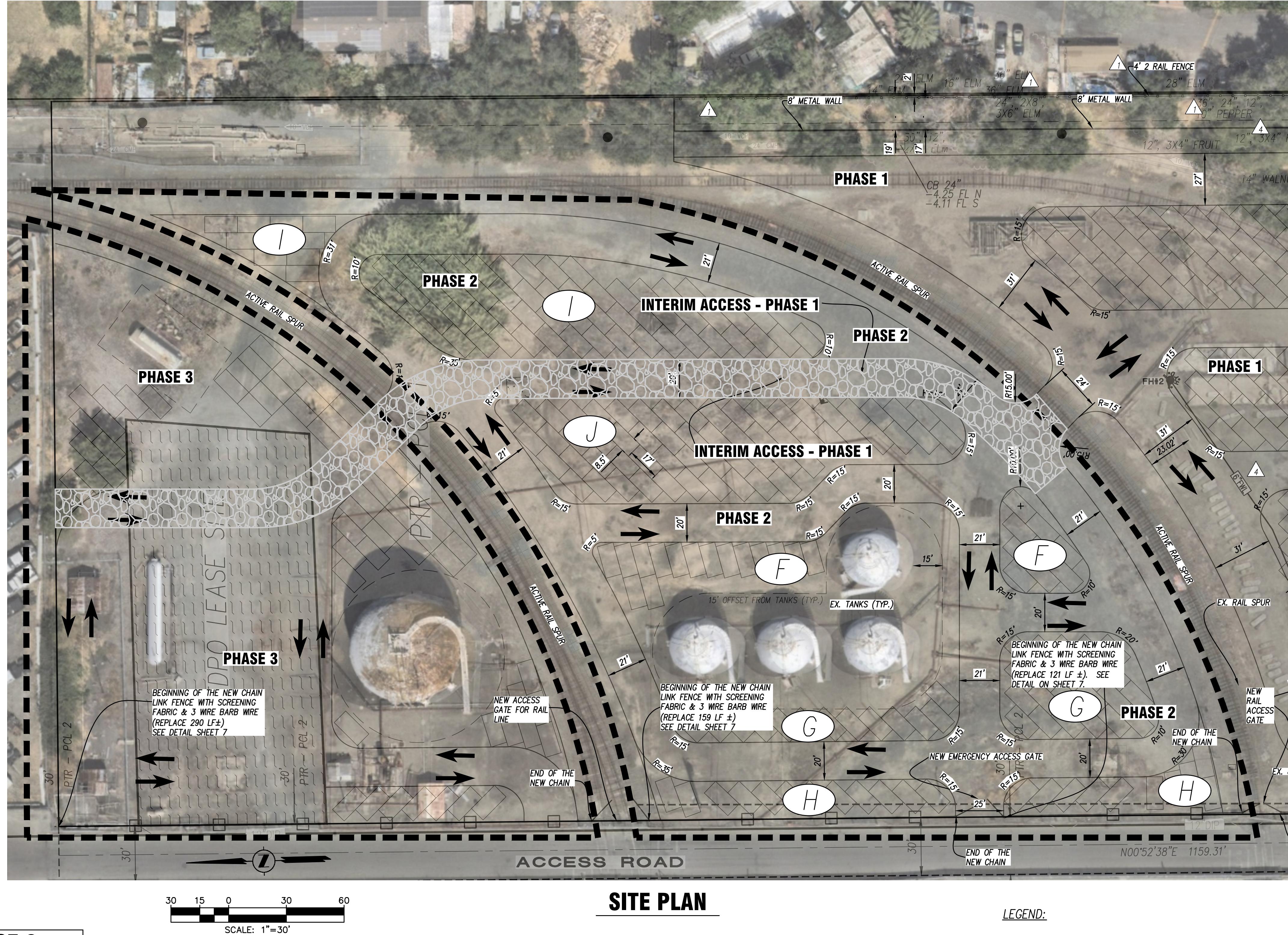
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NO.	REVISIONS	BY	APP	DATE
5	SITE PARKING REVISIONS - TANK REMOVALS	MEM		10/18/23
4	SYCAMORE COURT HOA REVISIONS	MEM		06/20/23
1	RESUBMITTAL - EXTEND 8' METAL FENCE	LLC		03/24/23
	RESUBMITTAL - EXISTING YARD ROCK			03/29/22
	RESUBMITTAL - PERIMETER LA REVISIONS			01/04/22
	RESUBMITTAL			08/29/19
	RESUBMITTAL			03/04/19
	RESUBMITTAL			04/24/18
	INITIAL SUBMITTAL			01/17/18

6A 5  
9 SHEETS

SEE SHEET 8



**PHASE 2  
PARKING TABLE**

ZONE	SPOTS
'F'	24
'G'	35
'H'	22
'I'	64
'J'	59
<b>TOTAL</b>	<b>204</b>

**SITE PLAN NOTES:**

1. A SMALL AMOUNT OF GRADING IS TO OCCUR AT EXISTING EARTH SWALE TO SOFTEN THE TRANSITION AND IMPROVE THE EASE OF PARKING. CROSS SLOPE 5% MAXIMUM.
2. EXISTING DRAINAGE PATTERNS TO BE PRESERVED.
3. APPROXIMATELY 1,120 SF OF NEW CHAIN LINK FENCE WITH SCREENING AND 3' WIRE BARB WIRE WILL BE REPLACED. PROPOSE GREEN COLOR FOR THE NEW FENCE SCREEN. SEE DETAIL ON SHEET 8.

**SITE PLAN - PHASE 2**

Planning  
Surveying & Mapping  
Land Development Engineering  
Municipal Engineering  
Construction Staking  
Environmental Engineering  
SWPPP Monitoring & Reporting

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Phone: (925) 674-9082  
Fax: (925) 674-9279  
Web: [www.milanassociates.com](http://www.milanassociates.com)

**USE PERMIT EXHIBIT**  
2770 WILLOW PASS ROAD  
INSURANCE AUTO AUCTIONS STORAGE FACILITY  
BAY POINT CONTRA COSTA COUNTY

A.P.N. 098-240-031-9

2770 WILLOW PASS ROAD

DESIGNED UNDER THE DIRECTION OF:

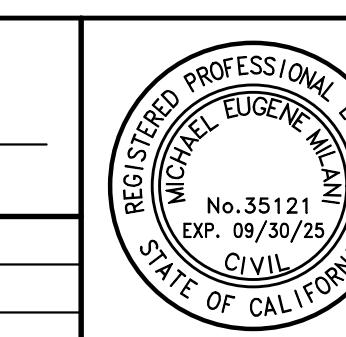
*Micheal Milani* 03/29/2022

MICHAEL MILANI  
R.C.E. No. 35121 REGISTRATION EXPIRES 09/30/25

DESIGN: SMS, LML JOB NO: 1041

DRAWN: SMS, LML DATE: OCTOBER 2023

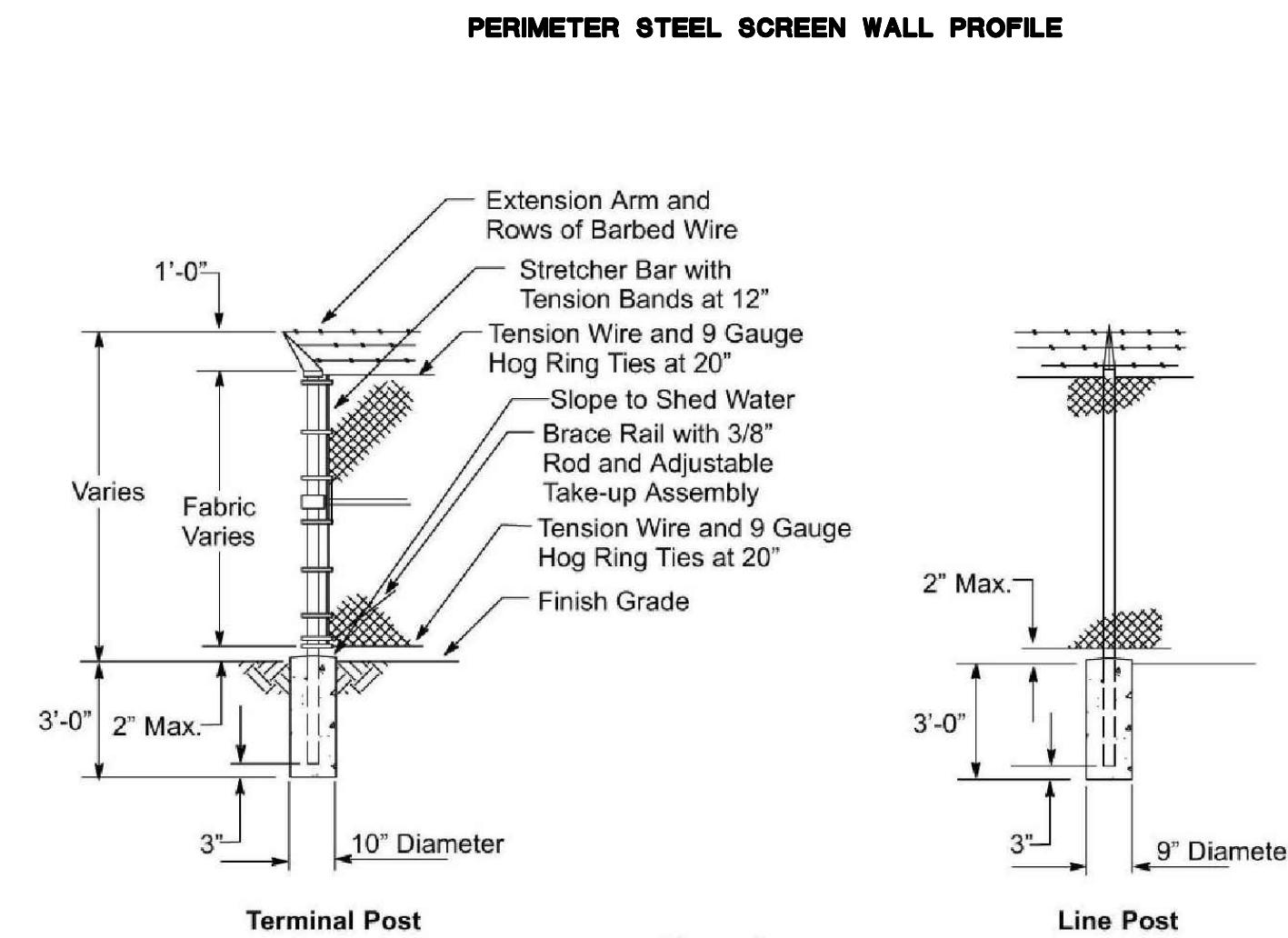
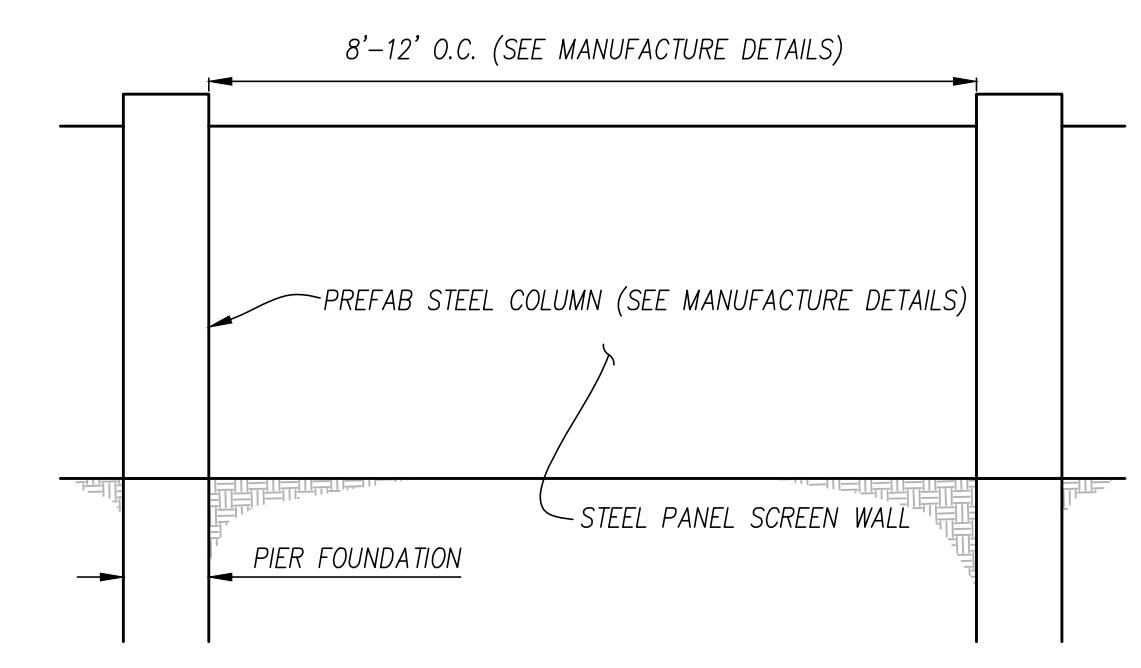
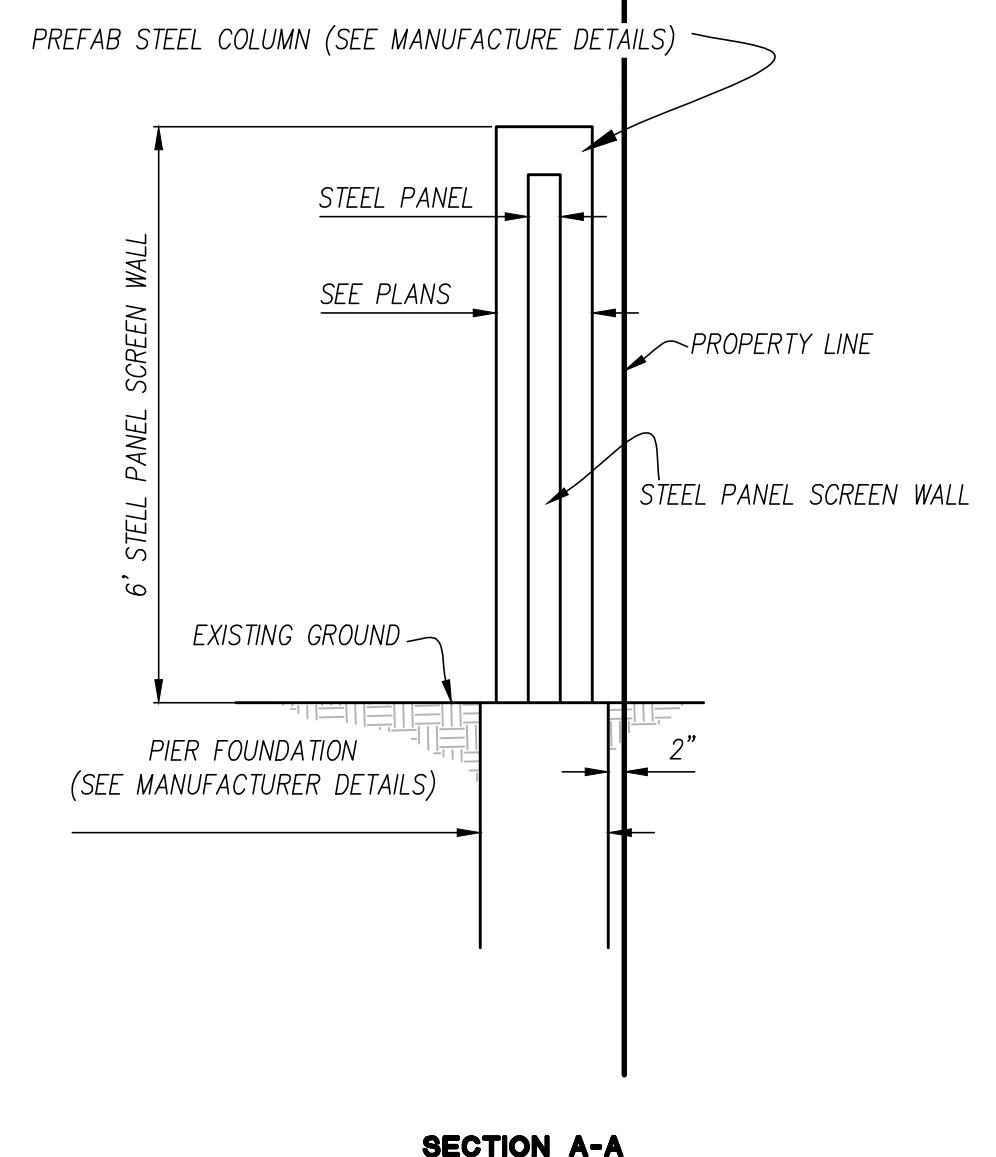
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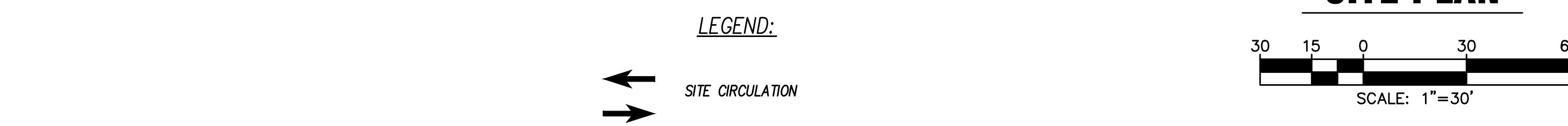
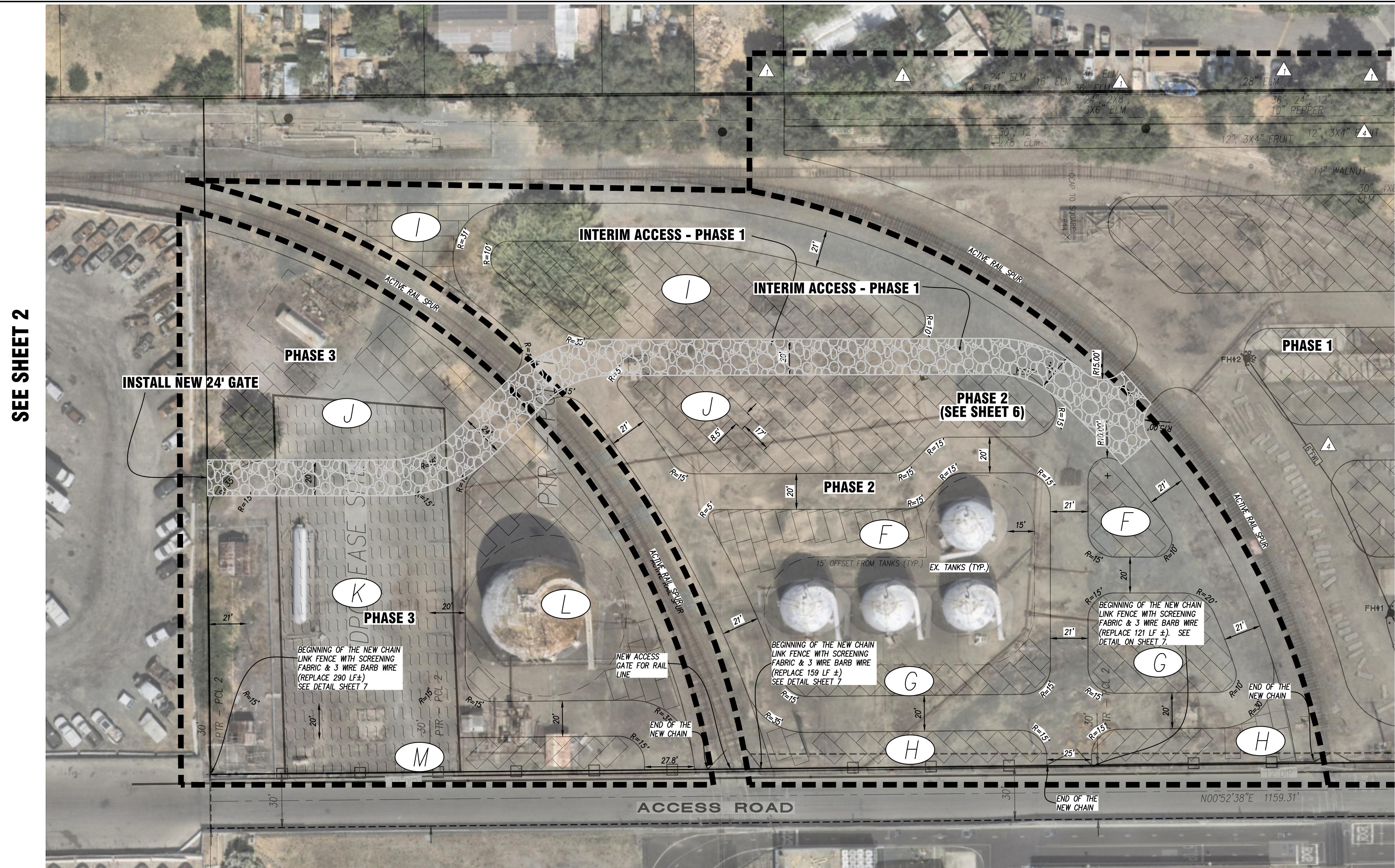


NO	REVISIONS	BY	APP	DATE	SHEET
1	RESUBMITTAL - EXISTING YARD ROCK			03/29/22	7
	RESUBMITTAL - PERIMETER LA REVISIONS			01/04/22	
	RESUBMITTAL			08/29/19	
	RESUBMITTAL			03/04/19	
	RESUBMITTAL			04/24/18	
	INITIAL SUBMITTAL			01/17/18	

**NEW CHAIN LINK FENCE WITH SCREENING FABRIC**  
(SEE SHEET 9 FOR FENCE SCREENING MATERIAL)

**REVIEW COPY**  
SUBJECT TO REVISION  
NOT FINAL  
THIS NOTICE TO BE REMOVED UPON  
COMPLETION OF MAP AND UPON  
AGENCY/CLIENT APPROVAL OF MAP





**SITE PLAN NOTES:**

1. A SMALL AMOUNT OF GRADING IS TO OCCUR AT EXISTING EARTH SWALE TO SOFTEN THE TRANSITION AND IMPROVE THE EASE OF PARKING. CROSS SLOPE 5% MAXIMUM.
2. EXISTING DRAINAGE PATTERNS TO BE PRESERVED.
3. APPROXIMATELY 1,120 SF OF NEW CHAIN LINK FENCE WITH SCREENING AND 3' WIRE BARB WIRE WILL BE REPLACED. PROPOSE GREEN COLOR FOR THE NEW FENCE SCREEN. SEE DETAIL ON SHEET 8.

**SITE PLAN - PHASE 3**

Planning  
Surveying & Mapping  
Land Development Engineering  
Municipal Engineering  
Construction Staking  
Environmental Engineering  
SWPPP Monitoring & Reporting

**MILANI**  
& Associates

2655 Stanwell Drive, Suite 105  
Concord, CA 94520  
Phone: (925) 674-9082  
Fax: (925) 674-9279  
Web: [www.milanassociates.com](http://www.milanassociates.com)

**USE PERMIT EXHIBIT**  
2770 WILLOW PASS ROAD  
INSURANCE AUTO AUCTIONS STORAGE FACILITY  
BAY POINT CONTRA COSTA COUNTY

DESIGNED UNDER THE DIRECTION OF:  
MICHAEL MILANI  
R.C.E. No. 35121 REGISTRATION EXPIRES 09/30/25

03/29/2022  
DATE  
JOB NO: 1041  
DRAWN: SMS, LML  
CHECKED: KRA  
SCALE: AS SHOWN

REGISTERED PROFESSIONAL ENGINEER  
MICHAEL EUGENE MILANI  
No. 35121  
EXP. 09/30/25  
CIVIL  
STATE OF CALIFORNIA

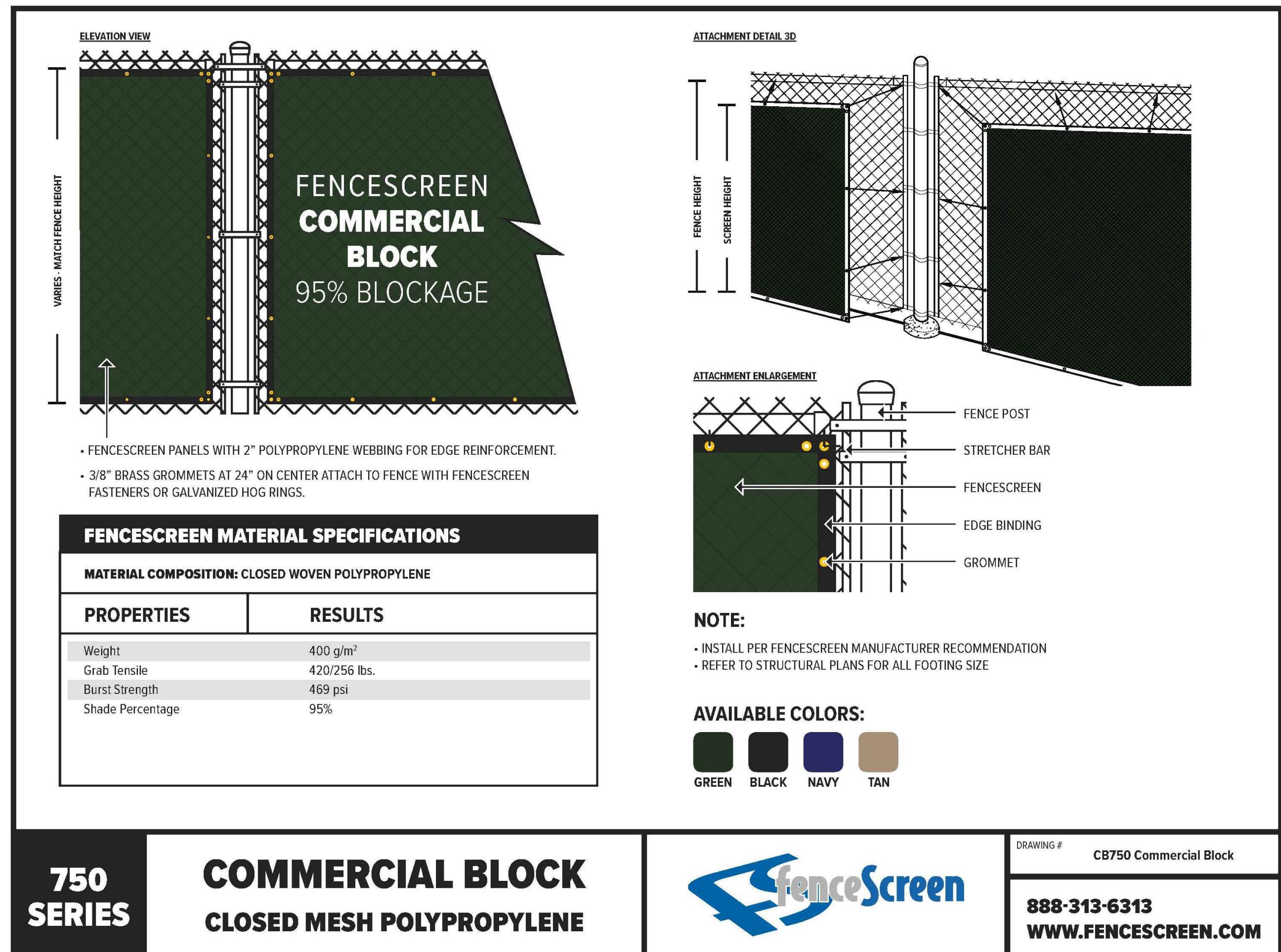
ZONE	SPOTS
'J'	49
'K'	39
'L'	26
'M'	19
<b>TOTAL</b>	<b>133</b>

**REVIEW COPY**  
SUBJECT TO REVISION  
NOT FINAL  
THIS NOTICE TO BE REMOVED UPON  
COMPLETION OF MAP AND UPON  
AGENCY/CLIENT APPROVAL OF MAP

NO	SYCAMORE COURT HOA REVISIONS	MEM	06/20/23
1	RESUBMITTAL - EXISTING YARD ROCK	BY APP	03/29/22
1	RESUBMITTAL - PERIMETER LA REVISIONS	BY APP	01/04/22
1	RESUBMITTAL	BY APP	08/29/19
1	RESUBMITTAL	BY APP	03/04/19
1	RESUBMITTAL	BY APP	04/24/18
1	INITIAL SUBMITTAL	BY APP	01/17/18

**8**

**9**  
SHEETS



## NEW CHAIN LINK FENCE WITH SCREENING FABRIC

(SEE SHEET 8 FOR FENCE SCREENING MATERIAL)

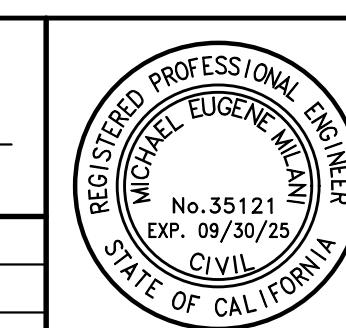


Planning  
Surveying & Mapping  
Land Development Engineering  
Municipal Engineering  
Construction Staking  
Environmental Engineering  
SWPPP Monitoring & Reporting

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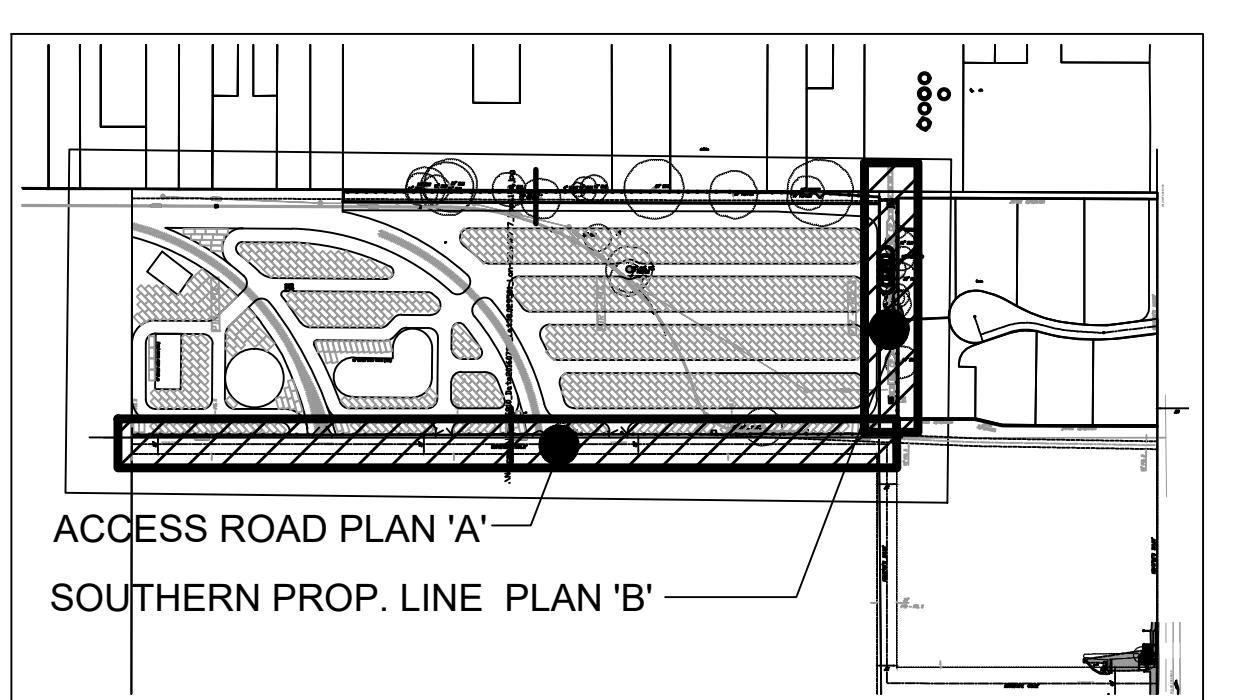
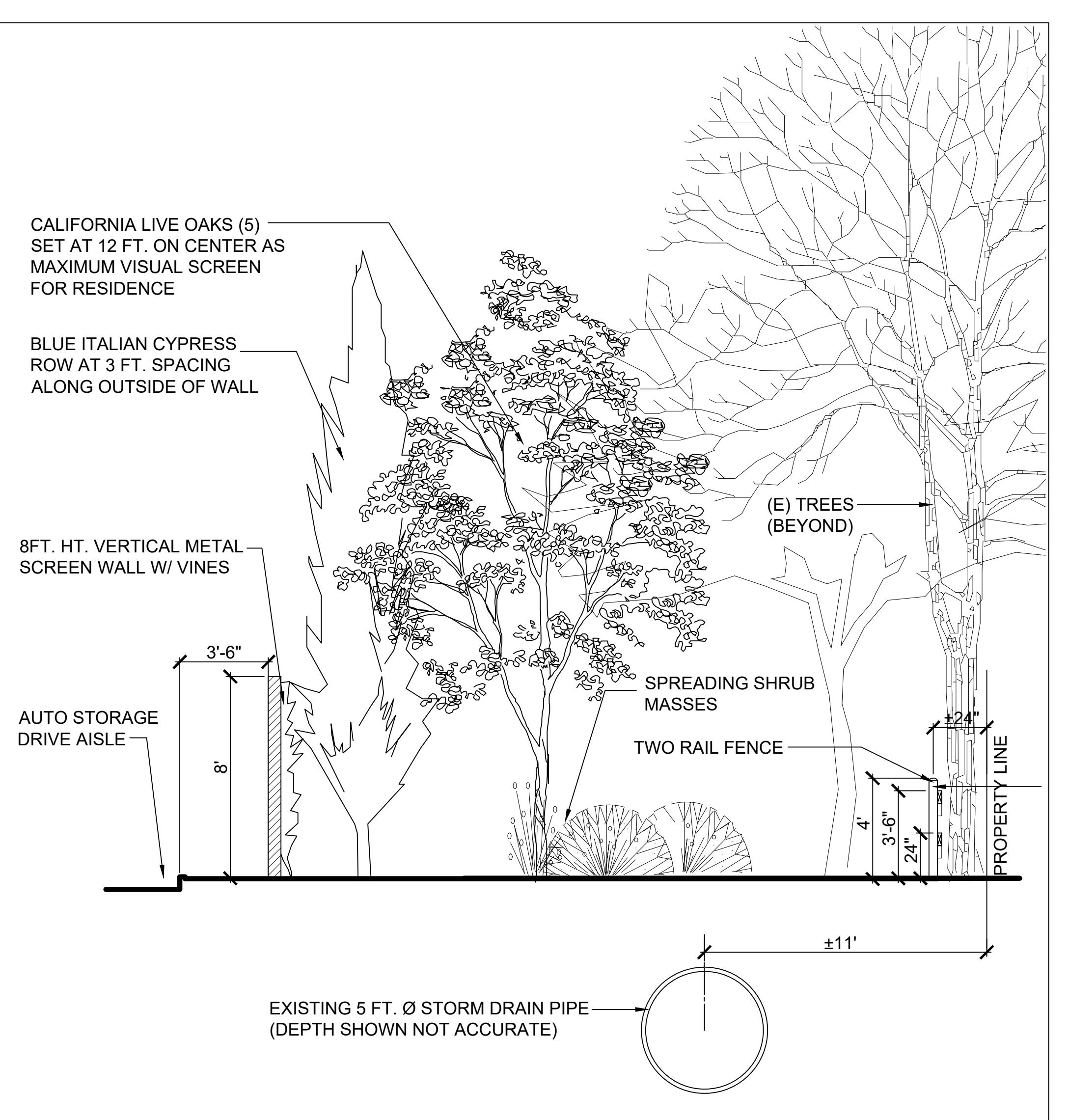
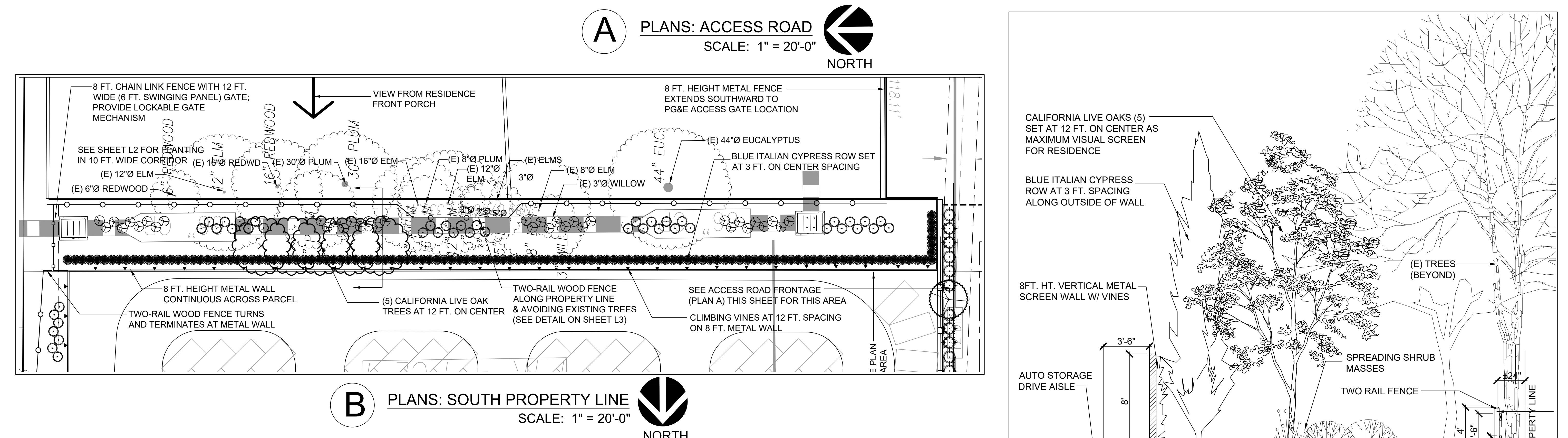
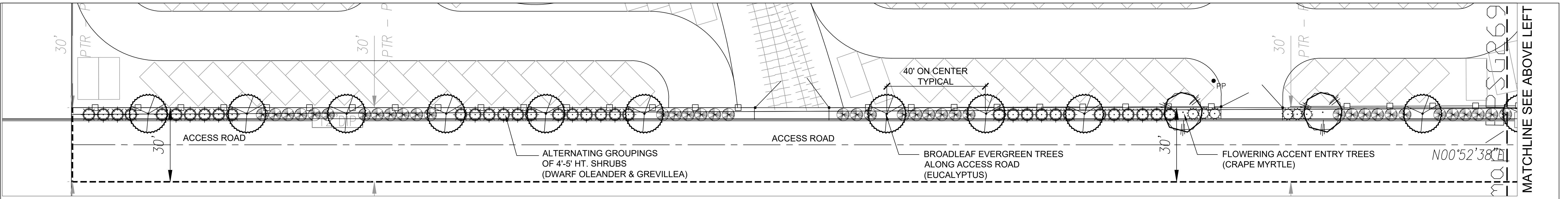
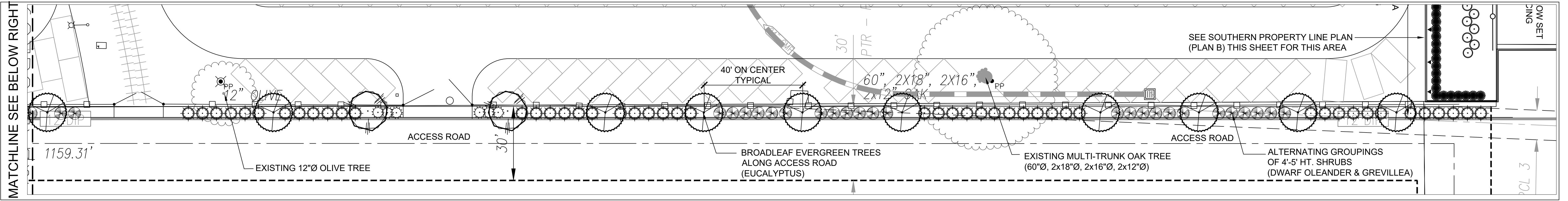
A.P.N. 098-240-031-9  
**USE PERMIT EXHIBIT**  
INSURANCE AUTO AUCTIONS STORAGE FACILITY  
CDDP18-03005  
BAY POINT  
2770 WILLOW PASS ROAD  
CONTRA COSTA COUNTY  
CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:  
*Michele Milani*  
MICHAEL MILANI  
R.C.E. No. 35121 REGISTRATION EXPIRES 09/30/25  
03/29/2022  
DATE  
DESIGN: SMS, LML  
DRAWN: SMS, LML  
CHECKED: KRA  
JOB NO: 1041  
DATE: OCTOBER 2023  
SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
1	RESUBMITTAL - EXISTING YARD ROCK			03/29/22	9
	RESUBMITTAL - PERIMETER LA REVISIONS			01/04/22	
	RESUBMITTAL			08/29/19	
	RESUBMITTAL			03/04/19	
	RESUBMITTAL			04/24/18	
	INITIAL SUBMITTAL			01/17/18	

REVIEW COPY  
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NOT FINAL  
THIS NOTICE TO BE REMOVED UPON  
COMPLETION OF MAP AND UPON  
AGENCY/CLIENT APPROVAL OF MAP



SITE MAP

RECEIVED on 07/16/2025 CDDP18-03005  
By Contra Costa County  
Department of Conservation and Development

SEE SHEET L4 FOR PLANT LIST & IMAGES

REVISIONS

- △ 03-23-23 COORDINATION
- △ 03-23-23 HOA Cmts
- △ 05-08-23 Eucalyptus HOA Cmts
- △ 05-08-23 Escomore HOA Cmts

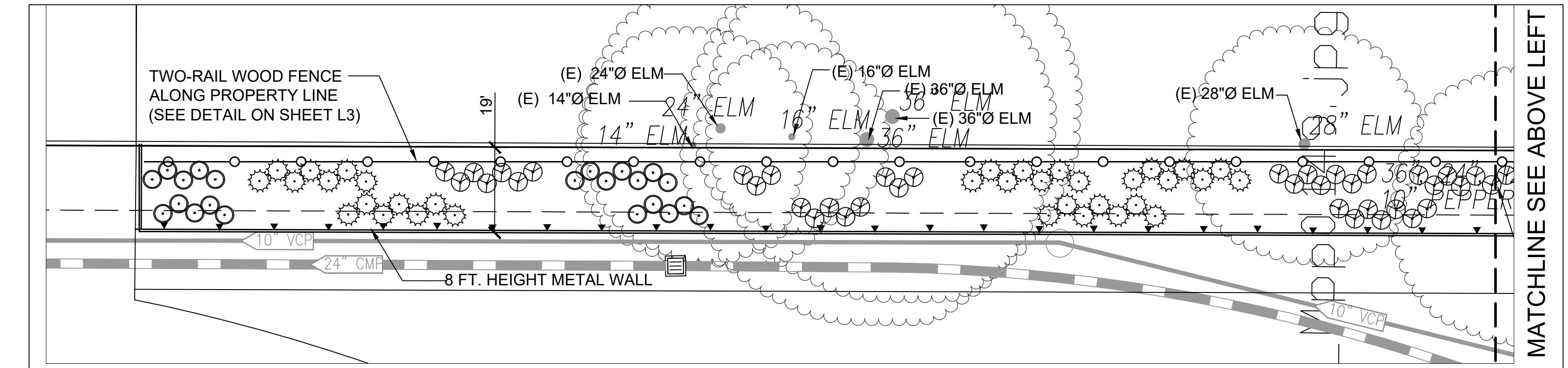
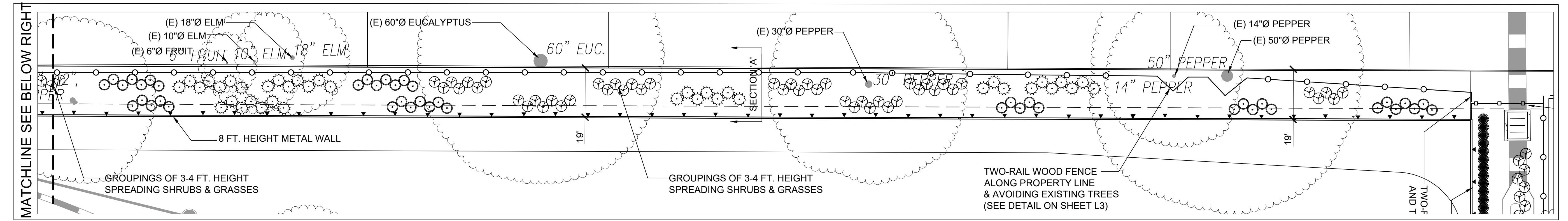
RW Stover & Associates, Inc.  
Landscape Architecture  
1620 North Main Street, Suite 4  
Walnut Creek, CA 94596  
Ph: 925.353.2383

INSURANCE AUTO  
AUCTIONS STORAGE  
BAY POINT, CALIFORNIA

PRELIMINARY  
LANDSCAPE  
PLANS

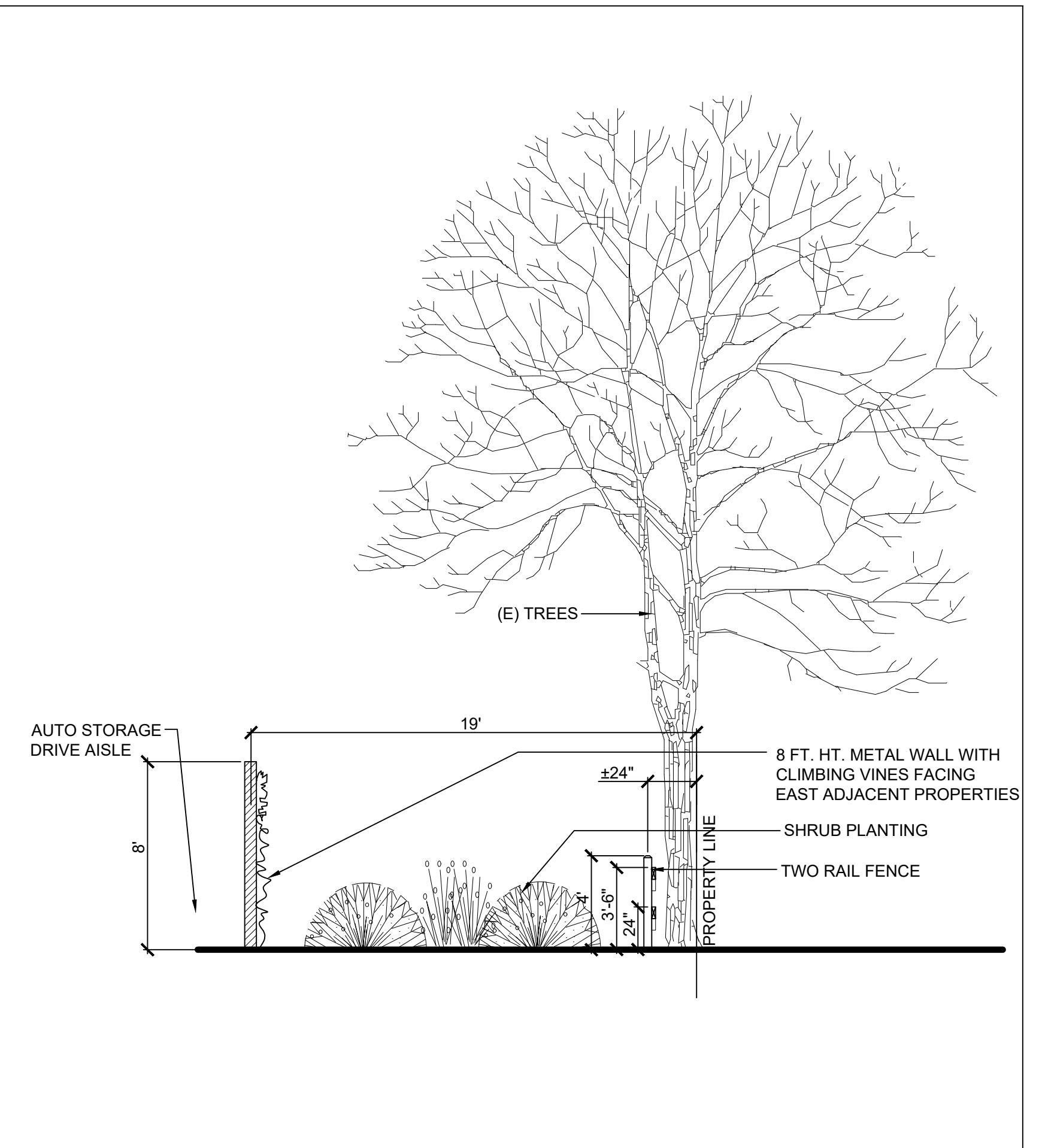
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CHECKED: JOB NO: \_\_\_\_\_  
DATE: 05-28-20  
SCALE: NOTED

SHEET  
L1  
OF SHEETS

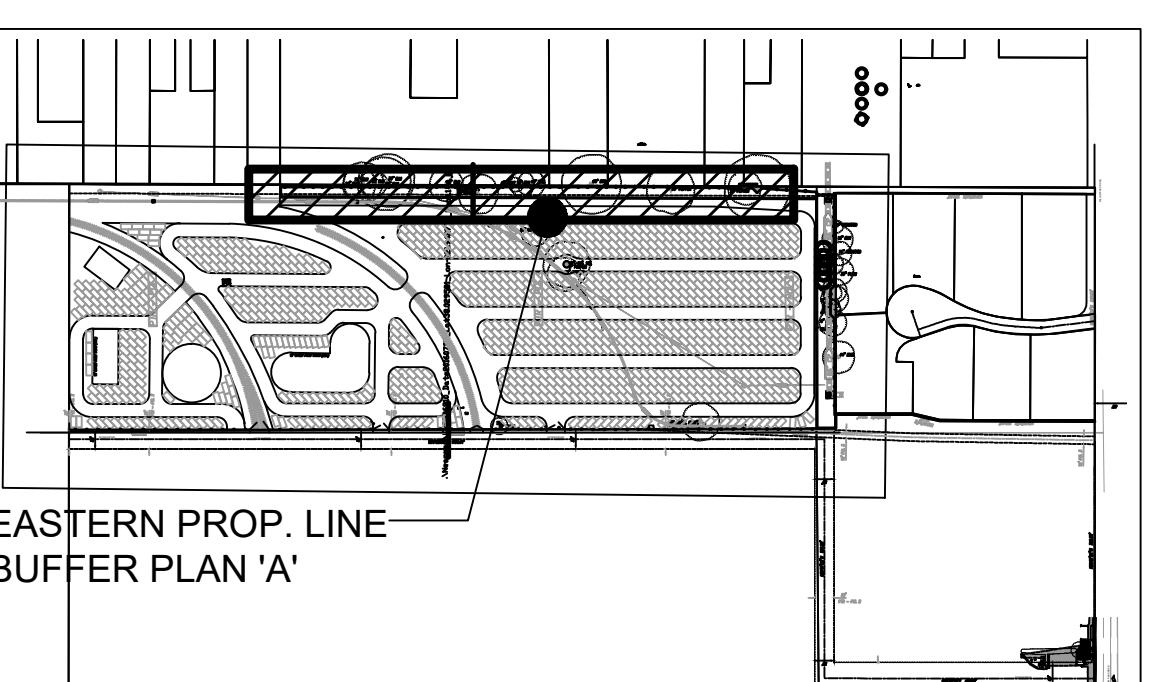


C

PLANS: EAST PROPERTY LINE  
SCALE: 1" = 20'-0"



SECTION 'A': EASTERN PROPERTY LINE BUFFER



SITE MAP

SEE SHEET L4 FOR PLANT LIST & IMAGES

PRELIMINARY  
LANDSCAPE  
PLANS

DESIGNED: RS DRAWN: RS  
CHECKED: JOB NO:  
DATE: 05-28-20  
SCALE: NOTED

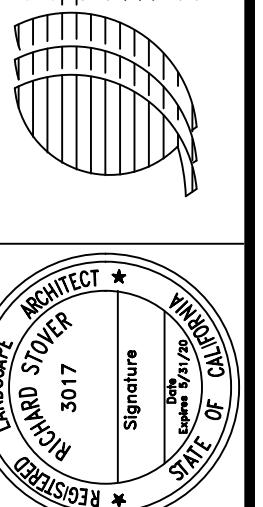
SHEET

L2

OF SHEETS

REVISIONS  
03-23-23 COORDINATION  
03-23-23 Sycamore HOA Cmnts  
05-08-23 Sycamore HOA Cmnts  
05-08-23 Sycamore HOA Cmnts

RW Stover & Associates, Inc.  
Landscape Architecture  
1620 North Main Street, Suite 4  
Mt. Pleasant, CA 94566  
Ph: 925.353.2585

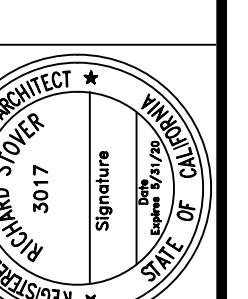


INSURANCE AUTO  
AUCTIONS STORAGE  
BAY POINT,  
CALIFORNIA

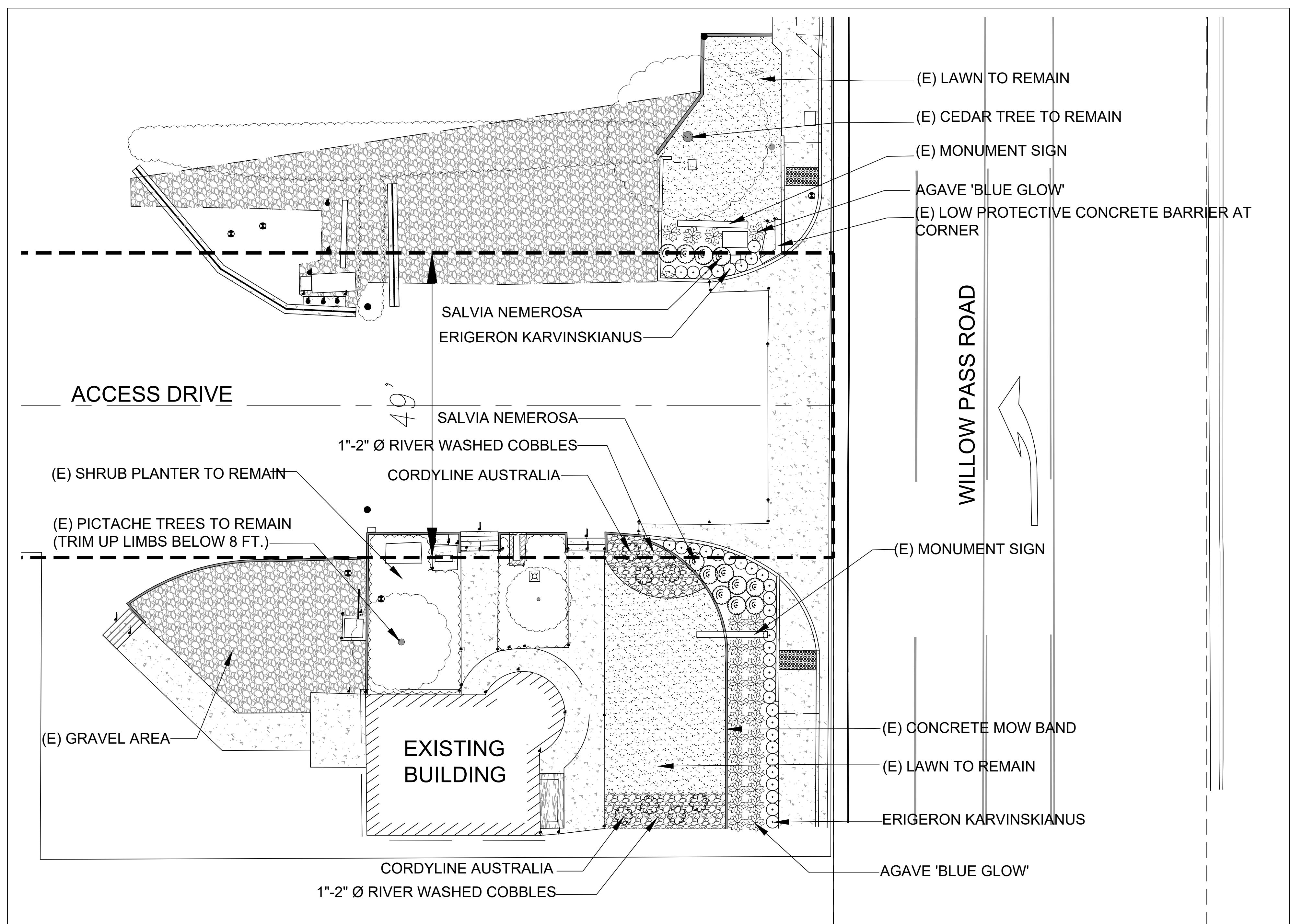
REVISIONS

△ 03-23-23 COORDINATION  
△ 03-23-23 Sycamore HOA Cmnts  
△ 05-06-23 Sycamore HOA Cmnts  
△ 05-06-23 Sycamore HOA Cmnts

RW Stover & Associates, Inc.  
Landscape Architecture  
1620 North Main Street, Suite 4  
Walnut Creek, CA 94596  
Ph: 925.935.2383

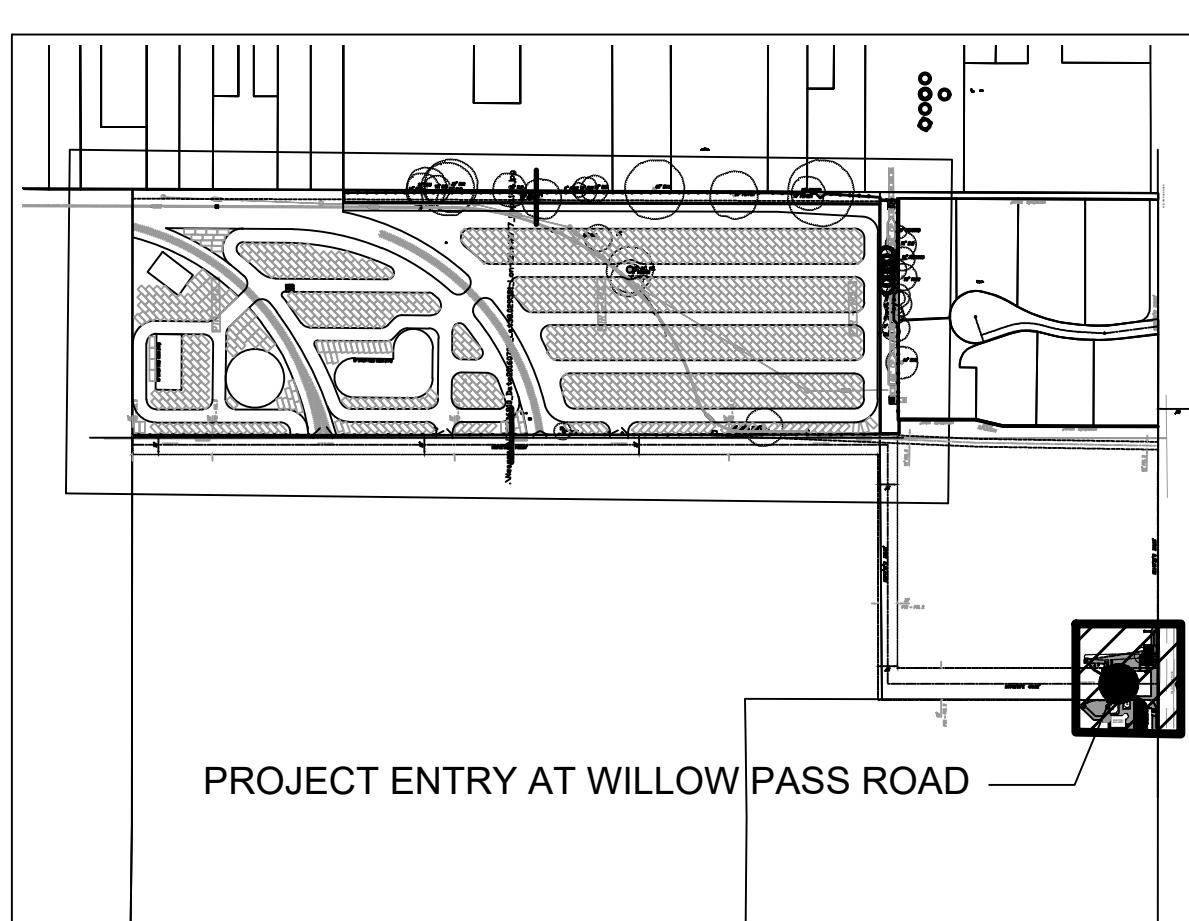


**INSURANCE AUTO  
AUCTIONS STORAGE**  
BAY POINT, CALIFORNIA



PLANS: ENTRY SOUTH OF PROPERTY LINE

SCALE: 1" = 10'-0"



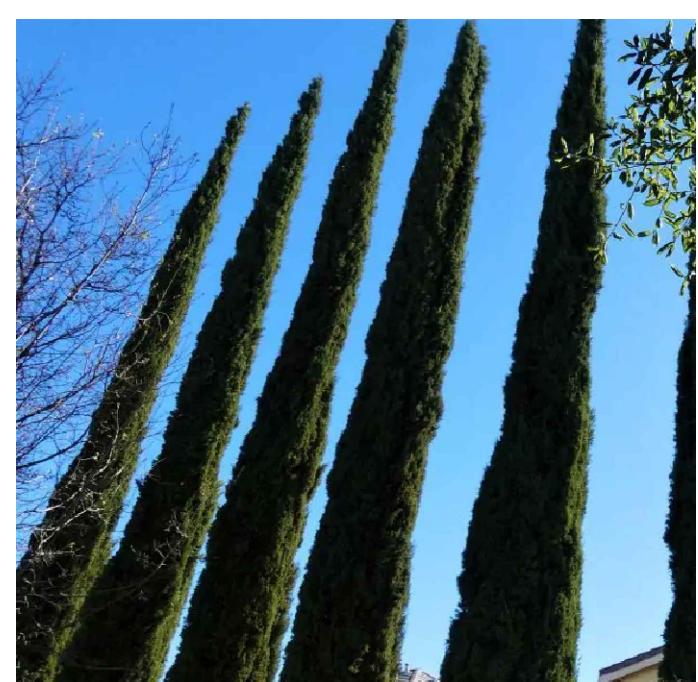
SEE SHEET L4 FOR PLANT LIST & IMAGES

**PRELIMINARY  
LANDSCAPE  
PLAN AT PROJECT  
ENTRY**

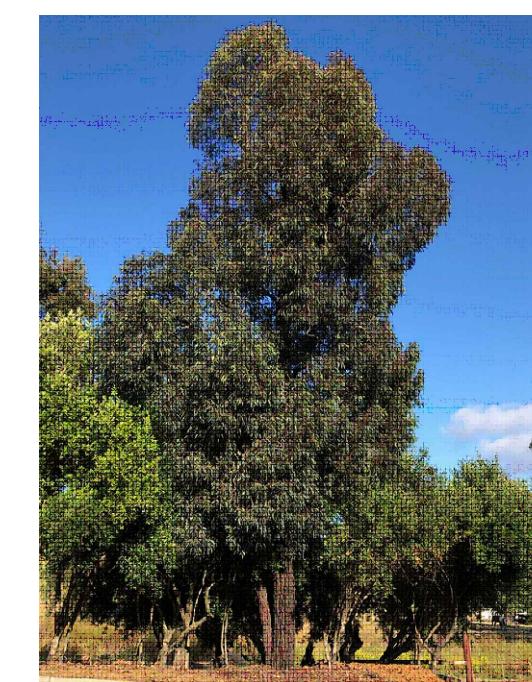
DESIGNED: RS DRAWN: RS  
CHECKED: JOB NO: \_\_\_\_\_  
DATE: 05-28-20  
SCALE: NOTED

SHEET  
L3  
OF SHEETS

# TREES



CUPRESSUS SEMPERVIRENS 'GLAUCA'  
(BLUE ITALIAN CYPRESS)



EUCALYPTUS SIDEROXYLON  
(RED IRONBARK)

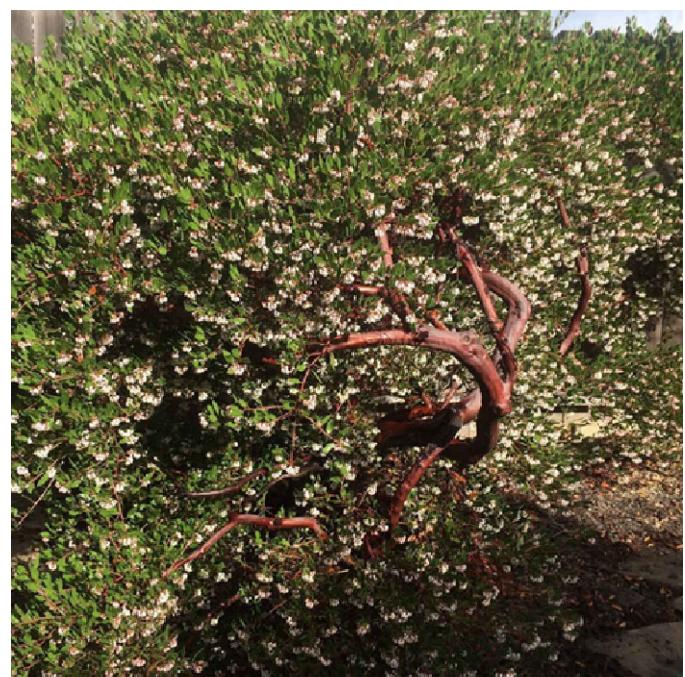


LAGERSTROEMIA F. 'TUSCARORA'  
(CRAPE MYRTLE)



QUERCUS AGRIFOLIA (CALIF. LIVE OAK)

# SHRUBS



MAZANITA 'HOWARD MCMINN' (MAZANITA)



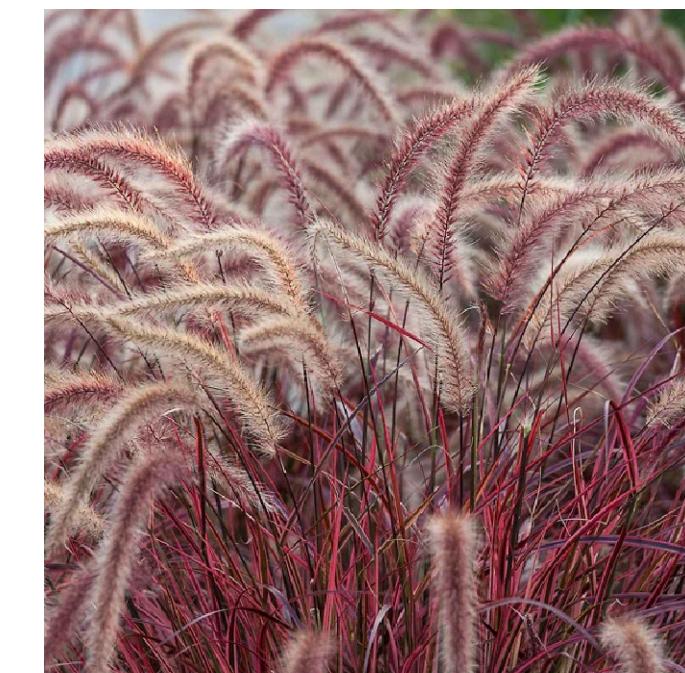
FRANGULA 'EVE CASE' (COFFEEBERRY)



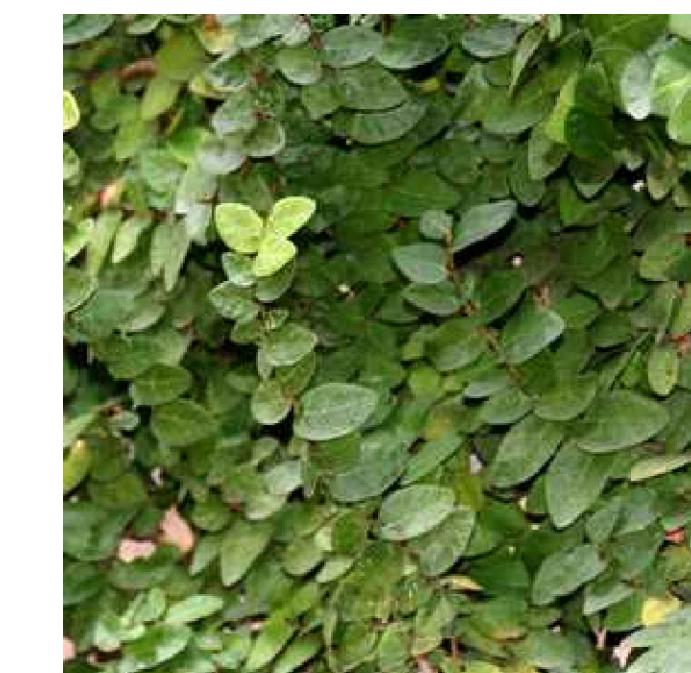
GREVILLEA 'NNOELII' (GREVILLEA)



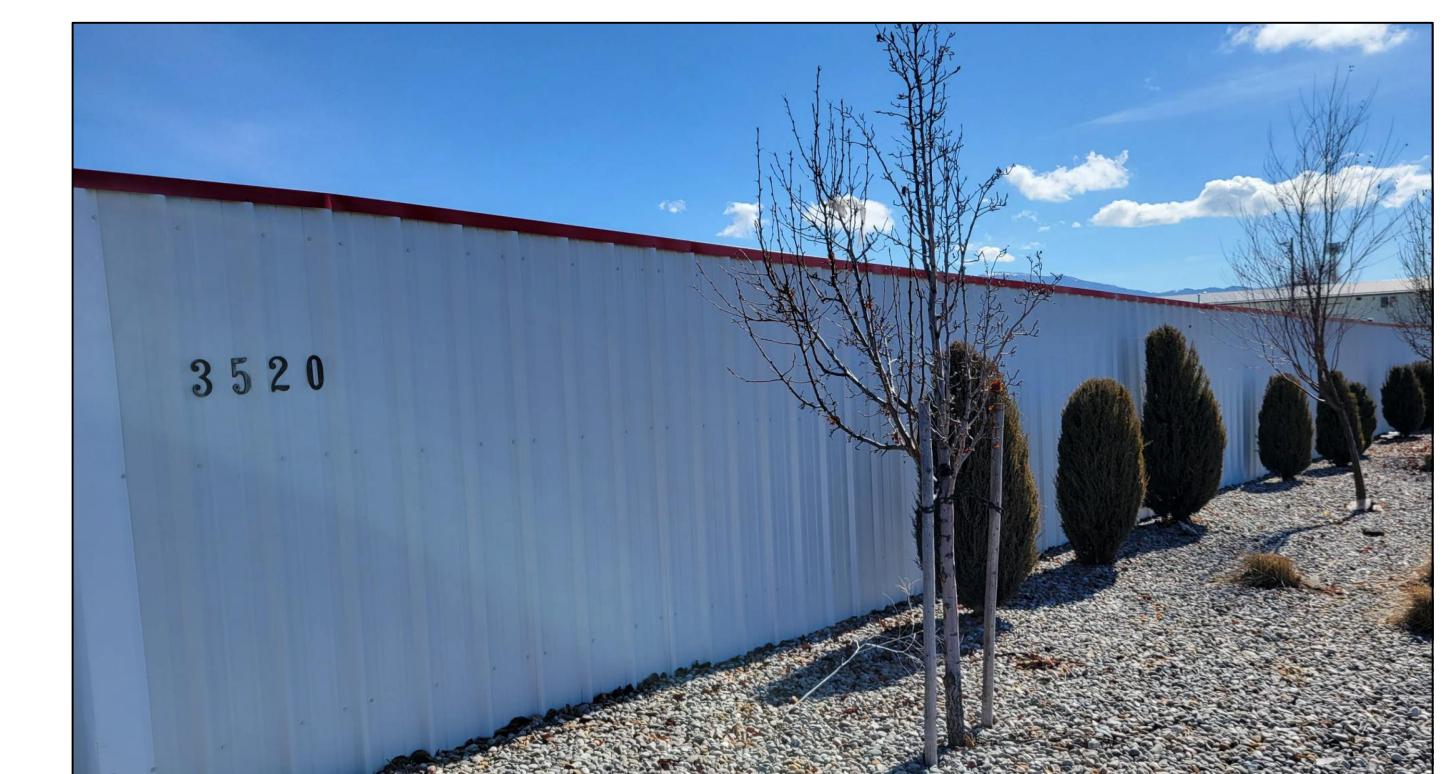
NERIUM OLEANDER 'PETITE PINK' (DWAR OLEANDER)



PENNISETUM 'RUBRUM' (RED FOUNTAIN GRASS)



FICUS PUMILA (CREEPING EVERGREEN FIG)



EXAMPLE IMAGE: 8 FT. HEIGHT METAL FENCE

## PLANT MATERIALS

### TREES:

SYMBOL	BOTANICAL NAME	COMMON NAME	WUCOLS WATER USE	SIZE	MATURE SIZE	NUMBER
	CUPRESSUS SEMPERVIRENS 'GLAUCA'	BLUE ITALIAN CYPRESS	LOW	15 GAL	60'Hx6'W	124
	EUCALYPTUS SIDEROXYLON	RED IRONBARK	LOW	15 GAL	40'Hx20'W	20
	LAGERSTROEMIA F. 'TUSCARORA'	CRAPE MYRTLE	LOW	15 GAL	25'Hx25'W	4
	QUERCUS AGRIFOLIA	CALIFORNIA LIVE OAK	VERY LOW 15 GAL		35'Hx30'W	5

### SHRUBS:

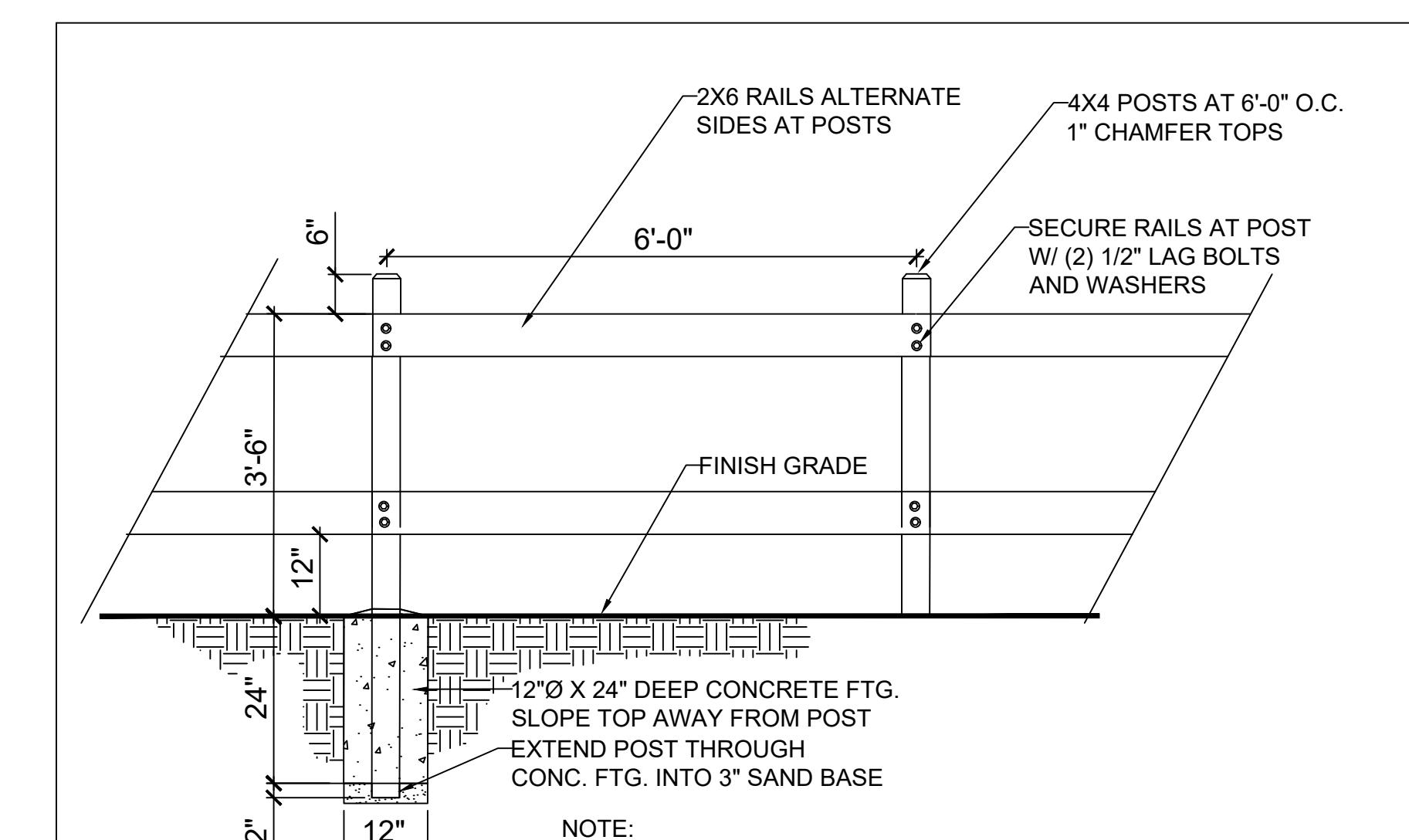
	AGAVE 'BLUE GLOW'	AGAVE	LOW	5 GAL	2'Hx3'W	28
	ARCTOSTAPHYLOS 'HOWARD MCMINN'	MCMINN MANZANITA	LOW	5 GAL	4'Hx5'W	101
	CORDYLINE AUSTRALIS 'RED STAR'	DRACENA	LOW	5 GAL	6'Hx3'W	7
	ERIGERON KAR. 'MOERHEIMII'	SANTA BARBARA DAISY	LOW	1 GAL	1'Hx2'W	38
	FRANGULA C. 'EVE CASE'	COFFEEBERRY	LOW	5 GAL	4'Hx5'W	122
	GREVILLIA 'NOELII'	GREVILLEA	LOW	5 GAL	4'Hx4'W	65
	NERIUM O. 'PETITE PINK'	DWARF OLEANDER	LOW	5 GAL	4'Hx5'W	82
	PENNISETUM 'RUBRUM'	RED FOUNTAIN GRASS	LOW	5 GAL	4'Hx4'W	76
	SALVIA NEMEROSA 'OSTFRIESLAND'	PURPLE SAGE	LOW	5 GAL	X'Hx4'W	12

### VINES:

	FICUS PUMILA	CREEPING EVERGREEN FIG	LOW	5 GAL	13' SPREAD	99
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### GENERAL NOTES:

1. ALL PLANTING AREAS SHALL RECEIVE A 3" MINIMUM DEEP LAYER OF FIR BARK DRESSING.
2. ALL PLANTING SHALL BE WATERED BY FULLY AUTOMATIC, WATER-CONSERVING LOW-PRECIPITATION BUBBLER IRRIGATION SYSTEM WITH WEATHER-BASED CONTROLLER OPERATION.



RAIL FENCE DETAIL

NOSCALE

PLANT LIST  
IMAGES AND  
DETAIL

DESIGNED:  
RS  
DRAWN:  
RS  
CHECKED:  
JOB NO:  
DATE:  
05-28-20  
SCALE:  
NOTED

SHEET

L4

OF SHEETS

REVISIONS

△ 03-23-23	COORDINATION
△ 03-23-23	HOA Cmts
△ 05-08-23	Sycamore HOA Cmts
△ 05-08-23	Sycamore HOA Cmts

RW Stover & Associates, Inc.  
Landscape Architecture  
1620 North Main Street, Suite 4  
Walnut Creek, CA 94596  
Ph: 925.353.2383

REGISTERED ARCHITECT \*  
SACRAMENTO #093H \*  
Signature  
Date of  
Signature  
3017

INSURANCE AUTO  
AUCTIONS STORAGE  
BAY POINT,  
CALIFORNIA



# Department of Conservation and Development

## County Zoning Administrator

### Wednesday, July 6, 2022 – 1:30 P.M.

#### STAFF REPORT

Agenda Item # \_\_\_\_\_

---

<b>Project Title:</b>	Automobile Storage Facility Expansion, Bay Point
<b>County File(s):</b>	#CDDP18-03005
<b>Applicant:</b>	Rod Schlenker c/o Insurance Auto Auctions, Inc.
<b>Owner:</b>	NGL SF Bay Storage & Transfer, LLC
<b>Zoning/General Plan:</b>	Planned Unit Development (P-1) District / Heavy Industry (HI), Single-Family Residential - Low (SL)
<b>Site Address/Location:</b>	2770 Willow Pass Road, Bay Point / (APN: 098-240-031)
<b>California Environmental Quality Act (CEQA) Status:</b>	A Mitigated Negative Declaration (MND) was prepared indicating that no significant environmental impacts will be created by the proposed project.
<b>Project Planner:</b>	Grant Farrington, Planner II (925) 674-7797
<b>Staff Recommendation:</b>	Approve (See Section II for Full Recommendation)

---

#### I. PROJECT SUMMARY

A request for approval of a development plan for the expansion of an existing Insurance Auto Auctions storage facility onto an adjacent vacant 10.35-acre property. The proposed expansion would allow the storage of an additional 1,136 vehicles bringing the total number of vehicles permitted to be stored at the facility to approximately 4,436. The applicant is also requesting approval of a deviation to the Bay Point P-1 for 7.5% of the subject lot to be landscaped (where 10% of the lot is required to be landscaped) and approval of a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter. The applicant is also requesting approval of an exception to the collect and convey requirements of Division 914 of the County Code.

## **II. RECOMMENDATION**

Staff recommends that the Zoning Administrator approve County File #CDDP18-3005, by taking the following actions:

- A. ADOPT the Initial Study and Mitigated Negative Declaration finding that there is no substantial evidence that the project will have a significant effect on the environment and this reflects the County's independent judgement analysis;
- B. ADOPT the Mitigation Monitoring and Reporting Program;
- C. APPROVE the proposed Development Plan by ADOPTING the attached findings and conditions of approval;
- D. APPROVE the proposed Tree Permit, by ADOPTING the attached findings and conditions of approval;
- E. DIRECT staff to file a Notice of Determination with the County Clerk.

## **III. GENERAL INFORMATION**

- A. Environs – The subject property is a 10.35-acre vacant lot located in the Bay Point area of the county. The subject property will be used to expand the existing auto storage facility located to the north on an adjacent 31.53-acre property (APN: 098-240-024). The subject property is surrounded by industrial to the north and west and residential uses, including a trailer park, to the east and south. Most of the surrounding lots have been developed according to their respective land uses. Highway 4 is located approximately 0.53 miles south of the property, the Pittsburg city limit is approximately 0.49 miles east of the property, and the Suisan Bay waterfront is approximately 1.13 miles north of the site.
- B. General Plan – The subject property is located within the Heavy Industry (HI) and Single-Family Residential-Low (SL) General Plan Land Use designations.
- C. Zoning District – The subject property is located within the Bay Point Planned Unit Development (P-1) zoning district.

D. California Environmental Quality Act (CEQA) – A mitigated negative declaration (MND) was posted on October 21, 2021, for a 30-day public comment period. Impacts to aesthetics, biological resources and hydrology/water quality were identified as potentially significant unless mitigated. The applicant has agreed to mitigations that reduce such impacts to less than significant levels.

E. Lot Creation: The subject property was originally part of a portion of Section 11 T2N R1W. The applicant has provided a chain of title for the subject property going back to 1946 Based on the chain of title, the lot was created by conveyance in 1973. Approval of the current development plan application, along with the attached conditions of approval result in the creation of a "real property" that has been approved for development in accordance with Section 66499.34 of the Subdivision Map Act.

F. Previous Applications:

- a. CDLP02-02009: A land use permit to expand the existing vehicle storage yard located on the 31.53-acre parcel (APN:098-240-024) to the north of the subject property, from 15 acres to 25.5 acres which includes an area for auto auctions. This application was approved by the Zoning Administrator on January 27, 2003.
- b. CDLP98-02056: A land use permit to establish a vehicle storage facility on APN: 098-240-024 that included an office building and covered parking structure. This application was approved by the Zoning Administrator on October 12, 1998.
- c. ZI97-7759: A zoning investigation file for which no information is available.

#### **IV. SITE/ AREA DESCRIPTION**

The subject property is located in an established heavy industrial area of Bay Point. The property is 10.35 acres in total area, a rectangularly-shaped parcel, with a panhandle extension abutting Willow Pass Road. Even though the site has a frontage along Willow Pass Road, it is inaccessible and the property is accessed from the adjacent parcel, APN:098-240-024. The site is predominantly flat and the only existing structures are several abandoned storage tanks. Three rail spurs are also present on the site. Adjacent properties to the east of the subject lot are

residential in nature with single-family and multi-family residences present.

Previously, a business operated the storage of propane on the subject lot but no planning or building permit history could be obtained establishing any previous valid use on the existing site. The lot is vacant but is adjacent to a parcel that has an established land use that is identical to what is proposed on the subject lot.

**V. PROJECT DESCRIPTION**

The applicant requests approval of a development plan to allow the expansion of the existing auto storage facility, located on the adjacent 31.53-acre property to the north, to allow the storage of approximately 1,136 additional theft recovered and damaged vehicles. A deviation to the Bay Point P-1 development standards to landscape approximately 7.5% of the subject lot (where 10% of the lot is required to include landscaping) is also requested along with a request for approval of a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter. No additional development is proposed with this project although security improvements would be made to the perimeter fencing. The project would be an expansion of the land use on the adjacent parcel currently approved under County File #CDLP02-02009. The project is broken up into three phases. Phase 1 includes the storage of 799 automobiles at the southern end of the lot in five parking zones. Phase 2 includes the storage of 204 automobiles in an additional five parking zones located in the central portion of the lot. Phase 3 includes 133 additional parking spaces in four parking zones at the north end of the lot.

The current business operation conducted by Insurance Auto Auctions, Inc. on the adjacent parcel was originally established by County File #CDLP98-02056. County File #LP02-2009 expanded the allowed use from 15 acres to 25.5 acres and established the auction business on the site. Tow trucks arrive daily, Monday through Friday, to deliver theft recovered and damaged vehicles for temporary storage and auctions. The vehicles delivered by tow trucks are collected and evaluated, then the titles are processed through the California Department of Motor Vehicles so they may be auctioned off to the public. Auctions are conducted every Tuesday which brings in approximately 80 cars to participate in the auctions in addition to the regular tow truck traffic.

This development plan application would expand the existing overall facility site from 25.5 acres to 35.9 acres by including the subject vacant parcel. Currently, the

adjacent parcel with the approved land use has the storage capacity for approximately 2,913 vehicles and the project would increase the overall capacity of Insurance Auto Auction's facility by an additional 1,136 vehicles. As a requirement of the Contra Costa Fire Protection District, the proposed development is required to include the removal of the existing storage tanks on the subject lot prior to Phase 2 of the project and the primary entrance and exit to the lot would be located by a private driveway from the adjacent parcels, 098-240-021, 098-240-024 and 098-240-052. Circulation of traffic to and from the site would occur between 8:00am and 5:00pm Monday through Friday. No paving of the site is proposed and length of storage duration for the theft recovered and damaged vehicles would be subject to the processing time it takes to prepare the vehicles for auction. The existing designated location for vehicle auctions would remain on the adjacent parcel with no alteration.

## **VI. AGENCY COMMENTS**

- A. Contra Costa Mosquito & Vector Control District: In a letter dated January 30, 2018, the District staff indicated that the project should employ measures so that no vehicle, container, swale, or other on-site feature retains standing water longer than 72 hours in order to prevent mosquito breeding on the premises.
- B. Department of Conservation and Development, Conservation Section: In a letter dated January 29, 2018, Conservation staff noted that the project is exempt from the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan compliance.
- C. Department of Conservation and Development, Building Inspection Division: In a returned Agency Comment Request form dated February 16, 2018, Building Inspection staff commented that compliance with current building codes is required.
- D. Contra Costa Environmental Health (CCEH): In a letter dated February 1, 2018, CCEH staff indicated that a permit from CCEH is required for any well or soil boring prior to commencing drilling activities and any abandoned wells and septic tanks must be destroyed under permit. In addition, debris from construction or demolition activity must go to a solid waste or recycling facility that complies with requirements and lawfully accepts the materials.

- E. Contra Costa Fire Protection District (CCCFPD): In a letter dated February 2, 2018 CCCFPD staff stated that removal of all above ground tanks, adequate and reliable water supply and a minimum 20-foot wide access would be required prior to any approval of the project by the district.
- F. Contra Costa Public Works Department: In a letter dated May 10, 2022, the Public Works staff issued a staff report and conditions of approval with findings for an exception to the County's collect and convey requirements for the project.
- G. Bay Point Municipal Advisory Council (MAC): At the Bay Point MAC meeting held on Tuesday March 5, 2019, the committee unanimously decided that they could not support the project. The committee had concerns about the removal of trees as well as additional automobiles being stored in the area. At the time of this recommendation, the MAC reviewed an earlier iteration of the proposed project that included 100 additional parking spaces and no landscaping buffer adjacent to the residential neighborhoods to the south and to the east. In addition, the project has since been revised to include tree plantings to replace the existing trees intended for removal.
- H. City of Pittsburg: No comments were received from the City of Pittsburg prior to the preparation of this report.

## **VII. PUBLIC COMMENTS**

A mitigated negative declaration (MND) was posted for a 30-day comment period on October 21, 2021. Three letters were received after the comment period related to the project. Although the letters were received outside of the comment period and do not explicitly challenge the CEQA findings for the project, below is a summary of the objections to the project along with staff responses.

### **Letter from Larry Estes of 1 Sycamore Court, Bay Point:**

**Objection Point #1:** Mr. Estes is opposed to the development plan project because it will negatively impact surrounding property values and the additional vehicles stored on site will cause environmental issues including ground contamination and increased local emissions.

**Staff Response:** Staff has not been provided any evidence that the project or the existing approved land use on the adjacent parcel has or will negatively impact property values in the future. The proposed expansion of the previously approved land use is not inconsistent with the Heavy Industrial General Plan designation on the subject lot. The project also includes a vegetation and fencing buffer of approximately 30 feet between the parcels located on Sycamore Court and the subject property.

The proposed development plan does not include increased truck traffic entering and exiting the access point to the site located on Willow Pass Road. All vehicles intended for storage are to be drained of all fluids prior to the transportation to and storage on the site, thus mitigating the possibility of ground contamination.

**Objection Point #2:** Mr. Estes wishes for the applicant to propose an alternative site for the project.

**Staff Response:** The applicant has only submitted project plans pertaining to the subject parcel for review and approval for the Department of Conservation and Development (DCD). Should the applicant propose an alteration to this project or submit for a new project, DCD staff will review it at that time.

**Letter from Edward and Christina Swan, 5 Sycamore Court, Bay Point:**

**Objection Point #1:** Mr. and Mrs. Swan object to the project because the removal of the code-protected trees will generate additional traffic.

**Staff Response:** The trees intended for removal will be replaced with new trees to be located along property lines for visual screening purposes. The project will not change the existing ingress or egress at Willow Pass Road nor will result in additional vehicles to the previously approved facility. Access to the subject parcel will be located at the north property line where no trees are presently located.

**Objection Point #2:** Mr. and Mrs. Swan assert that the storage of automobiles on the subject property will contribute pollutants of waterways.

**Staff Response:** As stated above, all vehicles are drained of fluids prior to the transportation and storage at the subject lot. As conditioned the applicant will be required to submit a Storm Water Pollution Prevention Plan for the project that is

subject to review by the Contra Costa Public works department prior to the storage of any vehicles on the site.

**Letter from Anton Shelton of 8 Sycamore Court, Bay Point:**

**Objection Point #1:** Mr. Shelton opposes the project because it will generate environmental and noise pollution.

**Staff Response:** The mitigated negative declaration prepared as part of this project addresses potential environmental and noise impacts of the proposed development. As stated above the project will not increase truck traffic for the existing approved land use facility and all vehicles intended for storage are drained of fluids prior to entering the facility. Noise as a result of truck traffic is not expected to increase significantly over what is existing and the project includes a 30-foot screening and landscaping buffer between the subject parcel and the residential lots on Sycamore Court.

**Objection Point #2:** Mr. Shelton states the project will negatively impact property values in the area.

**Staff Response:** As stated above, staff has not been provided any evidence that the project will negatively impact property values if approved.

**VIII. STAFF ANALYSIS AND DISCUSSION**

A. **General Plan:** The subject property is located in an area of the County with the Heavy Industrial (HI) and Single-Family Residential (SL) Land Use designations. The project would be located entirely on the portion of the property that is designated as Heavy Industrial. Generally speaking, the intent of the HI designation is to allow activities requiring large areas of land with convenient, truck, ship and/or rail access. The existing previously approved land use that is to be expanded as part of this project is the storage of automobiles which is considered a light industrial use per the General Plan. Light industrial uses can be allowed on lots designated as HI and can be developed to the standards outlined in the LI designation of the County General Plan however there is no development proposed with this project nor are there any employees to be permanently located on the subject parcel during normal business hours. Lands that are designated as HI require spatial separation from adjacent residential areas. The proposed auto storage yard expansion will include a 30-

foot buffer along the southern property line and a 12-foot buffer along the eastern property line that includes fencing and landscaped screening in order to maintain the required special separation. The presence of the landscaping buffer is a modification to previous project plans which will result in 100 fewer cars being stored on site and 37 trees to be planted as well as additional shrubs and climbing vines along the proposed security fence.

*General Plan Policies for the Bay Point Area*

The County General Plan has adopted policies for specific geographic areas of the County in addition to the countywide policies. Pursuant to the General Plan's Map of Unincorporated Communities with Adopted Area Policies, the subject property is located within the Bay Point specific geographical area. Policy 3-78 of this Land Use section outlines several policies to guide development in the area including:

- a) upgrading community appearances by encouraging new development to replace antiquated developments;
- b) Provide for well-designed projects that limit vehicular access to traffic arterials;
- c) Discourage new areas of expansion or strip development in the community;
- d) Achieve and maintain a healthy environment for people and wildlife that minimizes health hazards.

The proposed expansion of the automobile storage facility will replace a vacant lot that was previously developed for a propane storage business. The existing conditions of the lot include vacated propane storage tanks, rail spurs and several trees. The project will not include any heavy industrial development that would otherwise conflict with these policies. The project also includes the erection of security and privacy screening measures that include new fencing and landscaping to provide screening of the proposed storage of automobiles. The project will utilize the existing vehicular access to the adjacent parcel that is currently approved for the use of automobile storage and will not require any additional access points from Willow Pass Road that would otherwise increase traffic to the arterial road. The MND that

was prepared as part of this review has included a Mitigation Monitoring and Reporting Program to reduce any potential adverse health hazards for people and wildlife within the Bay Point area.

- B. Zoning: The subject property is located within the Bay Point Planned Unit (P-1) Zoning District. The Bay Point P-1 district ensures that future growth and development occurs in accordance with the adopted elements of the County General Plan, Bay Point Redevelopment Plan, encourages innovations in land development and renewal, encourages development of vacant and marginal properties within established areas and protects existing residential neighborhoods from harmful encroachment by intrusive or disruptive development and uses. The project would be an expansion of an existing land use that was approved prior to the adoption of the Final Development Plan for the Bay Point P-1 Zoning District. The project will develop a vacant property within an established industrial area and maintain a necessary buffer with the adjacent residential land uses.
- C. Bay Point Planned Unit District (P-1) Redevelopment Area: The proposed project is located within the designated Bay Point P-1 Redevelopment Area and is subject to the development standards, design guidelines and conditions of approval of the approved final development plan. The Development Policies of the Conditions for Development and Use of Property in the Bay Point Area (Conditions #37-47) provide specific criteria for all land use projects in the Bay Point area. The proposed expansion of the theft-recovered automobile storage facility will maintain the continued compliance of these conditions including the consideration of design compatibility with existing adjacent development, no alteration to the existing vehicular circulation system for the subject and adjacent lots and by providing an adequate buffer zone with adjacent unlike land uses.

The project will require a deviation from the development standards for the Bay Point area for required landscaping of Heavy Industrial parcels. The subject parcel is a 10.35-acre lot which would require approximately 45,000-square-feet of landscaping to comply with the minimum 10% landscaped area requirement. The proposed project will include approximately 34,000-square-feet of landscaping as a buffer along the property line areas that border adjacent residential land uses including the existing vegetation located on the 10-foot-wide panhandle extension fronting Willow Pass Road. Thus, the requested deviation meets the intent and purpose of the Bay Point Planned

Unit District.

The project is also subject to the Bay Point Redevelopment Area Design Guidelines. The purpose of the Design Guidelines is to minimize visual and noise impacts of commercial and industrial uses on adjacent residential areas which includes comprehensive screening and landscaping for industrial areas. There is no development proposed with this project that would otherwise conflict with the guidelines and the project includes specific provisions to comply with the guideline requirements including dense climbing vines on chain link fences that are six feet in height, a landscaping plan that serves to provide a buffer at shared property lines and a main vehicular entry to the site away from nearby residential development. The Universal Guidelines section of the Bay Point Redevelopment Area Design Guidelines requires an exterior lighting plan however lighting is not proposed as part of this project as a security measure and to mitigate any potential light pollution that would otherwise be captured on adjacent residential lots. Therefore, the project meets the intent and purpose of the Design Guidelines.

- D. Trees: The County Tree Protection and Preservation ordinance aims for to preserve certain trees in the unincorporated area of the county in the interest of public health, safety, and in welfare in addition to environmental stability, beauty and privacy screening concerns. Any removal of trees or work within the drip line would require factors to be made for the approval of granting the tree permit. The proposed storage of theft-recovered automobiles would require the removal of 41 trees that are code-protected due to the availability to develop the lot. As a result, the applicant has included a landscaping plan that includes the planting of 37 trees. The existing trees are located sporadically throughout the 10.35-acre parcel and the replacement trees will be located along the perimeter of the subject property to serve as a screening buffer. Due to the location of the existing trees as well as the information on the type and health of the trees provided in the accompanying arborist report prepared by licensed arborist Timothy Ghiradelli, the project satisfactorily meets the required factors for granting a tree permit as conditioned.
- E. Exception to Title 9 Requirements: Chapter 914-2 of the Contra Costa Code requires collect and convey standards for storm water drainage in order to protect a subdivision from flood hazard, inundation, sheet overflow and ponding as a result of storm waters. Since the project does not include any new development and will utilize all existing infrastructure to and from the

site, the project will not concentrate any storm water as a result that would otherwise conflict with Chapter 914-2. Public Works has reviewed this project and determined that there are no existing drainage problems in the area and with no development proposed, concentrated runoff is not anticipated to be directed at any adjacent parcels and the existing drainage patterns will be maintained. Thus, the project satisfies the findings and requirements for granting an exception to Title 9 of the County Code.

F. Appropriateness of the Use: The project site is within an established heavy industrial area of Bay Point that is adjacent to single and multi-family residential housing. The proposed expansion of a theft-recovered automobile storage facility on a vacant lot is compatibility with the Heavy Industrial General Plan land use designation as well as a permitted use within the Bay Point Planned Unit District. No portion of the project is to be located on the area of the parcel that is designated as single-family residential. The proposed landscaping and screening elements will provide a buffer between the lot and the adjacent residential land uses. There is no development proposed and the project will not require any additional vehicular access from Willow Pass Road. The requested deviation to the minimum landscaped area meets the intent and purpose of the development standards and as conditioned the project meets the required factors for granting a tree permit. Thus, the project as proposed is appropriate for the area.

## **IX. CONCLUSION**

As proposed, the applicant requests approval of a development plan to allow for the storage of approximately 1,136 theft-recovered and damaged vehicles on a vacant lot as an expansion of an existing Insurance Auto Auction vehicle storage facility approved through County File #CDLP98-02056. The request for approval also includes a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter. The project would include the expansion of an approved land use to a vacant industrial lot that includes no development or permanent employees on the subject parcel nor additional traffic to and from existing access point located to the west of the lot on Willow Pass Road. A landscaping and tree planting plan has been included with this project which has reduced the overall storage capacity by 100 vehicles over previous plans and has provided necessary screening and landscaping required by the Bay Point Planned Unit District design guidelines. The request for a deviation from the minimum landscaped area meets the intent of the P-1 development standards. As

conditioned the project meets the required factors of Chapter 816-6 for granting a tree permit. Staff has made the requisite findings for the exception requests to Title 9 of the Contra Costa Code. Therefore, staff recommends that the Zoning Administrator approve County File #CDDP18-03005 based on the attached findings.



# Department of Conservation and Development

## County Zoning Administrator

Monday, November 21, 2022 – 1:30 P.M.

### STAFF REPORT

Agenda Item # \_\_\_\_\_

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<b>Project Title:</b>	Schlenker Temporary Automobile Storage Site Development Plan
<b>County File(s):</b>	#CDDP18-03005
<b>Applicant:</b>	Rod Schlenker c/o Insurance Auto Auctions, Inc.
<b>Owner:</b>	NGL SF Bay Storage & Transfer, LLC
<b>Zoning/General Plan:</b>	Planned Unit Development (P-1) District / Heavy Industry (HI), Single-Family Residential-Low (SL)
<b>Site Address/Location:</b>	2770 Willow Pass Road, Bay Point / APN: 098-240-031
<b>California Environmental Quality Act (CEQA) Status:</b>	A Mitigated Negative Declaration (MND) was prepared indicating that no significant environmental impacts will be created by the proposed project.
<b>Project Planner:</b>	Grant Farrington, Planner II (925) 655-2868

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## CONTINUED PUBLIC HEARING ITEM

### I. PROJECT SUMMARY

A request for approval of a development plan for the expansion of an existing Insurance Auto Auctions storage facility onto an adjacent vacant 10.35-acre property. The proposed expansion would allow the storage of an additional 1,136 vehicles bringing the total number of vehicles permitted to be stored at the facility to approximately 4,436. The applicant is also requesting approval of a deviation to the Bay Point P-1 for 7.5% of the subject lot to be landscaped (where 10% of the lot is required to be landscaped) and approval of a tree permit for the removal of 41 code-protected trees ranging in size from 7" to 60" in diameter. The applicant

is also requesting approval of an exception to the collect and convey requirements of Division 914 of the County Code.

**II. BACKGROUND**

At the July 6, 2022 hearing, the Zoning Administrator continued the item to the August 1, 2022 Zoning Administrator's hearing without opening the item for public comment at the request of the applicant. Prior to the August 1, 2022 Zoning Administrator's hearing, the applicant requested another continuation to the September 7, 2022 hearing date in order to allow for additional time to address concerns related to the proposed project raised by the adjacent neighbors. The item was continued without opening the item for public comment to the September 7, 2022 hearing date. Prior to the October 3, 2022 hearing the applicant submitted additional materials to staff as a response to the concerns raised by neighboring residential property owners. The Zoning Administrator proceeded to continue the item to the November 21, 2022 hearing date in order to allow staff time to review the supplemental materials and prepare additional conditions of approval.

**III. STAFF ANALYSIS AND DISCUSSION OF SUPPLEMENTAL MATERIALS**

On September 23, 2022, the applicant submitted additional materials and a recommendation for a modification to the proposed condition of approval #20 and #21 regarding the collection of vehicle fluids. Subsequently, staff performed a site visit on September 27, 2022 to observe the existing site conditions and assess the concerns raised by the adjacent neighbors regarding dust, fluid release, traffic and lithium battery storage.

**Dust**

Concerns regarding dust control were raised by adjacent neighbors in advance of the public comment period for the hearing. The project site is adjacent to the Suisun Bay and as a result, there are persistent windy conditions in the vicinity that move from the west to the east. During a site visit on September 27, 2022 staff observed the conditions of the existing site as well as the parcel for the proposed expansion. Staff also subsequently reviewed the materials submitted by the applicant regarding binding products applied to the ground to reduce the presence of loose materials that have the potential to be moved off site due to the presence of the wind. Staff has included condition of approval #13, #14, #15 and

#16 as well as a modification to condition of approval #25 as a recommendation to mitigate the possibility of dust pollution as a result of existing and proposed land uses on site.

### **Traffic**

Concerns have been raised regarding the possibility of additional traffic with the proposed expansion of the existing auto storage facility. Staff observed the ingress and egress of delivery trucks to the facility during a site visit on September 27, 2022 and the proposed project will not include an expansion of the existing private road that serves the site or any additional entrances or exits to the facility. Traffic was previously addressed in the prepared mitigated negative declaration was found to be a less than significant impact.

In addition, as a result of the Covid-19 pandemic, the facility has transitioned from live auctions to virtual auctions which has eliminated customer traffic to and from the facility on the designated weekly auction days, further mitigating traffic concerns.

### **Fluid Release**

Staff received comments regarding the possibility of fluid release from the theft recovered and damaged vehicles intended for storage. In addition, the applicant provided supplemental materials regarding best management practices for fluid capture from vehicles as well as a recommendation for alternative conditions of approval. During a site visit on September 27, 2022, the applicant provided information regarding the possible presence of fluids from the vehicles intended for storage. Staff observed only trace amounts of vehicle fluid in limited, isolated areas. The presence of stored vehicles impacting surface or ground water quality was previously addressed in the prepared mitigated negative declaration and staff is satisfied that the recommended mitigation measures as well as the proposed modified condition of approval #24 from the applicant bring the potential impact of fluid release to less than significant levels.

### **Lithium Battery Storage**

Staff received concerns regarding the potential for lithium battery storage on site which could potentially create a fire hazard. The applicant affirmed that no such storage exists or is proposed on site. All vehicles arriving on site are left intact and

Contra Costa Fire Protection District staff reviewed the project with no comments regarding a possibility of on-site fire hazards created by the presence of vehicles with lithium batteries.

**IV. RECOMMENDATION**

Staff recommends that the Zoning Administrator approve County File #CDDP18-03005 and take the actions listed in Section II of the July 6, 2022 Zoning Administrator Staff Report with the additional conditions of approval to address dust and fluid release concerns.



**CONTRA COSTA COUNTY  
DEPARTMENT OF CONSERVATION & DEVELOPMENT  
30 Muir Road  
Martinez, CA 94553  
Telephone: (925) 674-7203 Fax: (925) 674-7250**

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**TO:** Grant Farrington, Project Planner

**FROM:** Allison Cloney, Conservation Section

**DATE:** January 29, 2018

**SUBJECT:** Proposed project, County File Number DP18-3005, APN: 098-240-031 is *exempt* from compliance with the HCP/NCCP.

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The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP or Plan) is intended to provide an effective framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species. The Plan will also provide for comprehensive species, wetlands, and ecosystem conservation and contribute to the recovery of endangered species in northern California. The Plan will avoid project-by-project permitting that is generally costly and time consuming for applicants and often results in uncoordinated and biologically ineffective mitigation. Rather than individually surveying, negotiating, and securing mitigation, project proponents can receive their endangered species permit by paying a single fee and/or dedicating land, conducting species and habitat specific biological surveys and adhering to comprehensive species avoidance and minimization measures.

Through the HCP/NCCP, the County has authorization from United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFW) to cover activities and projects that may impact sensitive species under the County's regional endangered species permit. All development activities within the inventory area (except those that qualify for an exemption through County Ordinance 2007-53) and the Urban Limit Line (ULL) are automatically subject to HCP/NCCP compliance and will receive authorization to impact or "take" endangered species when such take is incidental to an otherwise lawful activity (incidental take coverage). If the activity or project will take place outside the ULL but within the inventory area, incidental take coverage can be voluntarily obtained through the HCP/NCCP.

The Board of Supervisors' adopted County Ordinance 2007-53 for the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan in October 2007. The ordinance applies to all development projects in unincorporated Contra Costa County that are within the Urban Development Area except for those that meet certain criteria.

**The proposed project is EXEMPT because it meets one or more of the following criteria:**

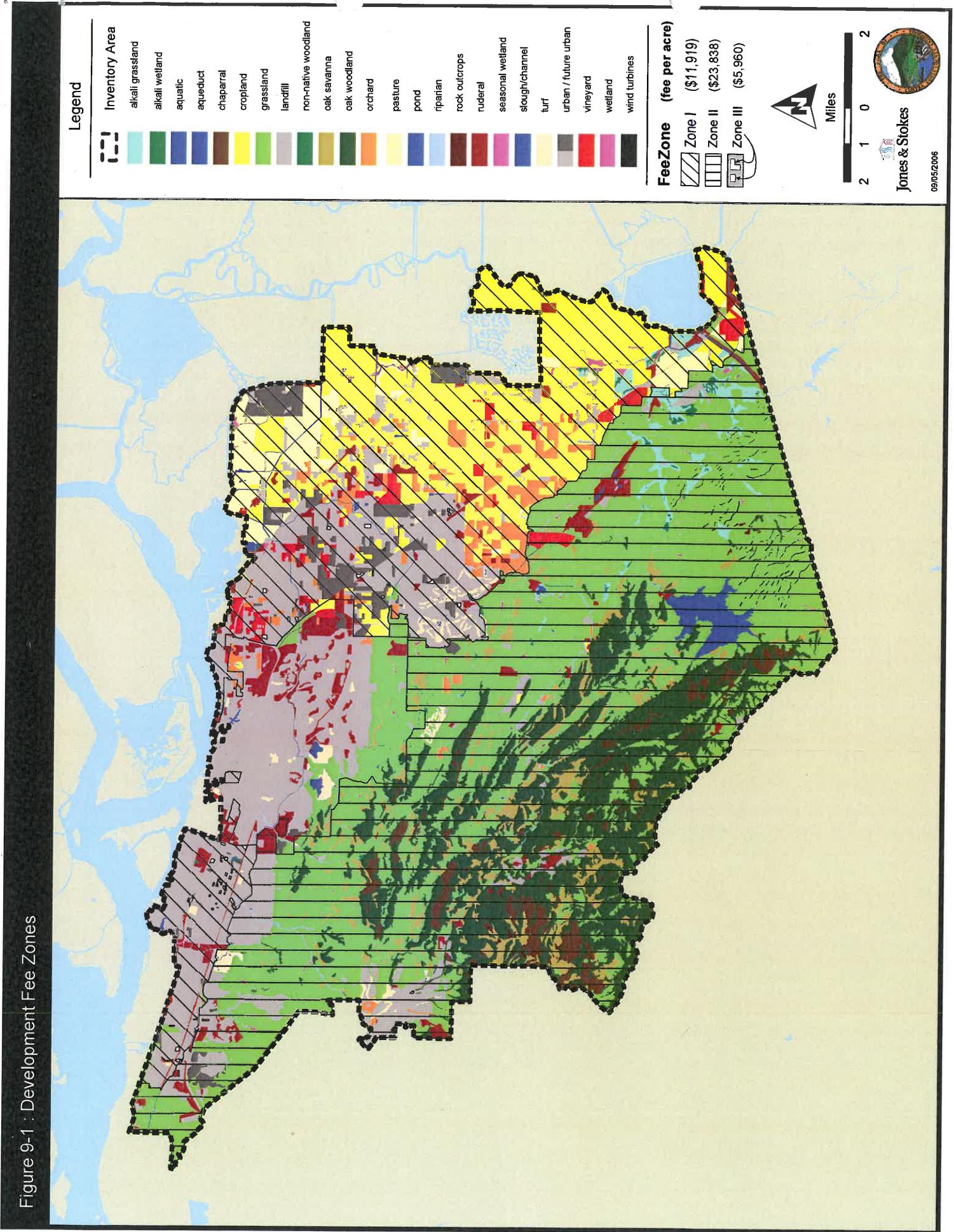
- Any development project that will permanently disturb less than one acre.
- Any development project that the Community Development Director or his designee determines is contained entirely within an area mapped as *urban, turf, landfill, and/or aqueduct* land cover types in the HCP/NCCP.
- Any development project of a type not covered by the HCP/NCCP within the Urban Development Area, as set forth in Chapter 2.3.1 of the HCP/NCCP.
- Development projects with vested rights pursuant to an agreement by and between the project applicant and the County.
- Development projects exempt under any provisions of the law.
- Development projects where the County determines based on written evidence submitted by the project applicant that application of the ordinance would deprive the project applicant of all reasonable economic use of the property in violation of federal or state constitutional prohibitions against the taking of property without just compensation.

The proposed project is contained entirely within an area mapped as *urban, turf, landfill, and/or aqueduct* land cover types in the HCP/NCCP and is therefore **exempt** from compliance with Ordinance 2007-53 and no further action is necessary.

If you have any questions or would like to speak with Conservancy staff regarding the proposed project and HCP/NCCP applicability, please call Allison Cloney at (925) 674-7719, or email at [allison.cloney@dcd.cccounty.us](mailto:allison.cloney@dcd.cccounty.us).

Attachments:      **HCP Development Fee Zone and Land Cover Map**  
                         **APN: 098-240-031 Land Cover Map**

Figure 9.1 : Development Fee Zones







CONTRA COSTA  
MOSQUITO  
& VECTOR  
CONTROL  
DISTRICT

150 Mission Circle  
Concord, CA 94520  
phone (925) 685-7301  
fax (925) 685-0266  
[www.contracostamosquito.com](http://www.contracostamosquito.com)

January 30, 2018

Grant Farrington  
Community Development Division  
Contra Costa County Dept. of Conservation and Development  
30 Muir Road  
Martinez, CA 94553

**Re: Insurance Auto Auctions Storage, DP18-3005**

Dear Mr. Farrington,

Thank you for the opportunity to express the position of the Contra Costa Mosquito & Vector Control District (the District) regarding the proposed Insurance Auto Auctions Storage located at 2270 Willow Pass Road in Bay Point.

The District is tasked with reducing the risk of diseases spread through vectors in Contra Costa County by controlling them in a responsible, environmentally-conscious manner. A "vector" means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and rodents and other vertebrates (California Health and Safety Code §2002). Property owners retain the responsibility to ensure that the project process, built structure(s) or device(s), and/or other elements of this project do not breed or harbor vectors, or otherwise create a nuisance.

Storage of vehicles in varied states of repair can provide harborage and breeding habitat for disease vectors. Measures should be employed to ensure no vehicle, container, swale, or other on-site feature retains standing water longer than 72 hours in order to prevent mosquito breeding on the premises. Discouraging rat and mouse attraction and harborage is an additional priority. Sources of food and water should be eliminated and access to harborage/shelter areas excluded. As always, ensure District staff has safe, ready access for surveillance and control measures, if necessary. If further guidance is needed or vector-related issues arise, please don't hesitate to reach out to the District for assistance.

Sincerely,

Jeremy Shannon  
Vector Control Planner  
925-771-6119  
[jshannon@contracostamosquito.com](mailto:jshannon@contracostamosquito.com)

Protecting Public Health Since 1927

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CONTRA COSTA  
ENVIRONMENTAL HEALTH

2120 Diamond Blvd., Suite 200  
Concord, California 94520  
Ph (925) 692-2500  
Fax (925) 692-2502  
[www.cchealth.org/eh/](http://www.cchealth.org/eh/)

February 1, 2018

Contra Costa Department of Conservation and Development  
Community Development Division  
Attn: Grant Farrington  
30 Muir Road  
Martinez, CA 94553-4601

**RE:** DP18-3005 – Proposed Insurance Auto Auctions Storage  
2770 Willow Pass Road, Bay Point, CA  
APN: 098-240-031  
Service Request #: SR0010191

Dear Mr. Farrington:

Contra Costa Environmental Health (CCEH) has received a request for agency comment regarding the above referenced project. The following are our comments [if the project is served by public sewer and public water]:

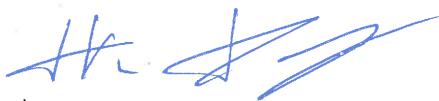
1. A permit from CCEH is required for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.
2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEH. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEH requirements.
3. If a septic system is utilized on this property, then CCEH must be contacted to perform an evaluation and give clearance before any building permit is issued. That septic system would be required to meet current standards, including disposal field replacement area.
4. If an onsite water supply well is used for this project, it must current standards, including construction, yield, water quality, and setbacks. A hydrogeological study may be required to ensure adequate water supply.
5. It is recommended that the project be served by public sewer and public water.



6. Debris from construction or demolition activity must go to a solid waste or recycling facility that complies with the applicable requirements and can lawfully accept the material (e.g., solid waste permit, EA Notification, etc.). The debris must be transported by a hauler that can lawfully transport the material. Debris bins or boxes of one cubic yard or more owned by the collection service operator shall be identified with the name and telephone number of the agent servicing the container.
7. Non-source-separated waste materials must not be brought back to the contractor's yard unless the facility has the appropriate solid waste permit or EA Notification.

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 692-2538.

Sincerely,



W. Eric Fung, REHS  
Environmental Health Specialist II

WEF:tf

## **Contra Costa County**



## **Fire Protection District**

February 2, 2018

Mr. Farrington  
Contra Costa County  
Department of Conservation and Development  
30 Muir Rd.  
Martinez, CA 94553

**Subject:** 1100 vehicle storage yard  
2770 Willow Pass Rd.  
Bay Point, CA  
File # DP18-3005  
**CCCFPD Project No.:** P-2018-00480

Dear Mr. Farrington:

We have reviewed the development plan application to establish an 1100 vehicle storage yard, in three phases, at the subject location. The following is required for Fire District approval in accordance with the 2016 California Fire Code (CFC), the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), and Local and County Ordinances and adopted standards:

1. Access as shown is acceptable to the Fire District

Provide emergency apparatus access roadways with all-weather driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. (503) CFC

The Fire Marshal will accept the reduced radii as depicted

2. Access gates for Fire District apparatus shall be a minimum of 20-feet wide. Access gates shall slide horizontally or swing inward. Electrically operated gates shall be equipped with a Knox Company key-operated switch. Manually operated gates shall be equipped with a non-casehardened lock or approved Fire District lock. Contact the Fire District for information on ordering the key-operated switch. (D103.5) CFC.
3. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 1500 GPM. Required flow must be delivered from not more than 1 hydrants flowing simultaneously for a duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (507.1), (B105) CFC
4. The developer shall remove the four abandoned above ground tanks located in the phase 2 area before storage is allowed in that area. A Fire District permit will be required for the removal of the tanks.

5. The developer shall remove the three abandoned above ground tanks located in the phase 3 area before storage is allowed in that area. A Fire District permit will be required for the removal of the tanks.
6. The developer shall submit a minimum of two (2) copies of site improvement plans indicating all existing or proposed hydrant locations and fire apparatus access for review and approval prior to obtaining a building permit. (501.3) CFC
7. ***Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site.*** (501.4) CFC
8. Flammable or combustible liquid storage tanks shall ***not*** be located on the site without obtaining approval and necessary permits from the Fire District. (3401.4) CFC
9. The owner shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property. (304.1.2) CFC

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review:

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,



Todd Schiess  
Fire Inspector I

c: Rod Schlenker  
Insurance Auto Auctions, Inc.  
Two Westbrook Corporate Center, Suite 500  
Westchester, IL 60154

File#:2770 WILLOW PASS-PLN-P-2018-00460



## AGENCY COMMENT REQUEST

Date Jan. 26, 18

We request your comments regarding the attached application currently under review.

DISTRIBUTION		Please submit your comments to:	
<u>Internal</u>		<u>Project Planner</u> <u>Grant Farrington</u>	
<input checked="" type="checkbox"/> Building Inspection	<input type="checkbox"/> Grading Inspection	Phone # <u>925-674-7797</u>	
<input type="checkbox"/> Advance Planning	<input type="checkbox"/> Housing Programs	E-mail <u>Grant.Farrington@dcd.cccounty.us</u>	
<input type="checkbox"/> Trans. Planning	<input type="checkbox"/> Telecom Planner	County File # <u>DP18-3005</u>	
<input type="checkbox"/> ALUC Staff	<input checked="" type="checkbox"/> HCP/NCCP Staff	Prior to <u>February 2, 2018</u>	
<input type="checkbox"/> APC Floodplain Tech	<input type="checkbox"/> County Geologist	*****	
<u>Health Services Department</u>			
<input checked="" type="checkbox"/> Environmental Health	<input type="checkbox"/> Hazardous Materials	We have found the following special programs apply to this application:	
<u>Public Works Department</u>			
<input checked="" type="checkbox"/> Engineering Services (Full-size)	<input type="checkbox"/> Traffic	<input checked="" type="checkbox"/> NO	Active Fault Zone (Alquist-Priolo)
<input type="checkbox"/> Flood Control (Full-size)	<input type="checkbox"/> Special Districts	<input checked="" type="checkbox"/> NO	Flood Hazard Area, Panel #
<u>Local</u>			
<input checked="" type="checkbox"/> Fire District	<input checked="" type="checkbox"/> Consolidated – (email) <u>fire@ccfpd.org</u>	<input checked="" type="checkbox"/> NO	60-dBA Noise Control
<input type="checkbox"/> Sanitary District		<input checked="" type="checkbox"/> NO	CA EPA Hazardous Waste Site
<input checked="" type="checkbox"/> Water District	<u>CCWD, Golden State Water</u>	*****	
<input checked="" type="checkbox"/> City of <u>Pittsburg</u>		<u>AGENCIES:</u> Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.	
<input type="checkbox"/> School District(s)		Comments: <input type="checkbox"/> None <input checked="" type="checkbox"/> Below <input type="checkbox"/> Attached	
<input type="checkbox"/> LAFCO		<u>1. COMPLIANCE WITH CURRENT BUILDING CODES WILL BE REQUIRED.</u>	
<input type="checkbox"/> Reclamation District #			
<input type="checkbox"/> East Bay Regional Park District			
<input type="checkbox"/> Diablo/Discovery Bay/Crockett CSD			
<input checked="" type="checkbox"/> MAC/TAC <u>Bay Point</u>			
<u>Improvement/Community Association</u>			
<input checked="" type="checkbox"/> CC Mosquito & Vector Control Dist (email)			
<u>Others/Non-local</u>			
<input type="checkbox"/> CHRIS – Sonoma State			
<input type="checkbox"/> CA Fish and Wildlife, Region 3 – Bay Delta			
<input type="checkbox"/> Native American Tribes			
<u>Additional Recipients</u>			
Print Name <u>ABED CHOWDHURY</u>			
Signature <u>Abed Chowdhury</u> 2-16-18			
DATE			
Agency phone # <u>674-7740</u>			

# Bay Point Municipal Advisory Committee



Debra Mason Chair

Federal Glover, District V Supervisor

*The Bay Point Municipal Advisory Committee serves as an advisory body to the Contra Costa County Board of Supervisors and the County Planning Agency.*

## Record of Actions

7:00 pm  
Tuesday, March 5, 2019

### 1. Call to Order/Roll Call/Pledge of Allegiance

Council members present; Mason, Shah, Lessley, Tremaine, Garcia, and Garcia-Lopez  
Absent: Stevenson

Pledge of Allegiance

### 2. Approval of Agenda

Motion to approve agenda by member Garcia, seconded by Garcia-Lopez; motion carried 6-0, member Stevenson absent.

### 3. Consent items

#### a. Approval February 5, 2019 minutes

Motion to approve minutes by member Garcia-Lopez, seconded by member Lessley; motion carried 6-0, member Stevenson absent.

### 4. Public Comments:

Mark Sullivan- Expressed concerns about fencing policies for Bay Point and problems created by donation boxes.

Carol Watkins – Shared information about the Black History Month Activities at Bel Air Elementary which was well attended by families.

### 5. Agency Reports. The MAC received the following reports:

#### a. California Highway Patrol – Officer Sean Wilkenfeld – Officer Wilkenfeld was

reporting instead of Officer Thomas but stated he was better looking than Officer Thomas. He gave us the stats for January and February. He also let us know about the new temporary plates that our on new cars and the new requirements for getting permanent plates.

- b. CCC Sheriff's Office – Lt. O'Mary** – Lt. O'Mary shared that there had been a string of robberies on Driftwood Dr. but they had caught the suspect. He gave an update on cameras for the community. Informed us of the new funding for towing RV's.
- c. Supervisor Glover – Vincent Manuel** - Vincent nothing to report at this time.
- d. Code Enforcement – Joe Losado** – unable to attend
- e. Golden State Water – Tina Gonzalez**  
Gave report on regular maintenance and wanted to make sure community knew the new development was not “stealing” water from the hydrant but had worked with GSW to prevent any damage to the hydrant.

#### **6. Items for Discussion and/or Action**

There was a discussion about County File DP18-3005 to establish an auto storage yard on a vacant lot at 2770 Willow Pass Road, which is an adjacent lot. There was no one present to speak to the permit but that BPMAC discussed and unanimously decided we did not support this proposal.

#### **7. Presentations**

Joleen Lafayette made a presentation on the current Loaves and Fishes program that is on Bella Vista Ave. She was looking for ideas of how to increase participation and perhaps move to another location. Chair Mason agreed to meet with her and discuss ideas.

#### **8. Committee Reports**

- a. CAP report – Mason** – Business is thriving for both businesses and they had no injuries but chemical reaction at Henkel which posed no threat to the community.
- b. Ambrose Rec and Park – Garcia-Lopez** - They had nothing to report.
- c. Code Enforcement – Tremaine** – no report
- d. Adopt a Road – Garcia** - An update on recent clean ups
- e. Schools – Mason**- Event at Mt Diablo High School on March 14, 2019
- f. Keller Mitigation** – no report

#### **12. Adjourn to April 2, 2019 meeting**

This meeting record is provided pursuant to Better Government Ordinance 95-6, Article 25-2205(d) of the Contra Costa County Ordinance Code.



# Contra Costa County Public Works Department

Brian M. Balbas, Director  
Deputy Directors  
Stephen Kowalewski, Chief  
Allison Knapp  
Warren Lai  
Carrie Ricci  
Joe Yee

## Memo

May 10, 2022

**TO:** Grant Farrington, Project Planner, Department of Conservation and Development

**FROM:** Larry Gossett, Senior Civil Engineer, Engineering Services Division  
By: Brian Louis, Staff Engineer, Engineering Services Division

**SUBJECT:** **PERMIT DP18-3005**  
**STAFF REPORT AND RECOMMENDED CONDITIONS OF APPROVAL**  
(Insurance Auto Auctions/Willow Pass Rd./Bay Point/APN 098-240-031)

**FILE:** DP18-3005

The attached recommended conditions of approval, based on the site plan received by your office on March 31, 2022, include road and drainage requirements. The applicant shall comply with the Ordinance Code requirements as they pertain to this development. The following issues should be carefully considered with this project:

### Background

The applicant requests approval of a development permit to an existing temporary storage facility to accommodate of up to 1,230 theft-recovered and damaged vehicles on a 10.35 acre parcel in Bay Point.

The subject property is a flag-shaped parcel set back from a 10-foot wide "cherry stem" that fronts Willow Pass Road. The site is relatively flat and is occupied by three active rail spurs and some storage tanks which are to remain.

Although existing drainage patterns are to remain as is and no improvements are proposed, minor grading in the vicinity of drainage swales is anticipated to "soften" grade transitions to improve ease of parking.

### Traffic and Circulation

While the subject property technically has frontage (albeit only 10 feet wide) on a public street, it is not developed as drivable access. The applicant proposes to use paved access through the adjoining western parcels. The applicant has provided documents showing that they have legal rights from the neighboring property to assure access is available to serve this site from Willow Pass Road.

## Drainage

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

The applicant has shown the location of the existing storm drain traversing the site. As a condition of approval, the applicant will need to submit an analysis of this storm drain system and the downstream facilities to verify its adequacy.

In accordance with the procedures outlined in Chapter 92-6 of the Ordinance Code, the applicant has requested an exception from the collect and convey requirements specified in Chapter 914-2 of said Code. The request for exceptions is based on the following statements to support the prescribed findings:

- (1) That there are unusual circumstances or conditions affecting the property.

The current application under consideration consists of the expansion of the current IAAI operations at their existing facility at 2770 Willow Pass Road in Bay Point. No new improvement or addition of impervious materials are proposed under this application: consequently, no incremental impacts on existing drainage facilities or other infrastructure improvements are anticipated.

Existing storm drainage improvements supporting the original permitted operation remain existing and are as reflected on drainage inventory map for 2770 Willow Pass Road on file with the Contra Costa County Public Works Department. The existing drainage improvements are reflected on the plans submitted for DP 18-3005.

- (2) That the exception is necessary for the preservation and enjoyment of substantial property right of the Applicant.

No new improvement or building structures are proposed. All existing infrastructure improvements, both public and private, will be retained in their current locations and configurations.

- (3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

All existing infrastructure improvements, both public and private, will be retained in their current locations and configurations.

A determination can be made that "no material detrimental impact to the public welfare or injurious to other property" since no new construction or improvements are proposed under this application.

Drainage patterns will remain and will be dissipated such that it is not concentrated.

Public Works has no objection to the granting of an exception from this requirement provided there are no existing drainage problems in the area, no concentrated runoff is being directed to adjacent parcels, and the existing drainage pattern is maintained.

### **Stormwater Management and Discharge Control**

A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 square feet (5,000 square feet for projects that include parking lots, restaurants, automotive service facilities and gas stations) in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This land use permit proposes no new of impervious surface, thus a SWCP is not necessary.

### **Floodplain Management**

The property does not lie within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency Flood Insurance Rate Map.

### **Lighting District Annexation**

The subject parcel is **not** annexed into the lighting district. The applicant will be required, as a condition of approval, to annex into the Community Facilities District (CFD) 2010-1 formed for the Countywide Street Light Financing.

### **Area of Benefit Fee**

The applicant will need 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. These fees shall be paid prior to initiation of use.

### **Drainage Area Fee**

The applicant will be required to comply with the drainage fee requirements for Drainage Area 48D as adopted by the Board of Supervisors. These fees shall be paid prior to initiation of use.

GL:BL:ss  
\\PW-DATA\\grpdata\\engsvc\\Land Dev\\DP\\DP 18-3005\\Staff Report & COAs (May 2022).docx  
Cc: J. LaRocque, Engineering Services  
Thomas Campora, owner  
NGL SF Bay Storage & Transfer, P.O. Box 4465, Stockton, CA 95204  
Rod Schlenker, applicant  
Two Westbrook Corporate Center, Suite 500, Westchester, IL 60154

**PUBLIC WORKS RECOMMENDED  
CONDITIONS OF APPROVAL FOR PERMIT DP18-3005**

**Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on March 31, 2022.**

**COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.**

**General Requirements:**

- Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

**Access to Adjoining Property:**

Proof of Access

- Applicant shall furnish proof to the Public Works Department that legal access to the property is available from the neighboring property to assure access is available to serve this site from Willow Pass Road.

Site Access

- Applicant shall only be permitted access at the locations shown on the approved site/development plan.

**Street Lights:**

- Property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

**Drainage Improvements:**

Collect and Convey

- 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 existing and project condition for the required design storm event, applicant shall construct improvements to make the system adequate. Applicant shall obtain access rights to make any necessary improvements to off-site facilities.

Exceptions (Subject to Advisory Agency findings and approval)

Applicant shall be permitted an exception from the "offsite collect and convey" requirements of the County Ordinance Code provided that the existing drainage pattern is maintained and concentrated storm drainage is not discharged onto adjacent property. Applicant shall submit a drainage report with hydrology and hydraulic calculations to Public Works for review and approval that demonstrates the adequacy of the in-tract drainage system and the downstream drainage system.

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

- 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.
- Applicant shall inspect each vehicle upon delivery to the site. Prior to storage on-site, any system containing fluid shall be drained and fluids disposed of properly. Fluid removal shall take place at an appropriate off-site facility.
- Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage:
  - Minimize the amount of directly connected impervious surface area.
  - Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
  - Place advisory warnings on all catch basins and storm drains using current storm drain markers.
  - Other alternatives comparable to the above as approved by the Public Works Department.

**Stormwater Management and Discharge Control Ordinance:**

- Based on the proposed new and/or redeveloped impervious surface area totaling less than 10,000 square feet (5,000 square feet for projects that include parking lots, restaurants, automotive service facilities and gas stations), this project does not require submittal of a final Stormwater Control Plan. This project shall be subject to all other provisions of the County Stormwater Management and Discharge Control Ordinance (§1014, Ordinance No. 2005-01).

**Area of Benefit Fee Ordinance:**

- Applicant shall 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 (AOB) as adopted by the Board of Supervisors prior to initiation of the use.

**Drainage Area Fee Ordinance:**

- Applicant shall comply with the drainage fee requirements for Drainage Area 48D as adopted by the Board of Supervisors prior to initiation of the use requested with this application. This fee shall be paid prior to initiation of proposed use.

**ADVISORY NOTES**

- 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 of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- 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.
- Further development of the parcel may need to comply with the latest Stormwater Management and Discharge Control Ordinance (§1014) and Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This compliance may require a Stormwater Control Plan and an Operations and Maintenance Plan prepared in accordance with the latest edition of the *Stormwater C.3 Guidebook*. Compliance may also require annexation of the subject property into the Community Facilities District 2007-1 (Stormwater Management Facilities) and entering into a standard Stormwater Management Facilities Operation and Maintenance Agreement with Contra Costa County.

**Department of  
Conservation and  
Development**

30 Muir Road  
Martinez, CA 94553

Phone: 1-855-323-2626

**Contra  
Costa  
County**



**John Kopchik**  
Director

**Aruna Bhat**  
Deputy Director

**Jason Crapo**  
Deputy Director

**Maureen Toms**  
Deputy Director

**Amalia Cunningham**  
Assistant Deputy Director

October 21, 2021

**NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT A PROPOSED MITIGATED  
NEGATIVE DECLARATION**

County File No. CDDP18-03005

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the Community Development Division of the Department of Conservation and Development of Contra Costa County has prepared an initial study on the following project:

**LEAD AGENCY:** Conservation and Development (Grant Farrington, 925-655-2868)

**PROJECT TITLE:** Expansion of Automobile Storage Facility in Bay Point

**APPLICANT:** Rod Schlenker c/o Insurance Auto Auctions, Inc.  
Ph. (708) 492-7302  
Two Westbrook Corporate Center, Suite 500  
Westchester, IL 60154

**LOCATION:** 2770 Willow Pass Road, Bay Point, CA 94565  
(Assessor Parcel No. 098-240-031) (Zoning: Planned Unit District (P-1))

**PROJECT DESCRIPTION:**

The applicant is requesting approval of development plan to allow the expansion of an existing vehicle storage facility for the storage of approximately 1,200 additional theft recovered and damaged vehicles and a tree permit for the removal of 39 code-protected trees ranging in size from 7" to 60" in diameter. The proposed project will expand previously approved land uses (County Files #CDLP98-02056 and #CDLP02-02009) and all existing auto auction activities will still occur on the adjacent parcel to the north.

The project includes site improvements for ingress and egress to the site as well as the removing of existing structures. No additional development or human occupancy of the lot is proposed.

## **SITE AND AREA DESCRIPTION:**

The project site is a 10.35-acre vacant lot that has a narrow frontage along Willow Pass Road, yet access to the property is achieved through the adjacent parcels to the west and north. The property shares a 376-foot border to the north with parcel 098-240-024 where the land use permit (County File #CDLP98-02056) for the storage of theft recovered and damaged vehicles was first established. Both the subject parcel and the parcel to north utilize an existing shared private driveway that is located on the parcels to the west and south of the site and the expansion of the existing approved use does require any modification to this driveway.

## **ENVIRONMENTAL EFFECTS OF THE PROJECT:**

Pursuant to the requirements of the California Environmental Quality Act (CEQA) Section 15071, the Initial Study/Mitigated Negative Declaration (MND) describes the proposed project; identifies, analyzes, and evaluates the environmental impacts which may result from the proposed project; and identifies measures to mitigate adverse environmental impacts. The mitigations identified in this document and designed for the proposed project ensure that the project will not cause a significant impact on the environment. The Initial Study for the proposed project identified potentially significant impacts in the environmental areas of Aesthetics, Biological Resources, and Hydrology/Water Quality. Environmental analysis determined that measures were available to mitigate potential adverse impacts to less-than-significant levels. As a result, an MND has been prepared pursuant to Public Resources Code Section 21080(c) of the California Environmental Quality Act (CEQA) Guidelines.

## **WHERE TO REVIEW THE MITIGATED NEGATIVE DECLARATION:**

Due to the COVID-19 shelter-in-place order, the mitigated negative declaration can be viewed online at the following link: [\*\*https://www.contracosta.ca.gov/4841/Public-Input\*\*](https://www.contracosta.ca.gov/4841/Public-Input). Any sources of information referenced in the Initial Study and MND can be provided upon request by contacting the project planner.

## **PUBLIC COMMENT PERIOD:**

Prior to adoption of the MND, the County will be accepting comments on the adequacy of the document during a 30-day public comment period; the MND may be adopted at a future date in a public hearing following the public comment period. **The period for accepting comments on the adequacy of the environmental document will begin on Friday, October 22, 2021 and extends to Monday, November 22, 2021, until 5:00 P.M.** Any comments should be in writing and submitted to the following address:

**Grant Farrington, Planner II  
Community Development Division  
Contra Costa County, Department of Conservation and Development  
30 Muir Road, Martinez, CA 94553**

Sincerely,



Grant Farrington  
Planner II  
(925) 655-2868  
[Grant.Farrington@dcd.cccounty.us](mailto:Grant.Farrington@dcd.cccounty.us)

cc: County Clerk's Office (2 copies)  
Adjacent Occupants and Property Owners  
Notification List

Attn: Vicinity Map

# 2770 Willow Pass Road Vicinity Map



## Legend

- City Limits
- Assessment Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

## Notes

Contra Costa County -DOIT GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## CEQA ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Expansion of Automobile Storage Facility in Bay Point  
(County File #CDDP18-03005)
2. Lead Agency Name and Address: Contra Costa County  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553
3. Contact Person and Phone Number: Grant Farrington, Project Planner  
(925) 655-2868
4. Project Location: 2770 Willow Pass Road  
Bay Point, CA 94565  
Assessor Parcel No. 098-240-031
5. Project Sponsor's Name and Address: Rod Schlenker c/o Insurance Auto Auctions, Inc.  
(Applicant)  
Two Westbrook Corporate Center, Suite 500  
Westchester, IL 60154
6. General Plan Designation: Heavy Industrial (HI), Single-Family Residential-Low (SL)
7. Zoning: Planned Unit District (P-1)
8. **Description of Project:** The applicant is requesting approval of development plan to allow the expansion of an existing vehicle storage facility to allow the storage of approximately 1,200 additional theft recovered and damaged vehicles and a tree permit for the removal of 39 code-protected trees ranging in size from 7" to 60" in diameter. The existing land use was previously approved on the adjacent parcel through County File #LP98-02056, which included the construction of an office and a covered parking area on a 15-acre site. The use was expanded through the approval of County File #LP02-02009 which included an additional 10 acres of a space for vehicle storage and a designated area for auto auctions to occur onsite. The proposed project will expand these approved land uses and all existing auto auction activities will still occur on the adjacent parcel to the north. Transportation of theft recovered and damaged vehicles to the project site will maintain the existing approved hours of Monday through Friday from 7:30am to 4:00pm and the project will not generate any additional truck trips to the site over current operational use. All vehicles will be drained of fluids off-site prior to storage.

The project includes site improvements for ingress and egress to the site as well as the removing of existing structures. No additional development or human occupancy of the lot is proposed.

**9. Surrounding Land Uses and Setting:**

Surrounding Area: The subject property is located north of Willow Pass Road in the Bay Point area of unincorporated Contra Costa County where land uses are primarily a combination of industrial, commercial, residential, and mixed use along the Willow Pass Road corridor. The Pittsburg city limit is located approximately 0.5 miles east of the project site and the Suisun Bay waterfront is approximately 1.13 miles to the north. Adjacent parcels to the west have been developed with industrial uses and properties to the immediate east have been developed with single and multi-family residences. To the south along Willow Pass Road, the properties are predominantly developed with commercial and retail uses. The Burlington Northern Santa Fe and Union Pacific rail lines are north of the site and separate the industrial and residential uses from the biological riparian area adjacent to the Suisun Bay waterfront.

Subject Property: The project site is a 10.35-acre vacant lot that has a narrow frontage along Willow Pass Road, yet access to the property is achieved through the adjacent parcels to the west and north. The property shares a 376-foot border to the north with parcel 098-240-024 where the land use permit (County File #CDLP98-02056) for the storage of theft recovered and damaged vehicles was first established. Both the subject parcel and the parcel to north utilize an existing shared private driveway that is located on the parcels to the west and south of the site and the expansion of the existing approved use does require any modification to this driveway. The property is a predominantly rectangular flag lot with several abandoned storage tanks and rail spurs present on the site. The site is not currently in use for any approved land use however County records shows that a propane storage business was at one time present on the property.

**10. Other public agencies whose approval is required (e.g., permits, financing, approval, or participation agreement):**

- Contra Costa County Public Works Department
- Contra Costa County Building Inspection Division
- Contra Costa Fire Protection District
- Contra Costa County Environmental Health Services Department
- Contra Costa Water District

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

A “Notice of Opportunity to Request Consultation for Expansion of a Temporary Automobile Storage Site at 2770 Willow Pass Road” for the development plan project was sent to the Wilton Rancheria on February 17, 2021. Staff did not receive a request for consultation from the California Native American tribes in response to this notice.

### Environmental Factors Potentially Affected

Without mitigation, the environmental factors checked below would have been potentially affected by this project. Upon incorporation of the mitigation measures identified in the following pages it has been found that the project will not result in any impacts to the environment.

<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials
<input checked="" type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities/Services Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

### Environmental Determination

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

  
\_\_\_\_\_  
Grant Farrington

Planner II  
Contra Costa County  
Department of Conservation & Development

**10/21/2021**

Date

## ENVIRONMENTAL CHECKLIST

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>1. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### SUMMARY:

a) Less Than Significant Impact: The Open Space Element of the County General Plan identifies major scenic ridges and waterways within the County. The project site is located approximately 1.15 miles to the south of the Suisun Bay which is designated as a scenic waterway in the General Plan (Figure 9-1). However, the project site is flat, and no development is proposed which would extend higher than the existing perimeter fence. Even though the project does not include any development, the storage of theft recovered and damaged vehicles would be located adjacent to existing single-family residences. In addition, the project will also include the construction of a perimeter security fence and could degrade the existing views of the adjacent residences without mitigation. There are no other scenic elements including major ridges or rock outcroppings in the vicinity. Thus, the proposed project would have a less than significant impact on scenic vistas.

### Potential Impact

Upon approval of the project, approximately 1,200 theft recovered and damaged vehicles are to be stored on a previously vacant lot adjacent to single-family residential housing in addition to the construction of a security fence. The following mitigation measures will ensure that the impact to local aesthetics will be reduced to a less than significant level.

### Mitigation Measures

**AES-1:** A 12-foot buffer as shown on the landscape plans dated May 28, 2020 between the storage of any vehicles and the nearest property line to the east and the to south of the site and the applicant shall provide evidence of such prior to the storage of any vehicles.

**AES-2:** To lessen the visual impacts of the auto storage facility from adjacent residential properties landscape screening as shown on the project landscape plans dated May 28,

2020 shall be planted and maintained between the facility and the residential properties.

- b) Less than Significant Impact: There are no major rock outcroppings on the subject property and the project is not located within a state scenic highway that would impact a historic building. The site plan identifies several groupings of trees that are slated for removal however, most of the trees are types not listed as indigenous to Contra Costa County in Section 816-6.6004(1)(A) of the Contra Costa Ordinance Code nor are they visible from the surrounding area. Although the project does include the removal of code-protected trees, the submitted landscape plan identifies replacement trees that are drought tolerant and can add to immediate scenic vicinity for adjacent lots. Thus, the proposed project would have a less than significant impact on any scenic resources.
- c) No Impact: The subject property is within an urbanized area, specifically the Bay Point Planned Unit (P-1) zoning district. The property is located within the Heavy Industry (HI) and Single-Family Residential-High (SH) General Plan designations, although the portion of the lot that is designated as SH is an approximately 10 feet wide and 307 feet long panhandle access strip that will not include any portion of the project. There are no provisions within the P-1 zoning district regulating scenic quality. Therefore, the proposed project does have an impact on scenic quality.
- d) No Impact: The proposed project includes the storage of theft recovered and damaged vehicles. Transportation of the vehicles to be stored would occur during daylight hours the project does not include any proposed lighting for the site as a security measure so that the vehicles cannot be easily identified. The vehicles to be stored will not be stored in manner that would be visible from adjacent properties, thus the project has no impact with regard to new substantial light sources.

#### Sources of Information

Contra Costa County General Plan. "Chapter 9: Open Space Element." 2005-2020.  
<https://www.contracosta.ca.gov/DocumentCenter/View/30919/Ch9-Open-Space-Element?bidId=>

Insurance Auto Auction Storage Landscaping Plan prepared by RW Stover & Associates, Inc.  
May 28, 2020.

Contra Costa County Ordinance Code. Division 816 – Trees.  
[https://library.municode.com/ca/contracosta\\_county/codes/ordinance\\_code?nodeId=TIT8ZO\\_DIV816TR](https://library.municode.com/ca/contracosta_county/codes/ordinance_code?nodeId=TIT8ZO_DIV816TR)

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>2. AGRICULTURAL AND FOREST RESOURCES – Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **SUMMARY:**

a-e) **No Impact:** The project site as well as the adjacent properties that will serve as access to the parcel are designated as Heavy Industry or Light Industry by the Contra Costa General Plan. The proposed expansion of the IAAI auto storage yard will not change the land use designation, nor conflict with the land use matrix of the Bay Point Planned Unit District. The project site is located in an area that is defined as Urban and Built-Up Land as shown on the California Department of Conservation's *California Important Farmland 2014* map. The site is not under a Williamson Act contract with the County. Additionally, the project site is not considered forest land as defined by California Public Resources Code Section 12220(g) or timberland as defined by California Public Resources Code Section 4526. Therefore, the project will have no impact on agricultural or forest resources.

### **Sources of Information**

Bay Point Planned Unit District Land Use Matrix. <https://www.contracosta.ca.gov/DocumentCenter/View/28613/Land-Use-Matrix?bidId=>

California Department of Conservation, *California Important Farmland 2014*.  
<https://maps.conservation.ca.gov/dlrc/ciff/>

Environmental Issues	Potentially Significant Impact	Less Than Significant Impact			No Impact
		With Mitigation	Less Than Significant Impact	No Impact	
<b>3. AIR QUALITY – Would the project:</b>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

**SUMMARY:**

a) **Less Than Significant Impact:** Contra Costa County is within the San Francisco Bay air basin, which is regulated by the Bay Area Air Quality Management District (BAAQMD) pursuant to the *Bay Area 2017 Clean Air Plan*. The purpose of the *Clean Air Plan* is to bring the air basin into compliance with the requirements of Federal and State air quality standards and to protect the climate through the reduction of criteria pollutants and greenhouse gases. The CEQA Guidelines support lead agencies in analyzing air quality impacts. If, after analysis, the project's air quality impacts are found to be below the significant thresholds, then the air quality impacts may be considered less than significant. The potential air quality impacts for this project were evaluated using the BAAQMD 2017 CEQA guidelines screening criteria. Pursuant to these guidelines, if a project does not exceed the screening criteria size it is expected to result in less than significant impacts to air quality.

The proposed project is considered to be a general heavy industrial use per the BAAQMD 2017 CEQA guidelines screening criteria. The screening size threshold for general heavy industrial land uses is 281 acres (operational) or 11 acres (construction). The project will not include any construction and the entire project site is 10.35 acres. Therefore, due to the size of the lot and lack of construction for the proposed auto storage yard, the project will not conflict with the Clean Air Plan or obstruct its implementation.

b) **Less Than Significant Impact:** As discussed above, pursuant to BAAQMD screening criteria, the proposed project is not expected to exceed the threshold for screening criteria for general heavy industrial uses. Although the proposed project could potentially contribute incrementally to the level of criteria air pollutants in the atmosphere with daily trips to and from the site to deliver automobiles for storage, the project would expectedly have a less than significant adverse environmental impact on the level of any criteria pollutant.

c-d) **Less Than Significant Impact:** As proposed, the project would allow the expansion of an existing theft recovered and damaged vehicle storage facility which would result in trucks transporting vehicles to the project site. Truck trips could result in emissions which could result in odor as well as pollutant concentrations, however Contra Costa County File #CDLP02-02009 identified

the existing truck traffic to the site as 3-5 trips per day for the entire site. The project is not expected to significantly add any additional truck trips to and from the site and thus the project is not expected to impact sensitive receptors.

Likewise, any additional truck trip to and from the project site is not expected to produce any major sources of odor and the project is located in an existing industrial area. Consequently, the impacts to air quality as a result of the storage of the theft recovered and damage vehicles are considered less than significant, pursuant to BAAQMD screening guidelines.

### **Sources of Information**

Bay Area Air Quality Management District *CEQA Air Quality Guidelines*, 2017. [https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)

Contra Costa County File #CDLP02-02009 *Land Use Permit to Expand the Existing 15-Acre Storage Yard for Theft-Recovered and Damaged Vehicles by 25.5 Acres Which Will Include an Area to be Used for Auto Auctions*, 2003.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>4. BIOLOGICAL RESOURCES – Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

a-c) **No Impact:** According the County General Plan Conservation Element, the project site is in the vicinity of the Bay Point Salt Marsh, which is a significant ecological resource area of the County. However, the Salt Marsh is entirely located to the north of the Sacramento Northern, Union Pacific, and Burlington Northern Santa Fe railroad tracks, thus the project is not expected to have any impact on the ecological site. In addition, the project site is not located in an area defined as an ecological reserve or wildlife area according to the California Department of Fish and Wildlife's Public Access Lands map. The project does not propose any development and the lot is directly adjacent to other urban land uses which are not conducive to the habitats of special species.

As discussed in the previous section, the project site is not located in a sensitive area shown on the California Fish and Wildlife Public Access Lands Map and the project will not alter the existing zoning and land uses of the subject property. There are no identified creeks, drainage or protected wetlands on the project lot however the Bay Point Salt Marsh is approximately 0.3 miles to the north. There are no riparian areas in the vicinity, although the project proposes landscaping along the southern and eastern property lines that includes the planting of shrub groupings within a 12-foot buffer area to the east and a 30-foot buffer area to the south.

d) **Less Than Significant Impact:** The project site is predominantly covered with gravel rock and is surrounded by other urban land uses, both industrial and residential, does not contain any riparian areas or creeks that would be ideal for migratory movements of native species. The project includes landscaping and tree planting along the perimeter of the lot however the new plants are not expected to disrupt migratory movements as the site is not conducive to wildlife. Thus, the project is expected to result in less than significant impacts to wildlife corridors or nurseries.

e) **Less Than Significant Impact with Mitigation:** According to an arborist report performed by Timothy Ghiradelli, there are 53 trees identified to be impacted as part of this project. 41 of the 46 trees are currently protected per Chapter 816-6, Tree Protection and Preservation Ordinance due to the availability to develop the lot. Seven trees are on adjoining properties and are not code-protected, however they could require pruning as part of the project. The remaining five trees on the subject property are not code-protected due to not meeting the threshold for minimum size of code-protected trees. The 46 code-protected and non-code protected trees are all to be removed as part of this project and the submitted arborist report includes a retention rating for the trees that ranges from poor to good.

Although the subject property is considered heavy industrial, the implementation of the mitigations below will reduce the potential impact to resource to levels that are less than significant.

### **Potential Impact**

Upon approval of the project, 41 code-protected trees are to be removed on the subject property. The following mitigation measures will ensure that the loss of this resource will reduce the adverse environmental impacts to biological resources to a less than significant level.

### **Mitigation Measures**

**BIO-1:** Prior to commencing operation of the expanded auto storage facility, the 37 trees shown on the landscaping plan dated May 28, 2020 shall be installed with irrigation.

f) **No Impact:** The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCC HCP/NCCP) was adopted by the County in October of 2006. The purpose of this plan is to provide a framework to protect natural resources while streamlining the environmental permitting process for impacts to covered special status species within the rapidly expanding region of Eastern Contra Costa. The proposed project site is located within an area of Contra Costa County that is covered by the ECCC HCP/NCCP. However, the project is exempt from HCP/NCCP Ordinance No. 2007-53 because the area is mapped as urban.

### **Sources of Information**

Contra Costa County General Plan. “Chapter 8: Conservation Element.” 2005-2020.  
<https://www.contracosta.ca.gov/DocumentCenter/View/30918/Ch8-Conservation-Element?bidId=>

California Department of Fish and Wildlife Lands. *Public Access Lands Map*. Accessed May 28, 2021. <https://apps.wildlife.ca.gov/lands/>

Insurance Auto Auction Storage Landscaping Plan prepared by RW Stover & Associates, Inc. May 28, 2020.

Timothy C. Ghiradelli Consulting Arborist Services. *Tree Survey, 2770 Willow Pass Road, Bay Point, CA*. February 21, 2019.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation			Less Than Significant Impact	No Impact
		With Mitigation	Less Than Significant Impact	No Impact		
<b>5. CULTURAL RESOURCES – Would the project:</b>						
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

**SUMMARY:**

a-c) **No Impact:** The Contra Costa County General Plan Open Space Element includes a map, Figure 9-2, that illustrates areas of varying archeological sensitivity within the County. According to this map, the project site and its surroundings are largely urbanized areas excluded from archeological sensitivity surveys. The project site is not listed on the Contra Costa County Historic Resources Inventory or the California Department of Conservation's list of historical resources. The project site has previously been disturbed and is covered with a combination of compacted gravel, railroad spurs and sparse structures. No development is proposed with the project that would otherwise disturb the area and thus the project has no impact on cultural resources in the area.

**Sources of Information**

Contra Costa County General Plan. "Chapter 9: Open Space Element." 2005-2020.

<https://www.contracosta.ca.gov/DocumentCenter/View/30919/Ch9-Open-Space-Element?bidId=>

California Department of Conservation. *California Historical Resources*. <https://ohp.parks.ca.gov>ListedResources/?view=county&criteria=7>

Contra Costa County *Historic Resources Inventory* (2019) - <https://www.contracosta.ca.gov/DocumentCenter/View/1116/Historic-Resources-Inventory-HRI?bidId>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation			Less Than Significant Impact	No Impact
		With Mitigation	Less Than Significant Impact	No Impact		
<b>6. ENERGY – Would the project:</b>						
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

**SUMMARY:**

a-b) **No Impact:** The project does not include any development or construction and as such does not propose to consume any energy resources that would potentially be inefficient or unnecessary.

In December 2015, a Climate Action Plan (CAP) was adopted by the Contra Costa County Board of Supervisors in order to identify and achieve a reduction in greenhouse gas (GHG) emissions by the year 2020 as mandated by the State under AB32. The design and operation strategies set forth in the CAP for reducing GHG emissions include measures such as installing energy efficient finishing materials, roofing and lighting that would reduce the project's consumption of energy resources during operation. The project will not conflict with the CAP or the County's goal of reducing GHG emissions. Any potential future development of the project site will require compliance with all applicable regulations to ensure the construction will not have a significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy.

**Sources of Information**

California Air Resources Board, *Assembly Bill 32 Overview*  
<https://www.arb.ca.gov/cc/ab32/ab32.htm>

California Energy Commission *2019 Building Energy Efficiency Standards*  
<https://www.energy.ca.gov/title24/2019standards/>

*Climate Action Plan, Contra Costa County, 2015*

<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>7. GEOLOGY AND SOILS – Would the project:</b>				
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? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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 checked="" 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 checked="" 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 checked="" type="checkbox"/>

**SUMMARY:**

a) i, iv) **No Impact:** The California Division of Mines and Geology's Special Publication 42 indicates that the State Geologist is required to delineate "Earthquake Fault Zones" (EFZs) along known active faults in California. The project site is not mapped within an EFZ, nor within an Alquist-Priolo Special Studies Zone. In addition, the project is not located within a landslide hazard zone as designated by the State of California and no development is proposed that would potentially be affected by earthquakes or landslides. Therefore the project is no impact with respects to rupture of earthquakes or the presence of landslides.

ii) **Less Than Significant Impact:** The U.S. Geological Survey (2016) indicates that there is a 72 percent chance of at least one magnitude 6.7 or greater earthquake striking the San Francisco Bay region between 2014 and 2043. The project does not include any development of the lot nor will the property have any permanent human occupancy. Truck trips will deliver the theft recovered and damaged vehicles several times per week however the presence of personnel on site will be minimal. Therefore, the project will have less than signification impact with respects to strong seismic ground shaking.

iii) **Less Than Significant Impact:** A portion of the project site is located within an area with historic occurrences of liquefaction, including the proposed ingress and egress to the lot. There is no development proposed with the storage of theft recovered and damaged vehicles, and a peer review by Darwin Myers Associates did not identify any geological issues related to liquification in a report dated May 6, 2021. Although there is a potential for liquefaction of soils, the storage of vehicles is expected to have less than a significant impact if the presence is confirmed at a future time.

b) **Less Than Significant Impact:** The subject parcel is predominantly covered in a combination of pavement and gravel with some existing rail spurs and concrete pads. Any concrete to be demolished will be replaced with class II aggregate base and thus there is a minimal presence of topsoil on the subject property. The proposed installation of landscaping along the perimeter of the lot is expected to include some soil however the proposed storage of cars is not expected to have an impact on any existing or future soil with respect to erosion.

- c) Less Than Significant Impact: A portion of the project site is located in an area that is identified as a liquefaction seismic hazard zone that has potentially liquifiable soils. However, since no portion of the project includes structures for human occupancy, the potential for hazard from the presence of liquifiable soils is less than significant as stated by the County Peer Review Geologist Darwin Myers Associates in a report dated May 6, 2021.
- d) Less Than Significant Impact: Figure 8-5 of the County General Plan identifies the soil resource areas for the County and the subject property is located in an area that is characterized with upland soil associations which can be highly expansive and corrosive. There is no indication that the subject parcel includes expansive soils or any soil instability and no development is included with this project. Onsite managers will still operate the land use from the adjacent property and with the exception of truck trips to deliver theft recovered or damaged vehicles, the site will not be occupied by any humans. Thus, the project will have less than a significant impact with respect to expansive soils that may directly or indirectly risk life and property.
- e) No Impact: The project site is located outside of the service area of the Delta Diablo Sanitary District and would be subject to the review and approval of the Contra Costa Environmental Health department. There will be no septic system within the project, as there is no development proposed, therefore, no such impact.
- f) Less Than Significant Impact: The USDA NRCS soil survey for the area does not identify any unique geologic features which would be directly or indirectly destroyed by the project. The project site is relatively flat and consists of soils and other geologic features which are typical in the surrounding Bay Point area. There are no known paleontological resources located at the project site that would be designated as unique. The project does not include any significant ground disturbing components as there is no development proposed with the project. Therefore, the project has less than a significant impact to potentially destroy a unique paleontological resource or unique geologic feature.

### Sources of Information

California Division of Mines and Geology - *Special Publication 42*.

[https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Publications/SP\\_042.pdf](https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Publications/SP_042.pdf)

California Department of Conservation. *California Earthquake Hazards Zone Map*. Accessed May 11, 2021. <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

United States Geologic Survey. *Earthquake Outlook for the San Francisco Bay Region 2014-2043*. August, 2016. <https://pubs.usgs.gov/fs/2016/3020/fs20163020.pdf>

Darwin Myers Associates. *Peer Review of County File #CDDP18-03005*. May 6, 2021.

Contra Costa County General Plan. "Chapter 8: Conservation Element." 2005-2020.  
<https://www.contracosta.ca.gov/DocumentCenter/View/30918/Ch8-Conservation-Element?bidId=>

United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey Map*. July 31, 2019. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>8. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** As discussed in the Air Quality section of this study, the Bay Area Air Quality Management District (BAAQMD) adopted the *Bay Area 2017 Clean Air Plan* that, in addition to various criteria air pollutants, addresses GHG emissions at a regional scale. The project does not include any construction and the size of the lot does not meet the minimum screening size for GHG, criteria pollutant or construction related projects in a general heavy industry area per the 2017 BAAQMD CEQA Guidelines. The screening criteria are not thresholds of significance but were developed to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. Therefore, this project would expectedly have a less than significant impact with respect to the generation of GHG.
- b) **Less Than Significant Impact:** Within the *2017 Clean Air Plan* is an ambitious GHG reduction target to reduce Bay Area GHG emissions to 80% below 1990 levels by the year 2050. The 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors – reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>) – and reduce transport of ozone and its precursors to neighboring air basins. In addition, the plan builds upon and enhances BAAQMD's efforts to reduce emissions of fine particulate matter and toxic air contaminants. BAAQMD's approach to developing a threshold of significance for GHG emissions is to identify emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions. For general heavy industry development projects, the threshold is 1,100 metric tons per year (MT/yr) of CO<sub>2</sub>e. If a project would generate GHG levels above the threshold, it would be considered to contribute substantially to a cumulative impact and would be considered significant. There is no proposed development and no element of the project includes any future proposed construction. Therefore, the proposed temporary auto storage yard would not substantially conflict with policy's or regulations within the *2017 Clean Air Plan*.

**Sources of Information**

Bay Area Air Quality Management District *CEQA Air Quality Guidelines*, 2017.  
[https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en)

Environmental Issues	Potentially Significant Impact	Significant Mitigation	Less Than Significant Impact	Less Than Significant Impact With Mitigation	No Impact
<b>9. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

**SUMMARY:**

- a-b) **Less Than Significant Impact:** The proposed temporary vehicle storage facility will involve the regular transport of theft recovered and damaged vehicles to and from the site however the truck trips to and from the site will not involve the transport of any hazardous materials. The project sponsor, Insurance Auto Auctions, Inc. (IAAI), states that all vehicles to be stored on the subject property have no leaking fluids, which would otherwise potentially release hazardous materials into the ground if left unchecked. There is no construction proposed that would potentially release or emit hazardous materials, substances, or waste on the environment.
- c) **No Impact:** There are no schools located within a quarter mile of the project site. The nearest school is Bel Air Elementary school, located approximately 0.4-miles southeast of the project site. Additionally, there is no development proposed with this project. Therefore, the project will have no impact in this respect.
- d) **No Impact:** The California Environmental Protection Agency maintains an updated list of Hazardous Waste and Substance Sites (Cortese List). The subject property is not listed on the

Cortese List and is not categorized as a hazardous materials site. Therefore, the project will have no impact in this respect.

- e) No Impact: There are no airports in the vicinity of the project site, therefore, no impact.
- f) Less Than Significant Impact: The proposed project is a vehicle storage facility that is accessed from the adjacent parcel to the west and routed from Willow Pass Road. According to Figure 5-2 of the Transportation and Circulation Element of the General Plan, Willow Pass Road is a major arterial roadway that would be used in the event of an emergency requiring evacuation of the local neighborhood. The project would not interfere with the existing infrastructure of Willow Pass Road as the project will not increase human habitation or the development of structures on the lot. The proposed project will not impact the minimum sight distances for vehicles entering and exiting the site. The proposed project will not affect any existing communication/utility structures such as power poles or telecommunications towers, which may be necessary for an existing emergency response or evacuation plan. Accordingly, the project would have a less than significant impact on emergency response and emergency evacuation plans.
- g) Less Than Significant Impact: The project site and surrounding area are characterized as a “Non-Very High Fire Hazard Severity Zone” on the California Department of Forestry and Fire Protection’s Very High Fire Hazard Severity Zone Map. In addition, the project site is in a developed portion of the Contra Costa County Fire Protection District (CCCFPD) service area. Development projects are generally referred to the Fire District for review and comment to ensure that the proposal does not conflict with applicable fire codes. There was no indication from the CCCFPD review of the project that the proposed development poses a significant fire risk. The project does not include any development and no future development is proposed. All fluids are drained from the vehicles prior to storage which would otherwise create a fire risk. Therefore, the project will not result in a significant direct or indirect risk of exposing people to loss, injury, or death involving wildland fire.

#### Sources of Information

California Department of Toxic Substances Control EnviroStor. *Hazardous Waste and Substances Site List*. <https://www.envirostor.dtsc.ca.gov/public/search.asp>

Contra Costa County General Plan, 2005-2020. *Transportation and Circulation Element*. <https://www.contracosta.ca.gov/DocumentCenter/View/30915/Ch5-Transportation-and-Circulation-Element?bidId=>

California Department of Forestry & Fire Protection, Fire and Resource Assessment Program. *Contra Costa County Very High Fire Hazard Severity Zones in LRA*, 2009. [https://osfm.fire.ca.gov/media/6660/fhsz1\\_map7.pdf](https://osfm.fire.ca.gov/media/6660/fhsz1_map7.pdf)

Contra Costa Fire Protection District Agency Comments. February 2, 2018.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation			Less Than Significant Impact	No Impact
		Less Than Significant Impact	With Mitigation	Less Than Significant Impact		
<b>10. HYDROLOGY AND WATER QUALITY – Would the project:</b>						
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

### **SUMMARY:**

a-b) Less Than Significant Impact with Mitigation: The proposed project is to allow the expansion of an existing theft recovered and damaged vehicle storage facility with no proposed development. In November 2015, the Regional Water Quality Control Board for the San Francisco Bay Region (RWQCB) reissued the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit, which regulates discharges from municipal storm drains. Provision C.3 of the Municipal Regional Permit places requirements for site design to minimize the creation of impervious surfaces and control storm water runoff. The County has the authority to enforce compliance with its Municipal Regional Permit authority in its adopted C.3 requirements, which would limit the potential for the release of pollutants into the storm drain during construction or operation of the proposed project. The project does not propose to construct any new impervious surface; thus, the existing site is currently at the minimum level for impervious surfaces that would create additional storm drain runoff.

The site currently has a combination of impervious pavement as well as a combination of compacted gravel and soil along with several rail spurs. Even though IAAI has stated that all fluids are to be drained from the vehicles prior to storage, the presence of stored vehicles on the subject property may contribute polluted water to nearby water bodies. There is no water usage

proposed with the project however the possibility of fluid runoff could affect groundwater supplies and management of the basin, thus the project is expected to have a less than significant impact with mitigation on water discharge or ground water quality and supplies.

### **Potential Impacts – Degradation of Surface or Ground Water Quality**

The storage of vehicles on the subject property may cause the discharge of fluids to pollute nearby water bodies. This assessment has been confirmed by the Contra Costa Public Works Department in their review of the project. Therefore, the applicant is required to implement the following hydrology and water quality mitigation measures prior to the storage of any vehicles onsite in order to reduce impacts from fluids that could degrade the existing water quality to less than significant levels.

### **Mitigation Measures**

The following water pollution prevention measures shall be implemented prior to any vehicle storage on the subject property and continued throughout the duration of the proposed land use.

**HYD-1:** The applicant is required to submit a Storm Water Pollution Prevention Plan (SWPPP) for the project that is subject to review and approval by the Contra Costa Public Works department, that documents permanent and operational Best Management Practices (BMPs) that will be implemented to minimize potential impacts to water quality prior to the storage of any vehicles on site.

c) **No Impact:** The proposed project is an expansion of the existing vehicle storage facility on the adjacent property and does not propose any construction that would otherwise alter the existing drainage or grade. The project does require any public water usage or the use of an on-site well that would otherwise alter any existing conditions in the area with respect to water runoff or erosion. Thus, the project will no impact with respect to the existing drainage patterns for the site or the surrounding area.

d) **No Impact:** The project site is not located within a 100-year or 500-year flood plain. The Bay Point area is not included in tsunami inundation areas identified by the California Geological Survey (CGS) hazard maps. According to the Safety Element of the County General Plan, the project site is not located in a hazard zone for mudflows. A seiche is a water wave in a standing body of water such as a large lake or reservoir that is caused by an earthquake, a major landslide, or strong winds. This hazard does not exist within the Bay Point area as there are no large lakes or reservoirs in the area. As such, there would be no risk of pollutants being released from the site due to inundation through flooding, tsunamis, mudflows, or seiche, therefore, there would be no impact in this regard.

e) **No Impact:** The project does not include any construction and does not require the use of any water services on site. The implementation of the SWPPP as a required mitigation will not conflict with the proposed land use and will lower any potential adverse impacts to less than significant. There is no applicable groundwater management plan as no groundwater wells are known to be present or utilized for the proposed project. Therefore, the project would not conflict

with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

### Sources of Information

Contra Costa Clean Water Program, *C3 Guidance: Development*, <https://www.cccleanwater.org/construction-business/development>

Contra Costa Public Works Department. Agency Comment Request Memo. February 5, 2018.

*Tsunami Inundation Map for Emergency Planning, Contra Costa County Tsunami Inundation Maps*, State of California, 2009.

Contra Costa County General Plan, 2005-2020. *Safety Element*.

<https://www.contracosta.ca.gov/DocumentCenter/View/30920/Ch10-Safety-Element?bidId=>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>11. LAND USE AND PLANNING – Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### SUMMARY:

- a) Less Than Significant Impact: The project site is a vacant lot in an industrial area of unincorporated Bay Point that is characterized by large light and heavy industrial uses including the adjacent parcel which only has an approved land use for theft recovered and damaged vehicle storage. The subject lot will be located adjacent to single-family residential housing to the south and to the east, but the project includes a screening buffer along the edges of all adjacent residential neighborhoods. There is a 10-foot access strip that abuts the existing residential neighborhoods and connects the bulk of the parcel with Willow Pass Road however this portion of the property is not intended to be used for the storage of vehicles, nor is the area wide enough to accommodate the ingress and egress of trucks for delivery of vehicles. Furthermore, the proposed project would only be accessed from the western parcel that currently has the same land use as the proposed project. Thus, the proposed project would have less than a significant impact on the physical division of an established community.
- b) Less Than Significant Impact: The proposed project would be to allow the storage of theft recovered and damaged vehicles on a vacant industrial lot and is subject to the land use plans and policies below:

### Land Use Element

The subject property is in a Heavy Industry (HI) General Plan land use designation and the proposed storage of theft recovered and damaged vehicles will not alter or conflict with the land use as no construction nor human occupancy is proposed with this project. HI land uses generally require convenient truck, ship, and/or rail access. The project would utilize the existing ingress and egress through the adjacent parcel for truck transport and not require any new truck routes that would otherwise be in conflict with the HI or adjacent land uses.

The subject parcel has a 10-foot access stem that is designated as Single-Family Residential-High (SH). This portion of the lot is not included with the plans to store vehicles as it is predominantly inaccessible and will provide an additional buffer between the project use and the adjacent residential lots. There is no construction or human occupancy proposed on the portion of the lot that would conflict with the SH land use designation.

Policy 3-78 of the Land Use Element specifies policies to guide development in the Bay Point area. Within Policy 3-78, there are five sub-policies that are to be applied to any project within the unincorporated Bay Point area. Although 3-78(a) encourages development of new uses and this project is an expansion of an existing use, the project site is currently vacant. In addition to the storage of vehicles, the project also includes new landscaping in previously under-utilized portions of the property. The project utilizes the existing vehicular access to the site from Willow Pass Road and does not include any development which would otherwise be in conflict with policies 3-78(b) and (c). The project does not include the production, storage, transportation or disposal of toxic materials and all aspects of the project have been reviewed by the Conservation and Development Department as specified in policies 3-78(d) and (e).

### Zoning

The theft recovered and damaged vehicle storage project is located within the Bay Point Planned Unit Development (P-1) district. The project meets the minimum lot size for the specified land use within the P-1 district and proposes no development that would conflict with the development standards of the district. The proposed use is allowed per the Bay Point Land Use Matrix

Therefore, the project has less than significant potential for conflict with any applicable land use, policy, General Plan, Specific Plan, or zoning ordinance adopted for the purpose of avoiding or mitigating an environmental effect.

### Sources of Information

Contra Costa County General Plan, 2005-2020. *Land Use Element*.

<https://www.contracosta.ca.gov/DocumentCenter/View/30913/Ch3-Land-Use-Element?bidId=>

Contra Costa County Municipal Code. *Title 8*. [https://library.municode.com/ca/contra\\_costa\\_county/codes/ordinance\\_code?nodeId=TIT8ZO](https://library.municode.com/ca/contra_costa_county/codes/ordinance_code?nodeId=TIT8ZO)

Bay Point Planned Unit Development (P-1). *Development Standard*. <https://www.contracosta.ca.gov/DocumentCenter/View/28611/Development-Guidelines-Matrix-final?bidId=>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>12. MINERAL RESOURCES – Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

a-b) **Less Than Significant Impact:** Pursuant to Figure 8-4 (Mineral Resource Areas) of the County General Plan Conservation Element, the project site is not located within any area of the County identified as a significant mineral resource area. No known mineral resources have been identified in the project vicinity, and there is no reason to believe that they exist at the project site. Therefore, the proposed project would have a less than significant potential for impacts resulting in the loss of availability of any known mineral resource or impact any mineral recovery site.

**Sources of Information**

Contra Costa County General Plan, 2005-2020. *Conservation Element*.

<https://www.contracosta.ca.gov/DocumentCenter/View/30918/Ch8-Conservation-Element?bidId=>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>13. NOISE – Would the project:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

a-b) **Less Than Significant Impact:** The proposed storage of theft recovered and damaged vehicles does not include any development and the only source of noise from the proposed use will be from truck deliveries to and from the site. Truck trips are not expected to increase significantly over what is currently existing on the adjacent property and will only occur during regular business hours on weekdays. The project site is partially located within a noise contour area as shown on Figure 11-5 D, however the portion of the lot in the noise contour area is the 10-foot access strip that is not area to be included as part of the proposed land use. Any potential activities related to landscaping or the removal of existing structures are not expected to generate excessive groundborne vibrations or groundborne noise levels that would impact the project site or the surrounding area in addition to the truck trips for the purpose of storing and moving automobiles.

c) **No Impact:** The project site is not located within two miles of a public airport or private airstrip, nor is it located within an area covered by the County's Airport Land Use Compatibility Plan. The nearest airport facility is Buchanan Field, approximately 6.4 miles southwest of the project site. Thus, the proposed project would not expose people to excessive noise levels from either Buchanan Field or a private airstrip and there is no impact.

**Sources of Information**

Contra Costa County General Plan, 2005-2020. *Noise Element*.

<https://www.contracosta.ca.gov/DocumentCenter/View/30921/Ch11-Noise-Element?bidId=>

*Contra Costa County Airport Land Use Compatibility Plan*, Contra Costa County, 2000.

<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation</b>			<b>Less Than Significant Impact</b>	<b>No Impact</b>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>14. POPULATION AND HOUSING – Would the project:</b>						
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**SUMMARY:**

a-b) **No Impact:** The proposed storage of theft recovered and damaged vehicles does not include any housing as part of the project and the surrounding area is already developed with respective industrial and residential land uses. The project does not include any new infrastructure development that would otherwise spur population growth through new housing or businesses. If approved, the project would further limit substantially increasing

the population of the area by limiting the ability to potentially develop the vacant lot with housing or construct new office space which would increase the population through new business. The project also includes measures such as a privacy fence, landscaping and a designated 12-foot buffer area between the property lines and the nearest storage of vehicles that delineates the industrial use from the adjacent residential uses. Therefore, the proposed storage of vehicles would not induce substantial unplanned population directly or indirectly, nor displace any person or existing housing, nor necessitate the construction of replacement housing elsewhere.

Environmental Issues	Potentially Significant Impact	Less Than Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>15. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</b>					
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** The project has been reviewed by the Contra Costa County Fire Protection District. In a comment letter dated February 2, 2018, there was no indication that new facilities would be needed as a result of this project. The Public Facilities/Services Element of the County General Plan requires fire stations to be located within 1.5 miles of developments in urban areas. The project site is served by Fire Station 86, located at 3000 Willow Pass Road, approximately 0.26 miles west of the project site. The project does not propose any new construction and no portion of the project includes human occupancy. Thus, the project would meet this General Plan policy and would have a less than significant impact on existing fire protection facilities.
- b) **Less Than Significant Impact:** Police protection and patrol services in the Bay Point area and the project vicinity are provided by the Contra Costa County Sheriff's office. The Public Facilities/Services Element of the County General Plan requires 155 square feet of station area per 1,000 population in unincorporated Contra Costa County. As discussed earlier in this study, the proposed project would not substantially increase the population within this area of the County. Therefore, the storage of theft recovered and damaged vehicles would not impact the County's ability to maintain the General Plan standard of having 155 square feet of station area and support facilities for every 1,000 members of the population. Thus, the proposed project will have less than significant impact on police services and will not result in the need for expanded police protection facilities or services in the County.

- c) Less Than Significant Impact: Since the project would not significantly increase the population in Bay Point, it would have a less than significant impact on enrollment at existing local schools.
- d) Less Than Significant Impact: The policy for Parks and Recreation in the Growth Management element of the County General Plan indicates that a standard of 3 acres of neighborhood parks per 1,000 persons should be maintained within the County. As stated previously, the project would not cause a significant population increase in the Bay Point community. Thus, the project would have a less than significant impact on the existing ratio of parkland to residents in Contra Costa County.
- e) Less Than Significant Impact: The project would not significantly affect existing public facilities (e.g. Hospital, Library, etc.) because it is not expected to substantially induce population growth in the area.

#### Sources of Information

Contra Costa Fire Protection District Agency Comments. February 2, 2018.

Contra Costa County General Plan, 2005-2020. *Public Facilities/Services Element*.

[https://www.contracosta.ca.gov/DocumentCenter/View/30917/Ch7-Public-Facilities\\_Services-Element?bidId=](https://www.contracosta.ca.gov/DocumentCenter/View/30917/Ch7-Public-Facilities_Services-Element?bidId=)

Contra Costa County General Plan, 2005-2020. *Growth Management Element*.

<https://www.contracosta.ca.gov/DocumentCenter/View/30914/Ch4-Growth-Management-Element?bidId=>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>16. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### SUMMARY:

- a) No Impact: The proposed project is not residential in nature and there is no future potential for adding housing in the future. Accordingly, there is no expectation for the project to increase the use of existing neighborhood and regional parks, or other recreational facilities. Therefore, the project will have no impact in this regard.

b) No Impact: The project does not include, nor require, the construction or expansion of recreational facilities. Therefore, no adverse physical effects on the environment resulting from such activity would occur in relation to this project.

Environmental Issues	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>17. TRANSPORTATION – Would the project:</b>				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

a) Less Than Significant Impact: Policy 4-c of the Growth Management Element of the General Plan, and Chapter 82-32 (Transportation Demand Management) require a traffic impact analysis of any project that is estimated to generate 100 or more AM or PM peak-hour trips. The proposed project does not include any new development and the expansion of the existing automobile storage use on the adjacent parcel is not anticipated to result in the generation of additional AM or PM peak-hour trips. Additionally, the project site is located outside of the County's Transit Network Plan, as depicted in Figure 5-3 of the Transportation and Circulation Element of the General Plan; further limiting the project's potential to impact peak hour traffic patterns in the vicinity. Therefore, the project has less than significant potential to conflict with a program, plan, ordinance or policy addressing the circulation system.

b) Less Than Significant Impact: Pursuant to CEQA Guidelines Section 15064.3(b), a lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles travelled (VMT) for the purpose of determining the significant of transportation impacts. The Governor's Office of Planning and Research has provided the following guidance on evaluating such impacts for small projects: "Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less than significant transportation impact." As discussed in Section 17a above, the proposed storage of theft recovered and damaged vehicles does not include any development and the project is an expansion of an existing use that does propose to increase the number of daily truck trips. Since there is no reasonable expectation that a project of this scale could exceed 110 daily trips, the project is assumed to have a less than significant impact on traffic. Therefore, the project does not conflict with CEQA guidelines section 15064.3(b).

c) **Less Than Significant Impact:** As shown on *Figure 5-2 Roadway Network Plan* of the General Plan Transportation and Circulation Element, Willow Pass Road is a County-designated arterial that provides vehicular access to Highway 4 as well as downtown Pittsburg and the adjacent northern waterfront area. However, access to the site will utilize the existing entrance from the adjacent parcel to the west and not create a new ingress and egress directly from Willow Pass Road. The proposed project does not include any new construction nor alter the existing traffic patterns to and from the site. The project would not require larger trucks to transport the theft recovered and damaged vehicles and all other conditions related to design features and uses are to remain. Therefore, the project improvements would not present a significant design hazard or incompatible use.

d) **Less Than Significant Impact:** The applicant is required to comply with the requirements and standards of the Contra Costa County Fire Protection District (CCCFPD). The proposed project is required to maintain a 20-wide minimum access gate as well as all-weather driving surfaces that meet the minimum width and depth requirements to accommodate emergency apparatus access to the entirety of the site. The design of the access to the site as well as the proposed driveway aisles would also accommodate large emergency vehicles such as fire engines. Thus, emergency access to the project site would not be impeded. Compliance with all applicable fire safety measures ensure that the projects' potential to result in inadequate emergency access or services is less than significant.

#### **Sources of Information**

Contra Costa County General Plan, 2005-2020. *Growth Management Element*.

<https://www.contracosta.ca.gov/DocumentCenter/View/30914/Ch4-Growth-Management-Element?bidId=>

Contra Costa County Municipal Code. *Chapter 82-32 – Transportation Demand Management*.  
[https://library.municode.com/ca/contra\\_costa\\_county/codes/ordinance\\_code?nodeId=TIT8ZO\\_DIV82GERE\\_CH82-32TRDEMA](https://library.municode.com/ca/contra_costa_county/codes/ordinance_code?nodeId=TIT8ZO_DIV82GERE_CH82-32TRDEMA)

Contra Costa County General Plan, 2005-2020. *Transportation and Circulation Element*.  
<https://www.contracosta.ca.gov/DocumentCenter/View/30915/Ch5-Transportation-and-Circulation-Element?bidId=>

Contra Costa Fire Protection District Agency Comments. February 2, 2018.

Environmental Issues	Potentially Significant Impact	Less Than Significant Impact	With Mitigation	Less Than Significant Impact	No Impact
<b>18. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</b>					

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation			Less Than Significant Impact	No Impact
		Less Than Significant Impact	Less Than Significant Impact With Mitigation	No Impact		
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

**SUMMARY:**

a-b) Less Than Significant Impact: As discussed in the Cultural Resources section of this study, there are no known existing structures located at the project site that would be designated as historical resources. Additionally, there is no evidence in the record at the time of completion of this study that indicates the presence of human remains at the project site. On February 17, 2021, a Notice of Opportunity to Request Consultation for the proposed minor subdivision of a 40.5-acre parcel was sent to the Wilton Rancheria, a California Native American tribe that is traditionally and culturally affiliated with the geographic area. No requests for consultation or responses regarding tribal cultural resources have been received from California Native American tribes at the time of completion of this study.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation			Less Than Significant Impact	No Impact
		Less Than Significant Impact	Less Than Significant Impact With Mitigation	No Impact		
<b>19. UTILITIES AND SERVICE SYSTEMS – Would the project:</b>						
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
b) Have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact</b>		
		<b>With Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** The project site is in a developed, urbanized area which is served by existing water, sewer, storm drain, electric power, natural gas, and telecommunications services. There is no indication from any utility service provider that the proposed storage of theft recovered and damaged vehicles would result in a need to relocate, expand, or construct new facilities. The project will not require any services as no security lighting or telecommunication needs are to be included, thus the project will have no impact with regard to the relocation or construction of new or expanded utility services.
- b) **Less Than Significant Impact:** The proposed storage of theft recovered and damaged vehicles does not require any additional water supplies as no construction is proposed. The Contra Costa Fire Protection District requires that a water supply be available for fire protection, which shall be demonstrated prior to obtaining approval and the necessary permits from the Fire District. Thus, the project is expected to have a less than significant impact on the existing demand for water resources during dry, or multiple dry years.
- c) **No Impact:** The project site is not served by a wastewater system and therefore the project will have no effect on existing wastewater treatment facilities. Therefore, there would be no impact to any wastewater treatment provider.
- d) **Less Than Significant Impact:** The storage of theft recovered and damaged vehicles does not include construction, and there is no proposed construction slated for the future. The project includes the removal of several above ground storage tanks however the removal of these tanks is not subject to the CalGreen Construction and Demolition Debris Recovery Program administered by the Department of Conservation and Development because the demolition is not associated with a construction permit. Thus, the project will have less than a significant impact on solid waste generation and no portion of the project will exceed State or local standards.
- e) **Less Than Significant Impact:** As mentioned above, the removal of the existing above ground storage tanks is not subject to the CalGreen Construction and Demolition Debris Recovery Program administered by the Department of Conservation and Development because there is no associated new construction. The project does not propose any new construction nor is there any construction slated for the future. Therefore, the potential for conflict with Federal, State, and local management and reduction statutes and regulations related to solid waste is less than significant.

**Sources of Information**

Contra Costa Fire Protection District Agency Comments. February 2, 2018.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>20. WILDFIRE – If located in or near the state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

a-d) **No impact:** The project site is located in an area classified as a *Non-Very High Fire Hazard Severity Zone* on the California Department of Forestry and Fire Protection's Very High Fire Hazard Severity Zone map and is not located near any state responsibility lands classified as a *Very High Fire Hazard Severity Zone*. Therefore, it would have no impact on emergency response or evacuation plans or project occupants due to wildfire. Likewise, the proposed development is on a relatively flat site within an urbanized area and would not require the installation or maintenance of additional infrastructure such as roads or fuel breaks that may exacerbate fire risk or expose people or structures to significant risks as a result of post-fire slope instability or runoff.

**Sources of Information**

California Department of Forestry & Fire Protection, Fire and Resource Assessment Program.  
*Contra Costa County Very High Fire Hazard Severity Zones in LRA*, 2009.

[https://osfm.fire.ca.gov/media/6660/fhszl\\_map7.pdf](https://osfm.fire.ca.gov/media/6660/fhszl_map7.pdf)

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>21. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** Although expansion of the IAAI theft recovered and damaged vehicle storage yard would be contained within the 10.35-acre project site, it has the potential to impact the environment in relation to undiscovered biological or cultural resources due to its undeveloped state. As assessed in the “biological resources” section of this Initial Study, the proposed project would have a less than significant impact on sensitive habitats or special status species. Additionally, the proposed project will have a less than significant impact on nesting birds or tree resources. As assessed in the “cultural resources,” “geology”, and “tribal” sections of this Initial Study, the proposed project would have no impact on historic resources and less than significant impacts on any previously unknown archaeological, paleontological, or tribal resources due to the lack of construction on site. Where mitigation measures are enforced as proposed in this Initial Study, the measures will be conditions of approval of the proposed project and the applicant will be responsible for implementation of the measures. Therefore, the potential for substantial impacts to biological, historical, or cultural resources as a result of the proposed project is less than significant as described within this report.
- b) **Less Than Significant Impact:** The project site is located within the Urban Limit Line in an area that has been designated for mixed-use and single-family residential development. The County is not currently processing any discretionary applications for non-residential development for properties that are contiguous to the project site. Within Bay Point, staff has identified two projects involving substantial development within one mile of the subject property that are under review, as listed below:

1. Bay Point Mision Pentecostes Church Land Use Permit (County File #CDLP19-02001): The project consists of the construction of a new 23,000-square-foot church with a tree permit for removal of a code-protected palm tree. The project is located on two adjacent properties located approximately 0.5 miles from the project site. (APNs: 095-081-020 & 095-081-023). The project is being prepared to be heard before the County Zoning Administrator.
2. New Multi-Family Housing Project (County File #DP20-3011): The project consists of a proposed three to four story 100 unit multi-family housing project with surface parking, courtyard, play area, community room and dog park. The proposal is located approximately 0.56 miles southwest of the IAAI vehicle storage site. The project is currently under environmental review.

Potentially significant environmental effects resulting from the proposed IAAI theft recovered and damaged vehicle storage project, identified within this report, include impacts related to Aesthetics, Biological Resources, and Hydrology. The above-mentioned substantial projects are not contiguous to the subject property and are physically separated by heavily developed urban lands. Thus, any localized impacts related to Biological Resources and Hydrology can be mitigated at the project level and would be unlikely to affect any such impacts identified for these other nearby projects. Similarly, the project-related impacts relating to Aesthetics will be limited to the immediate vicinity of the project site. The project site will have no impact on scenic vistas from either of the nearby project sites. Neither of the projects have been approved yet and are in varying stages of the Land Use Permitting processes and may not be entering their respective construction phases simultaneously. Therefore, the potentially significant impacts of the IAAI theft recovered and damaged vehicle storage project would not be cumulatively considerable when taking into account other development in this area of Bay Point.

- c) Less Than Significant Impact: This Initial Study has disclosed potential impacts on human beings that would be less than significant with the implementation of mitigation measures. All identified mitigation measures will be included as conditions of approval for the proposed project, and the applicant will be responsible for implementation of the measures. As a result, there would not be any environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

## **ATTACHMENTS**

- 1. Vicinity Map**
- 2. Site Plan**
- 3. Landscaping Plan**

# 2770 Willow Pass Road Vicinity Map



0.3                    0                    0.14                    0.3 Miles

WGS\_1984/Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

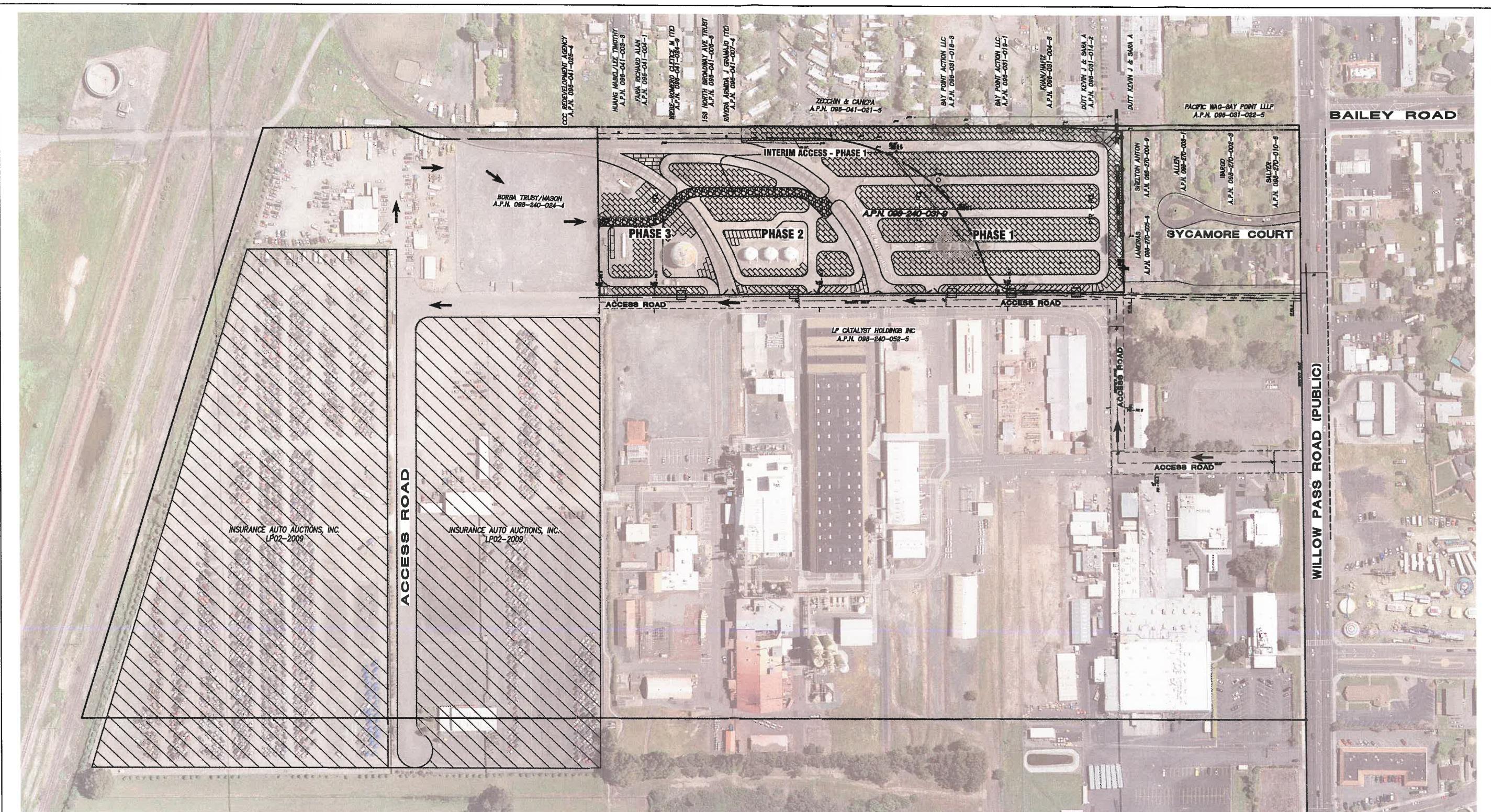
THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Legend

- City Limits
- Assessment Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

## Notes

Contra Costa County -DOIT GIS



## LEGEND:

MAIN SITE ACCESS CORRIDOR



SCALE: 1"=100'

## COMPOSITE SITE PLAN

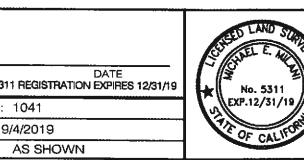
Storm Water Monitoring & Reporting  
Land Development Engineering  
Environmental Engineering  
Municipal Engineering  
Surveying & Mapping  
Construction Staking



2655 Stanwell Drive, Suite 105  
Concord, CA 94520  
Phone: (925) 674-9082  
Fax: (925) 674-9279  
Web: [www.milanassociates.com](http://www.milanassociates.com)

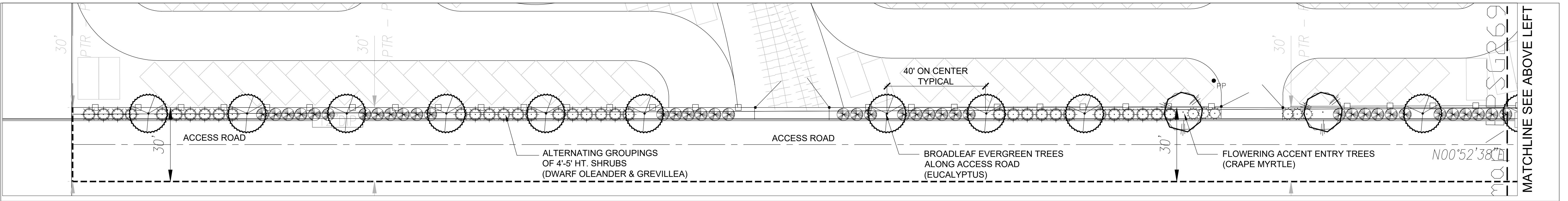
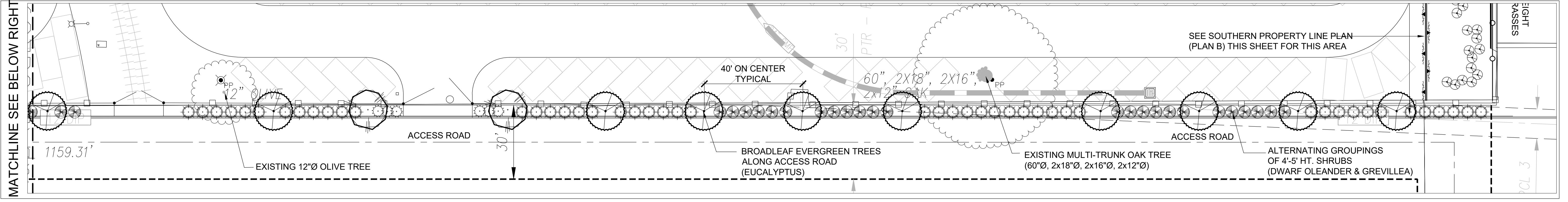
A.P.N. 095-240-031-9 **USE PERMIT EXHIBIT** 2770 WILLOW PASS ROAD  
INSURANCE AUTO AUCTIONS STORAGE FACILITY  
CDDP 18-03005  
BAY POINT CONTRA COSTA COUNTY CALIFORNIA

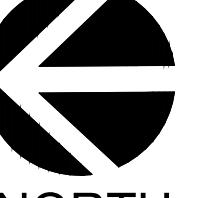
DESIGNED UNDER THE DIRECTION OF:  
MICHAEL E. MILANI R.C.E. No. 35121 REGISTRATION EXPIRES 9-30-19 L.S. No. 5311 REGISTRATION EXPIRES 12/31/19 DATE  
DESIGN: SMS, LML JOB NO: 1041  
DRAWN: SMS, LML DATE: 9/4/2019  
CHECKED: KRA SCALE: AS SHOWN

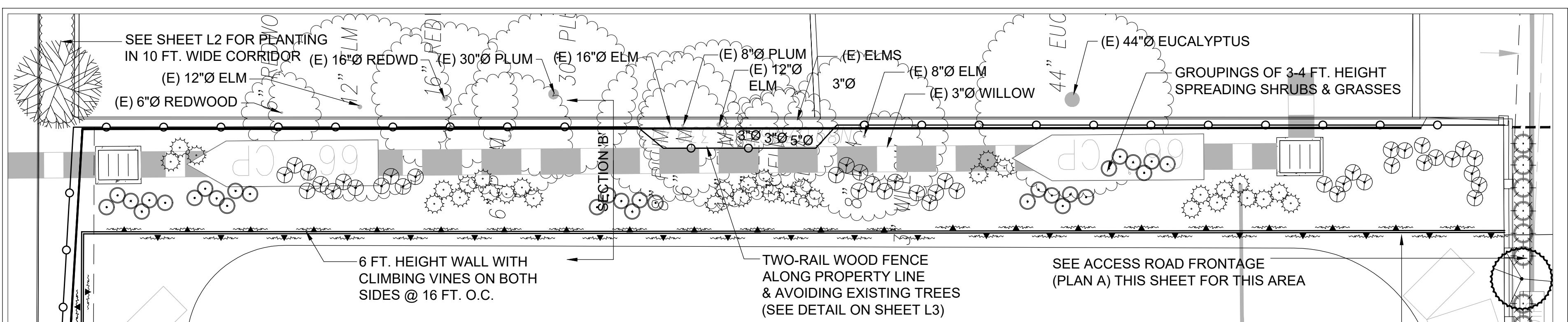


NO.	REVISIONS	BY	APP	DATE	SHEET
					2
	RESUBMITTAL			03/04/19	
	RESUBMITTAL			04/24/18	
	INITIAL SUBMITTAL			1/17/18	OF 9 SHEETS

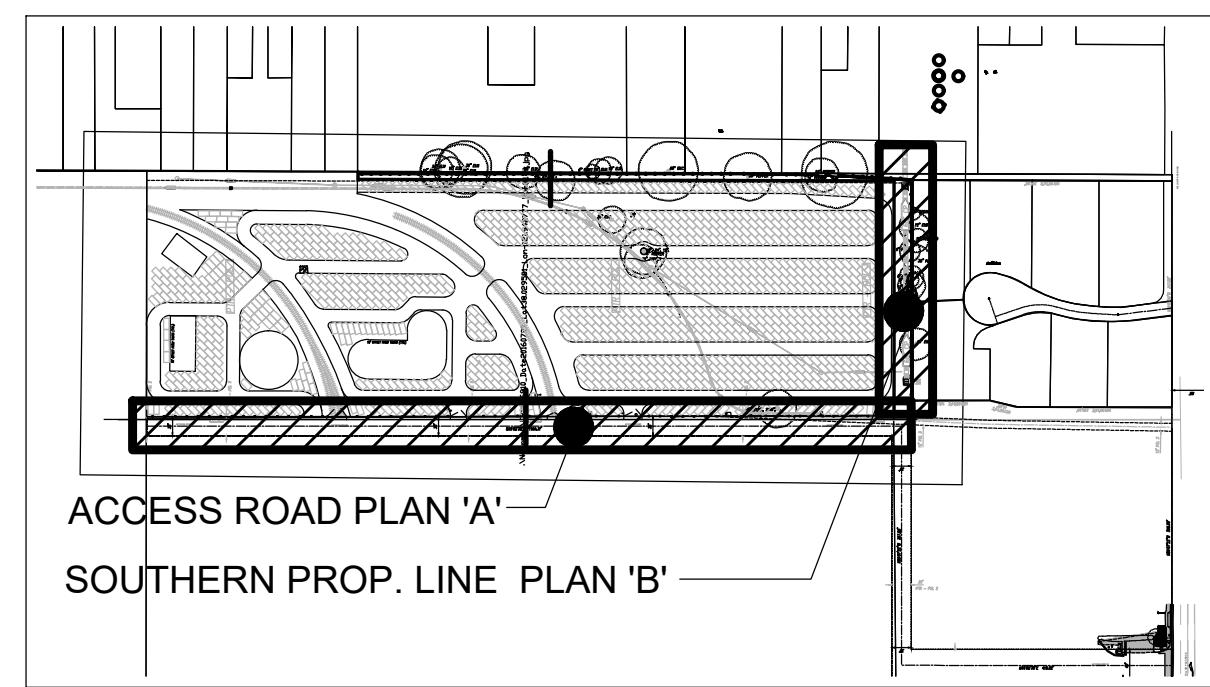
REVIEW COPY  
SUBJECT TO REVISION  
NOT FINAL  
THIS NOTICE TO BE REMOVED UPON  
COMPLETION OF MAP AND UPON  
AGENCY/CLIENT APPROVAL OF MAP



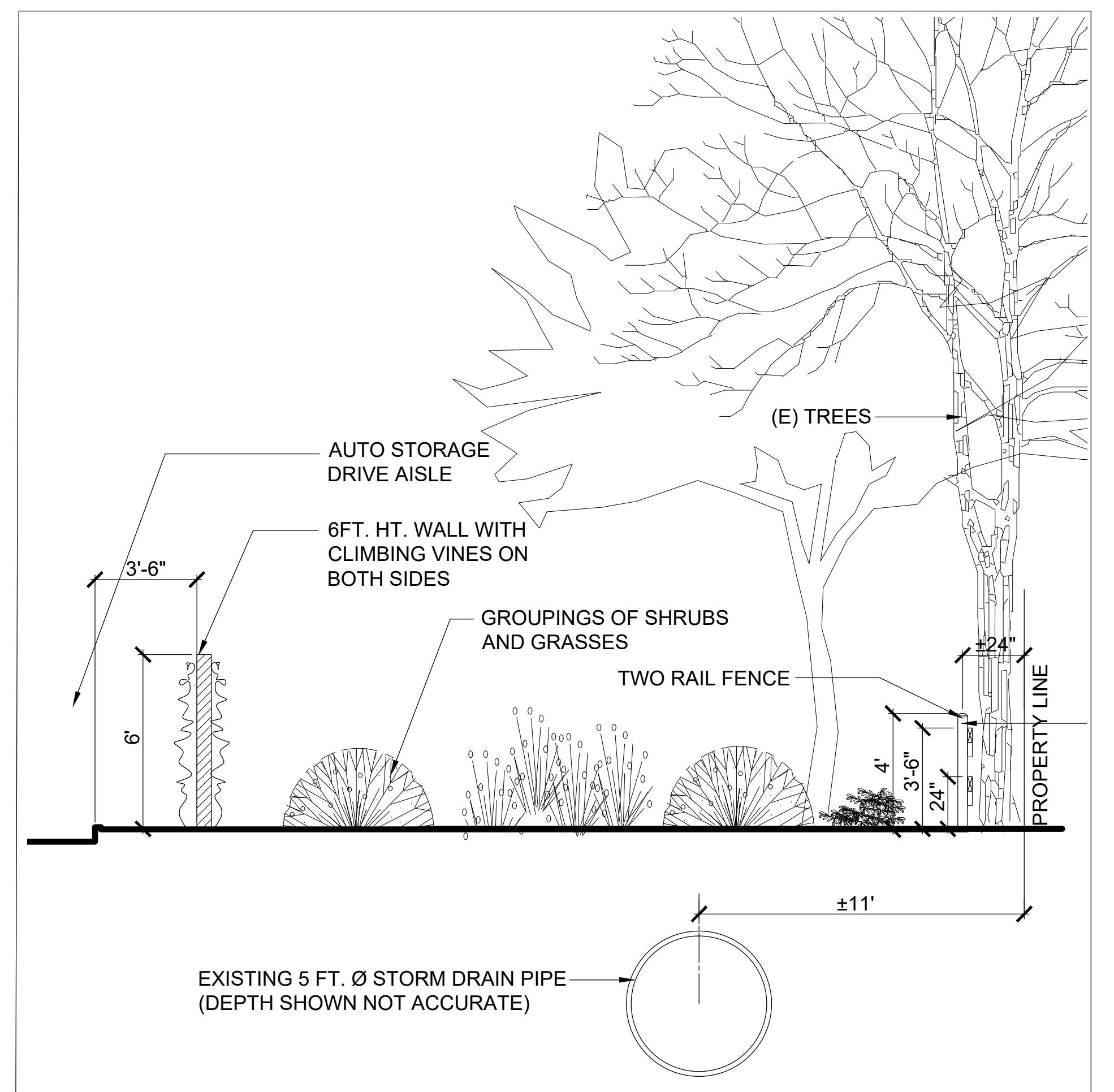
**A** PLANS: ACCESS ROAD  
SCALE: 1" = 20'-0" 



**B** PLANS: SOUTH PROPERTY LINE  
SCALE: 1" = 20'-0" 



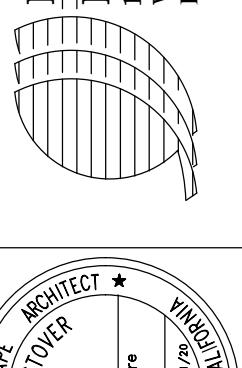
SITE MAP 



SECTION 'B': SOUTHERN PROPERTY LINE BUFFER

SEE SHEET L4 FOR PLANT LIST & IMAGES

RW Stover & Associates, Inc.  
Landscape Architecture  
1620 North Main Street, Suite 4  
Walnut Creek, CA 94596  
Ph: 925.953.2585



INSURANCE AUTO  
AUCTIONS STORAGE  
BAY POINT,  
CALIFORNIA

PRELIMINARY  
LANDSCAPE  
PLANS

DESIGNED: RS DRAWN: RS  
CHECKED: JOB NO:  
DATE: 05-28-20  
SCALE: NOTED

SHEET  
L1  
OF SHEETS

**Mitigation Monitoring and Reporting Program  
County File #CDDP18-03005**

**2770 Willow Pass Road  
Bay Point, CA 94565**

**October, 2021**

## SECTION 1: AESTHETICS

**Potentially Significant Impact:** Upon approval of the project, approximately 1,200 theft recovered and damaged vehicles are to be stored on a previously vacant lot adjacent to single-family residential housing in addition to the construction of a security fence. The following mitigation measures will ensure that the impact to local aesthetics will be reduced to a less than significant level.

### Mitigation Measures(s):

**AES-1:** A 12-foot buffer as shown on the project landscape plans dated May 28, 2020 between the storage of any vehicles and the nearest property line to the east and to the south of the site and the applicant shall provide evidence of such prior to the storage of any vehicles.

**AES-2:** To lessen the visual impacts of the auto storage facility from adjacent residential properties landscape screening as shown on the project landscape plans dated May 28, 2020 shall be planted and maintained between the facility and the residential properties.

Implementing Action:	COA
Timing of Verification:	Prior to the storage of any automobiles on the subject parcel.
Party Responsible for Verification:	Project proponent and CDD staff.
Compliance Verification:	Submittal of landscaping bond and photographic evidence.

## SECTION 2: BIOLOGICAL RESOURCES

**Potentially Significant Impact:** Upon approval of the project, 41 code-protected trees are to be removed on the subject property. The following mitigation measures will ensure that the loss of this resource will reduce the adverse environmental impacts to biological resources to a less than significant level.

### Mitigation Measures(s):

**BIO-1:** Prior to commencing operation of the expanded auto storage facility, the 37 trees shown on the landscaping plan dated May 28, 2020 shall be installed with irrigation.

#### Abbreviations:

Condition of Approval (COA)  
Community Development Division (CDD)

#### Mitigation Monitoring Program

DP11-3013  
Page 2 of 4

1. The applicant shall submit an estimate prepared by a licensed landscape architect or arborist for the materials and labor costs to complete the installation of the 37 trees.
2. The applicant shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD. The bond shall include the amount of the approved cost estimate, plus a 20% inflation surcharge.
3. The County ordinance requires that the applicant pay fees for all time and materials costs of staff for processing a landscape improvement security (Code S-060B). At time of submittal of the security, the applicant shall pay an initial deposit of \$200.
4. No later than 30 days after the planting of the required trees is complete, the consulting arborist shall verify that the trees and landscaping have been installed and when verified, notify CDD in writing.
5. The security shall be retained by the County for a minimum of 12 months up to 24 months beyond the date of receipt of the written verification of the installation. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicant arrange for the consulting arborist to inspect the trees and prepare a report on the trees' health. In the event that the CDD determines that the existing tree(s) have been damaged or have died, and determines that the applicant has not been diligent in providing a replacement, then the CDD may require that all or part of the security be used to provide for replacement of the dead or damaged tree(s).

Implementing Action:	COA
Timing of Verification:	Prior to the storage of any automobiles on the subject parcel and 12 to 24 months after verification of installation submitted.
Party Responsible for Verification:	Project proponent and CDD staff.
Compliance Verification:	<ul style="list-style-type: none"> <li>• Review of consulting arborist/landscape Architect estimate.</li> <li>• Submittal of security bond.</li> <li>• Follow up report by consulting arborist/landscape architect.</li> </ul>

### SECTION 3: HYDROLOGY AND WATER QUALITY

**Potentially Significant Impact:** *The storage of vehicles on the subject property may cause the discharge of fluids to pollute nearby water bodies. This assessment has been confirmed by the*

Abbreviations:

Condition of Approval (COA)  
Community Development Division (CDD)

Mitigation Monitoring Program

DP11-3013

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*Contra Costa Public Works Department in their review of the project. Therefore, the applicant is required to implement the following hydrology and water quality mitigation measures prior to the storage of any vehicles onsite in order to reduce impacts from fluids that could degrade the existing water quality to less than significant levels.*

**Mitigation Measure(s):**

**HYD-1:** The applicant is required to submit a Storm Water Pollution Prevention Plan (SWPPP) for the project that is subject to review and approval by the Contra Costa Public Works department, that documents permanent and operational Best Management Practices (BMPs) that will be implemented to minimize potential impacts to water quality prior to the storage of any vehicles on site.

Implementing Action:	COA
Timing of Verification:	Prior to the storage of any additional vehicles on the subject parcel.
Party Responsible for Verification:	Project proponent, CDD staff, Public Works.
Compliance Verification:	Review of SWPPP.

Abbreviations:

Condition of Approval (COA)  
Community Development Division (CDD)

Mitigation Monitoring Program

DP11-3013

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GRANT FARRINGTON, PLANNER II  
COMMUNITY DEVELOPMENT DIVISION  
CONTRA COSTA COUNTY,  
DEPARTMENT OF CONSERVATION & DEVELOPMENT  
30 MUIR RD.  
MARTINEZ, CA, 94553

RE: COUNTY FILE # CDP 18-03005

2777 WILLOW PASS RD BAY POINT, CA.  
ASSESSOR PARCEL # 098-240-031

MY NAME IS LARRY ESTES  
1 Sycamore Court Bay Point, CA. 94565  
I AM A CO-OWNER OF 1 Sycamore Ct.  
WITH MY MOTHER, BARBARA ESTES, 87  
YEARS OLD & HAS LIVED HERE SINCE 1964.  
I AM THE PRESIDENT OF Sycamore Court  
HOMEOWNERS ASSOCIATION. I AM  
WRITING ON BEHALF OF ALL 7 HOMEOWNERS.

THE HOMES WERE BUILT IN THE  
EARLY 1930's FOR THE DEPT. HEADS OF  
THEN SHELL CHEMICAL & THE PLANT WAS  
NEXT DOOR & WAS ACCESSIBLE BY CAR OR  
PEDESTRIAN TRAFFIC TO THE NORTH END OF  
THE COURT. THAT ACCESS IS NO LONGER  
ACCESSIBLE. THERE WAS NO ACCESS ROAD  
ALONG THE CRYPTERION/SHELL FENCE LINE TILL

THE AUTO AUCTIONS GROUP GOT PERMISSION TO BUILD @ THE SITE THEY NOW OCCUPY NORTH OF SHELL TO THE RAILROAD RIGHT-OF-WAY.

SINCE IT'S INCEPTION, WE'VE HAD PERSONS VANDALIZE OUR FENCING & ACCESS OUR PROPERTY AS WELL AS ILLEGAL DUMPING. THE NOISE FROM TRUCKS IN/OUT ALL DAY LONG IS BAD. THERE IS ADDITIONAL TRAFFIC OF PERSONS TRYING TO ACCESS THIS AUTO AUCTIONS YARD. I PERSONALLY HAVE HAD SOMEONE CUT THE CYCLONE FENCING & STEAL MY PIPE RACK OFF MY PICKUP TRUCK! THIS HAPPENS BECAUSE OF THE ACCESS RD. VERY FEW ISSUES PRIOR TO THE AUTO AUCTIONS SITE BEING DEVELOPED. I HAVE PERSONALLY WITNESSED TOW TRUCKS & PERSONS TRYING TO ACCESS THE AUTO AUCTIONS SITE BY ENTERING OUR SYCAMORE CT. WHICH IS POSTED PRIVATE PROPERTY SYCAMORE CT. IS NOT A PUBLIC THOROUGHFARE, IT IS PRIVATE PROPERTY! WE 7 HOMEOWNERS MAINTAIN THE SITE, STREET, GATES, LAND, LIGHTING, ETC. WE "DEAL" WITH WHAT WE HAVE NOW!

NOW, TO HAVE MORE OF THIS & CLOSER, RIGHT UP TO THE FENCE LINE IS INSANE!  
THIS PROPOSED DEVELOPMENT WOULD

AFFECT OUR PEACE OF MIND, QUALITY OF LIFE, AFFECT OUR PROPERTY VALUES NEGATIVELY; THE PROBABILITY OF MORE NOISE, EXHAUST FUMES, GROUND CONTAMINATION, WITH OIL & FLUID LEAKS, LIKELIHOOD OF RODENTS USING THE CARS AS SHELTER.

I DON'T SEE AN UPSIDE TO THIS AT ALL FOR THE ADJOINING PROPERTIES INCLUDING THE NEIGHBORS ON THE WEST SIDE OF NORTH BROADWAY!

KNOWING THE PROBLEMS WE DEAL WITH ALREADY, DO YOU PERSONS/BOARD MEMBERS WOULD WANT THIS DEVELOPMENT NEXT TO YOU & YOUR HOMES & FAMILIES? IT'S TOUGH TO LIVE IN BAYPOINT! WE TEND TO GET ALL THE UNDESIRABLE STUFF AS WELL AS CHALLENGED PEOPLE TO MAKE LIVING HERE ARDUOUS.

IT SOUNDS TO ME LIKE THIS APPLICATION FOR DEVELOPMENT COULD BE BETTER SERVED BY LOOKING AT ANOTHER SITE THAT HAS NO NEIGHBORS & GREAT ACCESS. I RECOMMEND THE LAND @ NICHOLS RD., WEST OF SHORE ACRES. 2 CHEMICAL PLANTS HAVE NOW VACATED, A TRUCKING-FIRM IS OCCUPYING SOME LAND & ON THE WEST SIDE OF NICHOLS RD. IS THE NAVY PROPERTY.

NO NEIGHBORS TO HARM, NO PROPERTY VALUES TO AFFECT, GREAT ACCESS & ONLY 2 MILES OR LESS TO THIS SITE. MAKE ALL THE NOISE YOU WANT.

I BELIEVE IT WOULD BE PRUDENT FOR THIS BOARD TO OFFER / DIRECT THIS ALTERNATIVE FOR AUTO AUCTIONS.

I DON'T SEE A BAD SIDE TO THIS IDEA. ACTUALLY, I WISH THEY WOULD MOVE THEIR WHOLE OPERATION TO NICHOLS RD. NOW, THAT IS A GREAT USE OF VACANT AVAILABLE LAND.

I UNDERSTAND WE AS A COMMUNITY NEED TO SUPPORT BUSINESS / PRIVATE ENTERPRISE FOR JOBS & TAX BASE.

IN CLOSING, WE 7 Sycamore Court HOMEOWNERS ARE AGAINST ANYMORE DEVELOPMENT, ESPECIALLY AUTO AUCTIONS & THEIR LIKE!

RESPECTFULLY SUBMITTED,

LARRY W. ESTES

1 Sycamore Ct. (PRIVATE property)  
Baypoint, CA. 94565

925-768-0698

corvette\_estes@yahoo.com

Larry W. Estes

Department of Conservation and Development  
30 Muir Road  
Martinez CA 94553

11/17/2021

Attn. Grant Farrington Planner II

Re: Expansion of Automobile Storage Facility  
2770 Willow Pass Road Bay Point CA 94565

The Proposed mitigated County File No.CDDP18-03005 shows that there will be a Number of 39 Code-protected trees that will be removed to make way for more ingress and egress access. That means more traffic, both from delivery flat-bed trucks and towing vehicles. not to mention the general public and employees that will be on the premises. As a homeowner who has lived adjacent to this area for 26 yrs. this is concerning and unacceptable. The applicant of this business doesn't even reside in the State. This move is about profit and not quality of life and conservation.

The initial Environmental study identifies the areas, we as homeowners are concerned about the **Aesthetics, Biological resources and Hydrology/Water Quality**. There is an underground drainage system that borders our property- line and the road to the current facility, a few weeks ago the lines over flowed and part of the area flooded on to the main street and closed part of Willow Pass Road. The expansion will certainly not improve this, if anything the pollutants from the used vehicles will add more pollution and contamination of our waterways to the river.

I hope the Community Developers take some of this information to heart when granting approval on this Proposal. It certainly isn't a win for us homeowners, is are Property Values going to increase? How about our Property taxes , how will they be affected ? Lastly, is our **Quality of Life** going to improve having this Auto Auction Company right in our backyard ? You should know the answers to all of the above.

Respectfully,



Edward and Christina Swan  
5 Sycamore Court  
Bay Point CA 94565  
925 698-0203 or 925 203-0272

Anton Shelton  
Property Owner  
8 Sycamore Ct.  
Bay Point CA, 94565

11/18/2021

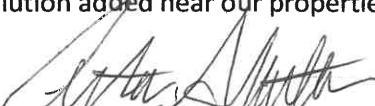
Department of Conservation and Development  
Grant Farrington  
Planner II  
30 Muir Road  
Martinez, CA 94553

County File No. CDDP18.03005.

The proposed facility location spans (Parcel No. 098-270-004-9) my two-story property's front door, front, side and rear yard as well as all bedrooms and living space windows. I do not approve of the expansion of 2770 Willow Pass Road Bay Point, CA 94565 Assessor Parcel No. 098-240-031.

I do not agree with the expansion due to environmental and noise pollution, as well as the eyesore. This will impact my family and neighbors in multiple ways. My family of 5 consist of students who are in school virtually from home, a toddler who takes daily naps and my spouse who also works virtually from home for the school district. As a Fire Fighter my days off also takes place during the week and must not suffer these interruptions. Environmentally we are distressed to find that this will be in our front yard and could have potential adverse impact on any level. Lastly this will lower my property value, as well as the other tenants potentially affected by this.

Henkel is the other property located near the proposed facility and in the distance the noise and air pollution currently impacts us currently. We do not agree to have additional potential run off of pollution added near our properties.

  
Highest regards,

Anton Shelton  
415-867-0043



# CONTRA COSTA COUNTY

1025 ESCOBAR STREET  
MARTINEZ, CA 94553

## Staff Report

File #: 26-37

Agenda Date: 1/14/2026

Agenda #: 3a.

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<b>Project Title:</b>	Permit Extension for the Glen at Heather Farms Project
<b>County Files:</b>	CDMS20-00007, CDGP20-00001, CDRZ20-03255, CDDP20-03018, and CDLP20-02038
<b>Applicant:</b>	Loewke Planning Associates, Inc.
<b>Owner:</b>	Diablo Glen Walnut Creek CCRC LLC
<b>Zoning General Plan:</b>	P-1 Planned Unit District RM Residential Medium Density
<b>Site Address/Location:</b>	850 Seven Hills Ranch Road in the Walnut Creek area of unincorporated Contra Costa County (APNs: 172-080-007, 172-150-012)
<b>Project Planner:</b>	Syd Sotoodeh, Senior Planner; (925) 655-2877; syd.sotoodeh@dcd.cccounty.us
<b>Staff Recommendation:</b>	Approve (See section II for full recommendation)

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## I. PROJECT SUMMARY

The applicant requests a two (2) year extension of the period of time for filing a parcel map, to November 22, 2027, for the Glen at Heather Farms project, consisting of two parcels approximately 25 and 5 acres in area, that was approved under Minor Subdivision CDMS20-00007.

## II. RECOMMENDATION

Department of Conservation and Development, Community Development Division (CDD) recommends that the County Planning Commission GRANT the permit extension to extend the period of time for filing a parcel map by two (2) years to November 22, 2027.

## III. BACKGROUND

The Glen at Heather Farms project (formerly known as the Speiker Senior Continuing Care Retirement Community project) includes a Tentative Map for a two parcel Minor Subdivision of an approximately 30-acre site located at 850 Seven Hills Ranch Road northeast of Homestead Avenue, north of Kinross Drive, and west of North San Carlos Drive in the Walnut Creek area of unincorporated Contra Costa County. In addition to the Minor Subdivision, approval was granted for a General Plan amendment, Rezone, Final Development Plan, and Land Use permit (County File

Nos. CDGP20-00001, CDRZ20-03255, CDDP20-03018, and CDLP20-02038) for development of the parcels, including construction of a new retirement and continuing care residential community and a health center with associated site improvements. The project was considered by the County Planning Commission at a public hearing held on October 26, 2022. After taking public testimony, the Commission voted to recommend that the Board of Supervisors not approve the project or certify the environmental impact report (EIR) prepared for the project. The matter was subsequently heard by the Board of Supervisors on November 29, 2022. In their report to the Board of Supervisors, CDD staff included responses to eight primary issues raised by the Commission and recommended that the Board of Supervisors certify the EIR and approve the project. Following the hearing, the Board of Supervisors voted unanimously to approve the project as recommended by staff and to certify the EIR. The Tentative Map approval was valid for a period of three years and expired on November 29, 2025. A request for an extension of two (2) years for filing the parcel map was received on November 24, 2025.

#### **IV. DISCRETIONARY TIME EXTENSIONS AND SPECIAL EXTENSIONS**

A. Discretionary Time Extension: The Subdivision Map Act allows for local jurisdictions to grant up to a maximum of six (6) additional years of discretionary extensions to file the final map upon request from the applicant and prior to expiration of the approved tentative map (Government Code Section 66452.6(e)). County Code Section 94-2.610 allows up to a three (3) year extension by the advisory agency which originally approved the tentative map upon request by the subdivider prior to expiration of the approved tentative map. A tentative map for the Glen at Heather Farms project was approved on November 29, 2022. The tentative map approval was valid for a period of three years and expired on November 29, 2025. Prior to the expiration date, a request for an extension of two (2) years for filing the parcel map was received on November 24, 2025. To date, no discretionary extensions have been granted. Therefore, pursuant to County Code Section 94-2.610 and Government Code Section 66452.6(e), the tentative map is eligible to be extended two (2) years, to November 29, 2027, as requested by the applicant. A total of six (6) years of discretionary extensions is possible under the Subdivision Map Act.

B. Special Statutory Extensions Granted by State Legislature: Based on the approval date of November 29, 2025, the tentative map is not eligible for special statutory extensions as granted by the State legislature through the Subdivision Map Act.

#### **V. CURRENT EXTENSION REQUEST**

On November 24, 2025, the applicant requested an extension of the filing period for the approved tentative map for up to two years beyond the expiration date of November 29, 2025, to enable the filing of a parcel map for the Glen at Heather Farm project. Pursuant to County Code Section 94-2.610, approval of this extension will extend the date for filing the final map to November 29, 2027. According to the provisions of the Subdivision Map Act (Section 6645.6(e)), up to four (4)

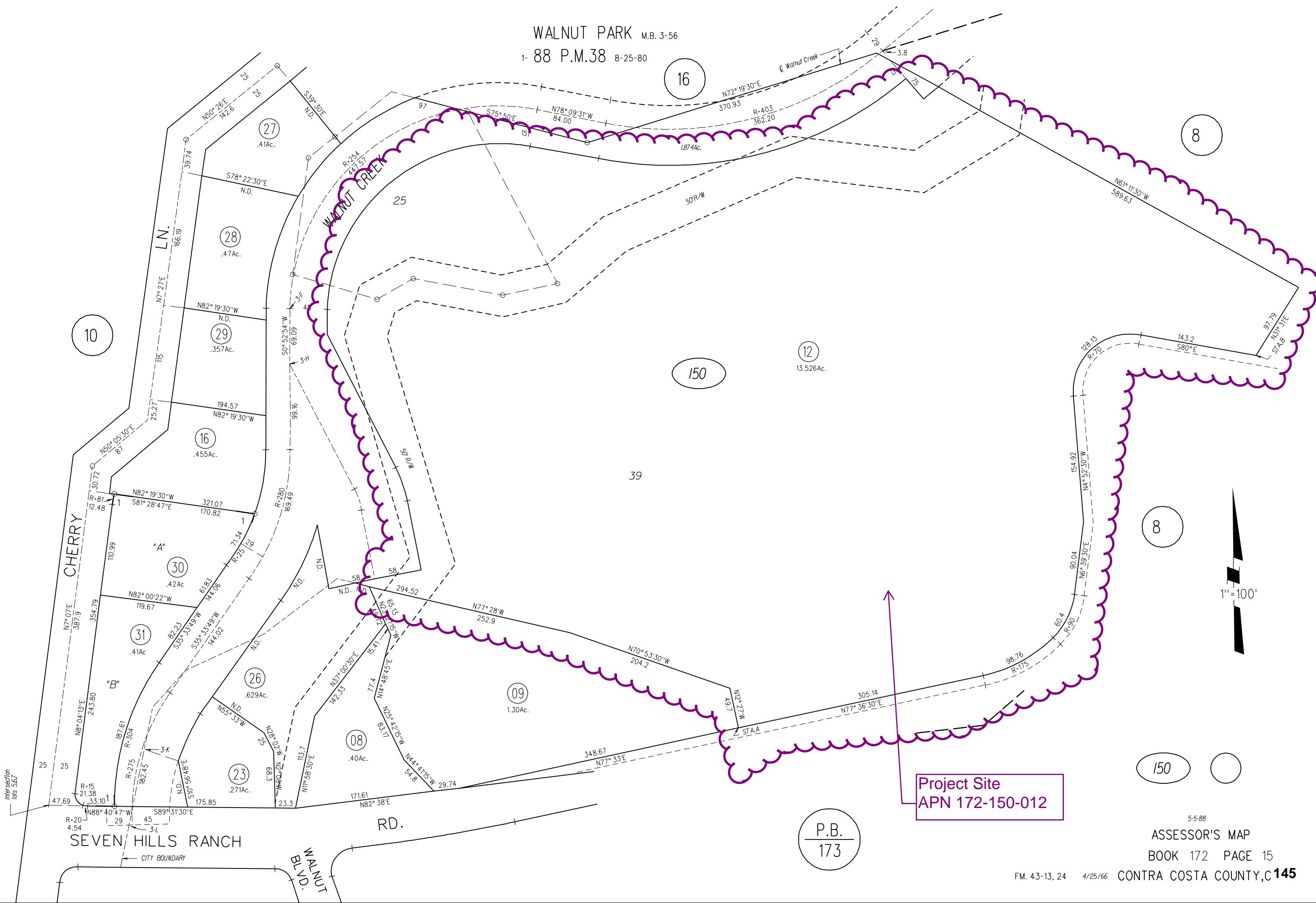
additional years of discretionary time extension for the filing of the parcel map may be requested in the future. This requested time extension also extends the expiration of the General Plan amendment, Rezone, Final Development Plan, and Land Use permit (County File Nos. CDGP20-00001, CDRZ20-03255, CDDP20-03018, and CDLP20-02038). Those uses as allowed by the permit have been established through a condition of approval (COA) compliance review and issuance of grading and building permits. The project proponent continues to actively work in good faith on compliance with the conditions of approval and development of the site.

**VI. CONCLUSION**

Staff recommends that the County Planning Commission approve the extension to file the parcel map by two (2) years to November 29, 2027.

# WALNUT PARK M.B. 3-56

1- 88 P.M.38 8-25-8



## WALNUT PARK M.B. 3-56

Project Site  
APN 172-080-007

P.B.  
173

(15)

6

05  
8.494A

080

080

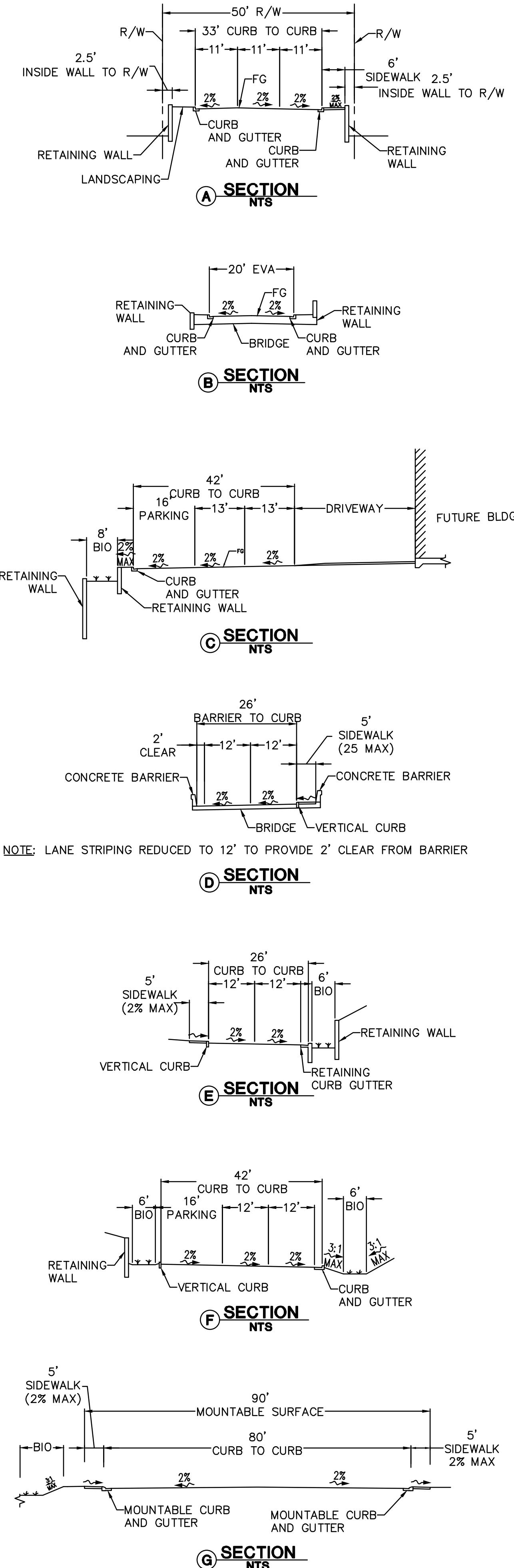
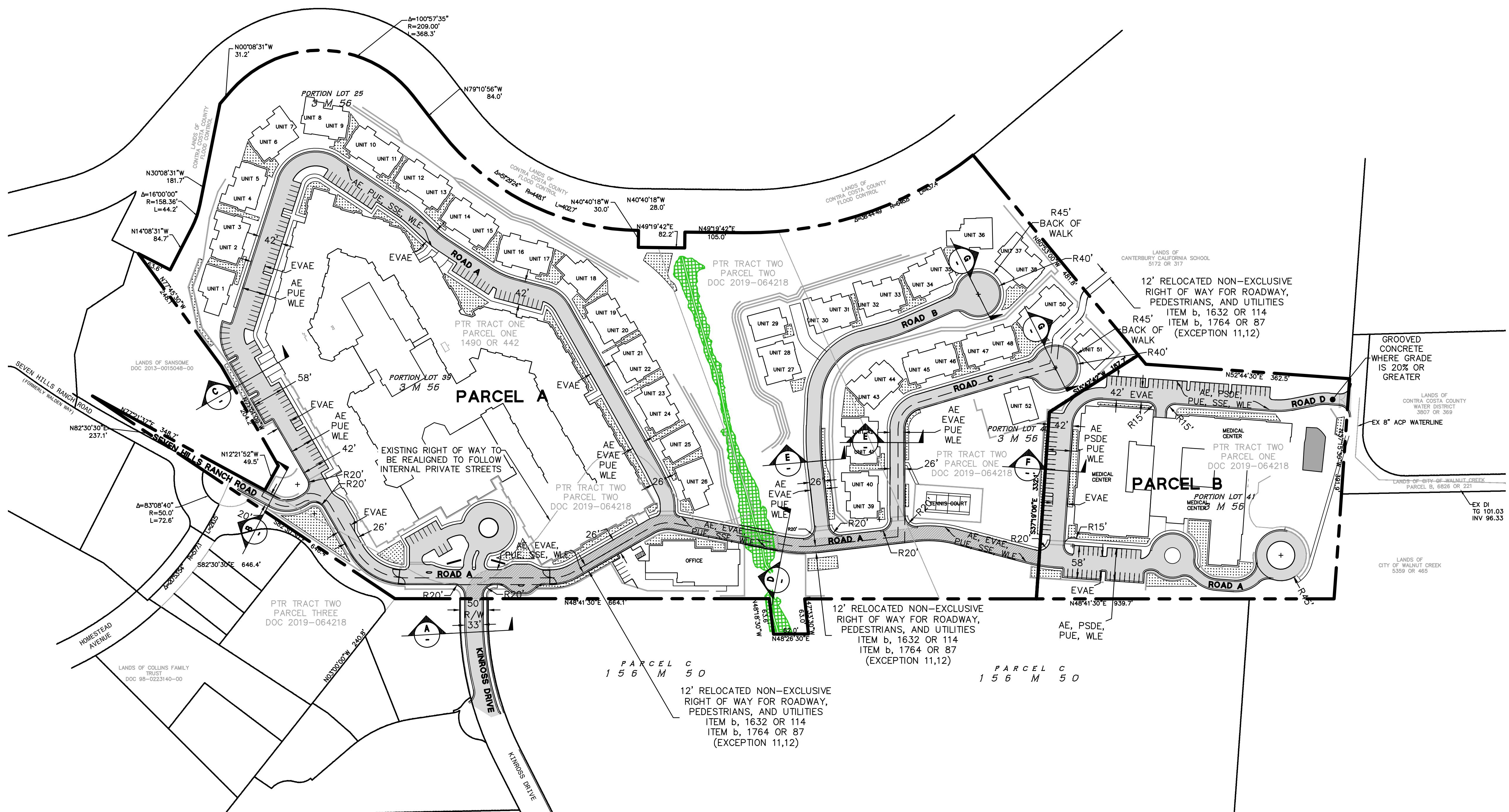
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144

# SEVEN HILLS RANCH HOMESTEAD

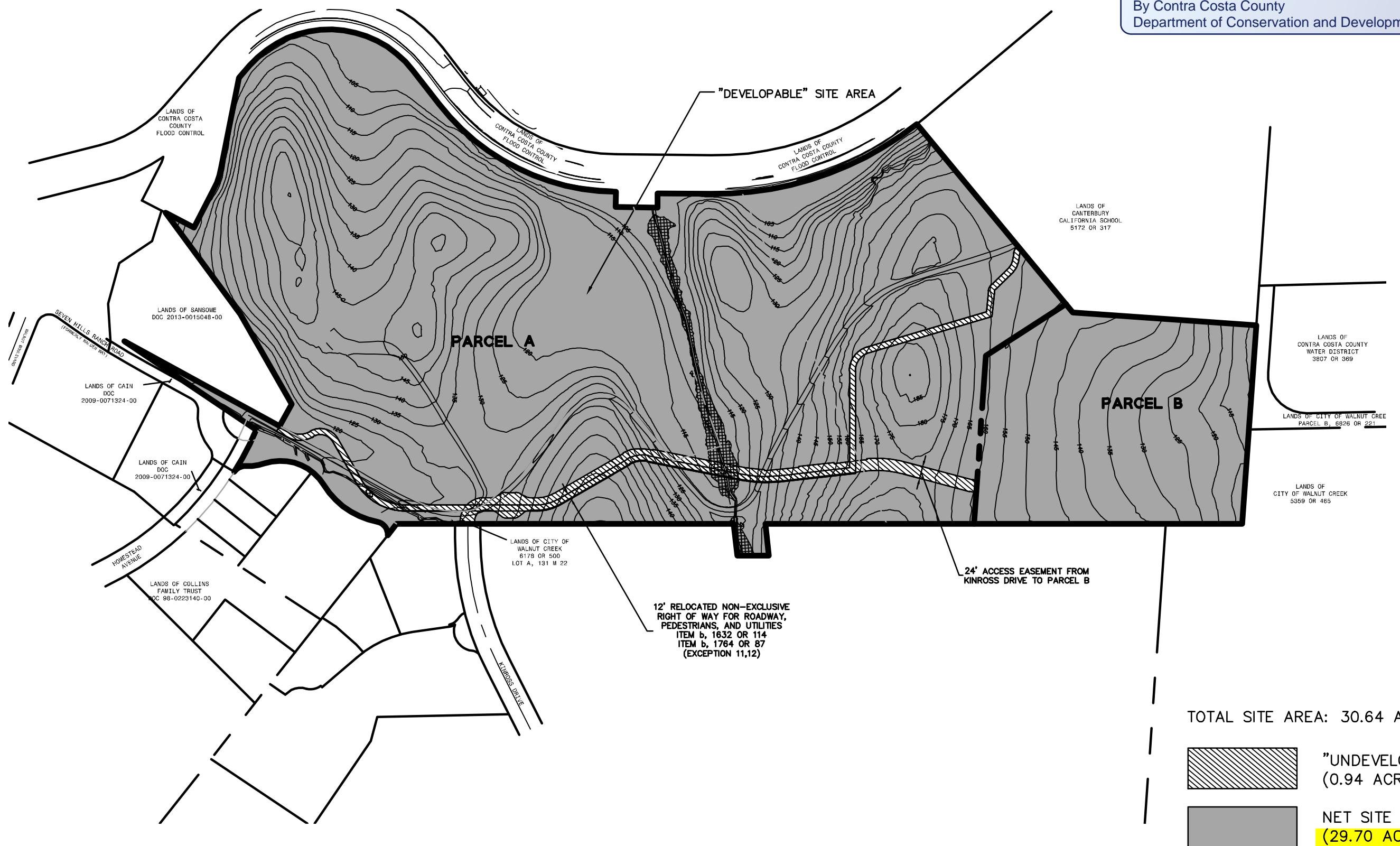
ASSESSOR'S MAP

BOOK 172 PAGE 08

FM. 43-13 4/28/66 CONTRA COSTA COUNTY, C 146



**RECEIVED** on 02/17/2021 CDDP20-03018  
 By Contra Costa County  
 Department of Conservation and Development



**FIGURE 1: NET SITE ACREAGE**

# EXHIBIT A TO CONDITIONS OF APPROVAL

**RECEIVED** on 11/22/2022 CDDP20-03018  
By Contra Costa County  
Department of Conservation and Development

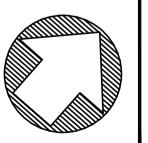
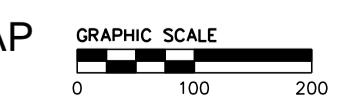


1646 N. CALIFORNIA BLVD  
SUITE 400  
WALNUT CREEK, CA 94596  
(925) 940-2200  
www.bkf.com

**Spieker** Senior  
Development  
Partners

**SPIEKER SENIOR CONTINUING CARE COMMUNITY**  
CONTRA COSTA COUNTY, CA # 2019-1168

TENTATIVE PARCEL MAP  
NOVEMBER 22ND, 2022



OFFER OF  
DEDICATION

C8.0



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

**APPROVED PERMIT**

APPLICANT:	Loewke Planning Associates 1907 Vintage Circle Brentwood, CA 94513	APPLICATION NO.	#CDGP20-00001 #CDRZ20-03255 #CDMS20-00007 #CDDP20-03018 #CDLP20-02038
		ASSESSOR'S PARCEL NO.	172-150-012 and 172-080-007
OWNER:	Diablo Glen WC CCRC LLC 300 Sand Hill Rd., Ste. 3-190 Menlo Park, CA 94025	PROJECT LOCATION:	850 Seven Hills Ranch Rd. Walnut Creek, CA 94598
		ZONING DISTRICT:	A-2
		APPROVAL DATE:	November 29, 2022

This is to notify you that the BOARD OF SUPERVISORS has granted APPROVAL of a GENERAL PLAN AMENDMENT, REZONING, TENTATIVE MAP, PRELIMINARY and FINAL DEVELOPMENT PLAN, and LAND USE PERMIT all to allow the Spieker Senior Continuing Care Retirement Community Project, subject to the attached conditions of approval.

By: Aruna Bhat  
Aruna Bhat  
Deputy Director

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

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

**CONDITIONS OF APPROVAL FOR COUNTY FILES #CDGP20-00001, #CDRZ20-03255,  
#CDMS20-00007, #CDDP20-03018, #CDLP20-02038 (SPIEKER SENIOR CONTINUING CARE  
RETIREMENT COMMUNITY)**

**Administrative**

1. These conditions of approval pertain to the Spieker Senior Continuing Care Retirement Community project ("Project"), as approved under County Files #CDGP20-00001, #CDRZ20-03255, #CDMS20-00007, #CDDP20-03018, and #CDLP20-02038.
2. **Tentative Map approval is granted** to reconfigure the two parcels that comprise the project site from approximately 13 and 17 acres in area, to 25 and 5 acres in area with refined legal descriptions. No approval for the subdivision of either parcel is granted as part of this permit.
3. **Preliminary and Final Development Plan approval is granted** to allow the construction of a Continuing Care Retirement Community (CCRC) consisting of the following primary components:
  - a. 354 independent living units and amenities for residents not needing daily assistance;
  - b. a health care center for 100 residents and non-residents requiring daily assistance or medical attention;
  - c. a maintenance building;
  - d. associated drainage, access, and utility improvements;
  - e. amenities including a swimming pool, tennis courts, gym, auditorium, restaurants, bar, theatre, library, and clubhouse; and
  - f. approximately 225,000 cubic yards of cut and approximately 150,000 cubic yards of fill grading activities resulting in a net export of 75,000 cubic yards of soil from the site.
4. **Land Use Permit approval is granted** to allow the sale of alcoholic beverages for onsite consumption within the proposed clubhouse.
5. **Tree Permit approval is granted** to allow the removal of up to 353 trees.
6. **The issuance of a Business License is granted. Prior to commencing operation of the continuing care retirement community (CCRC), the applicant shall obtain a Business License from the County Treasurer-Tax Collector. The applicant shall obtain a Property Use Verification from the CDD prior to obtaining a business license.**

**Consistency**

7. Approval of the Tentative Map, Preliminary and Final Development Plan, Land Use Permit, and Tree Permit are contingent upon the Board of Supervisors also approving the General Plan Amendment (#CDGP20-00001) and Rezoning (#CDRZ20-03255) elements of the Project.

8. The Tentative Map, Preliminary and Final Development Plan, Land Use Permit, and Tree Permit approvals mentioned above are based on and as generally shown on the following documents:
  - a. Application received by the CDD on August 3, 2020;
  - b. Tentative Parcel Map and civil plans of BkF Engineers received by the CDD on December 22, 2020;
  - c. Landscape plans of Gates and Associates received by the CDD on October 8, 2020;
  - d. Architectural plans of KTGY received by the CDD on October 8, 2020; and
  - e. Modified Villa Configuration Plan and Seven Hills School Boundary Section Drawings of Gates and Associates received by the CDD on November 17, 2022.
  - f. Exhibit of Offer of Land Dedication received by the CDD on November 22, 2022

### **Approval Duration**

9. The Tentative Map approval is granted for a period of three years, which may be extended upon proper request for extension, and review and approval of the CDD.

### **Indemnity**

10. 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 applications for a land use entitlement, the County's discretionary approvals for the Project, 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 when those Liabilities accrue. The scope of indemnity provided by the Applicant is more specifically described in the Indemnification Agreement.

### **Fees**

11. This Project is subject to initial application deposits of \$5,200 for the General Plan Amendment, \$7,000 for the Rezoning, \$5,000 for the Tentative Map Review, \$500 for the Development Plan, and \$5,500 for the Land Use Permit, which were paid with the application submittals, plus time and materials costs if the application review expenses exceed 100% of the initial deposit. Any additional costs due under applicable County laws and regulations must be paid **prior to recordation of the Parcel Map, issuance of a building permit, within 60 days of the permit's effective date, or prior to use of the 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 from the date of approval, the application shall be charged interest at a rate of ten percent (10%). The Applicant may obtain current costs by contacting the Project planner.

If the Applicant owes any additional costs, a bill will be sent to the Applicant shortly after permit issuance.

12. **No later than five days after project approval**, the applicant shall pay the California Department of Fish and Wildlife (CDFW) CEQA filing fee of \$3,539.25 and a County Clerk processing fee of \$50. A Notice of Determination, which commences the running of a 30-day statute of limitations for CEQA purposes, cannot be filed absent payment of these fees.
13. In the event that the County elects to use a third-party consultant to assist in the monitoring of environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program (MMRP) and other requirements of these conditions, then the Applicant shall be responsible for payment of all actual fees associated with the consultant's contract.

### **Compliance Report**

14. **Prior to recordation of the Parcel Map, CDD stamp-approval of plans for issuance of a building or grading permit, or commencement of construction-related activities, whichever occurs first**, the Applicant shall submit an application for Condition of Approval compliance verification to confirm compliance with conditions relevant to that event. The initial deposit for a project of this size is \$10,000, which is subject to staff time and materials costs. Should staff costs exceed the deposit, additional payment will be required in accordance with applicable laws and regulations. The Applicant shall submit a report in compliance with the conditions of approval set forth herein for review and approval of the CDD. The report shall list each condition followed by a description of what has been provided as evidence of compliance with that condition. The CDD may reject the report if it is not reasonably comprehensive with respect to the applicable requirements for the requested approval, and the Applicant shall re-submit this compliance verification with changes made in response to comments received by the CDD.

### **Cardroom**

15. No license or permit for establishment of a cardroom, as defined in Section 52-3.103 of the County Ordinance, [or any other related games or activities] is granted under this permit. **Prior to CDD stamp approval of plans for issuance of a building permit to construct the apartment style building**, the applicant shall submit a revised floor plan that redesignates the use of the "card room" currently shown on the first-floor plan.

### **Special Events**

16. No portion of the facility shall be leased, rented, or otherwise offered to the general public for the hosting of special events.

### **State Permits/Licenses**

17. **Prior to entering into continuing care contracts with potential residents**, the facility operator is responsible for obtaining a Permit to Accept Deposits/Certificate of Authority from

the California Department of Social Services (CDSS).

18. **Prior to final inspection for occupancy of the apartment-style building, single-story buildings, or health center**, the facility operator shall provide the CDD with a copy of a state-issued Residential Care Facility for the Elderly License.

#### **Alcohol Sales**

19. This approval is for the sale of alcohol for on-site consumption within the clubhouse only.
20. **Prior to final building inspection of the building in which alcohol sales will be administered**, the applicant shall provide evidence to the CDD that a license has been obtained or is under review by the California Department of Alcoholic Beverage Control for the alcohol sales approved under this permit. All required permits from the California ABC shall remain current and in good standing for the life of the approved alcohol sales use.
21. **Within thirty days from the commencement of alcohol sales**, the applicant shall provide evidence to the CDD that the facility has been registered with the Alcohol and Tobacco Tax and Trade Bureau.

#### **Trees**

22. **Prior to any tree removal**, the applicant shall obtain the necessary grading permits for all proposed site preparation and roadway or structural improvements.
23. Removal of trees that have been rated by the consulting arborist as being in "Fair" or "Good" condition and that are not located within areas identified for permanent improvements (i.e., buildings, roadways, drainage facilities) or grading activities, shall be prohibited.

**Prior to CDD stamp-approval of plans for issuance of a building or grading permit or any ground disturbance at the site, whichever occurs first**, the applicant shall provide the CDD with the following information and documents:

- An updated tree removal plan (Sheets C2.1 and C2.2) that removes the existing site contours, and that includes grading limits and the building envelope for all proposed permanent improvements;
- A tree removal inventory including the identification number (as provided in the consulting arborist's report) of all trees proposed for removal at the site, the condition of each tree, and the reason for the proposed tree removal (e.g., within building or grading envelope, poor condition, dead)

24. Required restitution for Approved Tree Removal – The following measures shall be implemented to provide restitution for the protected trees that have been approved for removal.

- a. **Tree Restitution Planting/Irrigation Plan: Prior to recordation of the Parcel Map**, the Applicant shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of the CDD. The plan shall identify protected trees that are to be removed or preserved, and shall provide for the planting of trees equal in number to the quantity proposed for removal in compliance with Condition of Approval #23 immediately above. The quantity of oak trees to be replanted under the plan shall equal or exceed the quantity proposed for removal. All restitution plantings shall be a minimum 15 gallons in size. The plan shall comply with the Water Efficient Landscapes Ordinance (County Code Chapter 82-26) and verification of such shall accompany the plan. The plan shall be accompanied by an estimate, prepared by a licensed landscape architect, arborist, or landscape contractor, of the materials and labor costs to complete the improvements (accounting for purchase and installation of trees and any necessary irrigation).
- b. **Required Security to Assure the Completion of Plan Improvements: Prior to recordation of the Parcel Map**, the Applicant shall submit a security (e.g., bond, cash deposit or other financial instrument) that is acceptable to the CDD. The security shall include the amount of the approved cost estimate for replacement and planting, *plus* a 20% inflation surcharge.
- c. **Initial Fee Deposit for Processing of a Security**: The County Ordinance Code requires that the Applicant pay fees for all time and materials costs of staff for processing a landscape improvement security. At the time of submittal of the security, the Applicant shall pay a deposit of \$200.
- d. **Timing of Planting Plan Implementation: Prior to final inspection of the 354th independent living unit or CDD stamp approval of plans for the issuance of building permits to allow vertical construction of the Health Center, whichever occurs first**, the consulting arborist shall verify that all replacement trees and related irrigation proposed within the boundaries of the proposed 25-acre parcel for the independent living units, have been installed. Replacement tree and related irrigation proposed within the boundaries of the 5-acre health center parcel shall be installed **prior to final inspection of the health center building**.
- e. **Duration of Security: Prior to final inspection of the health center building**, the consulting arborist shall verify that all required replacement trees have been properly planted, and when verified, notify the CDD in writing. The security shall be retained by the County for a minimum on 12 months, and up to 24 months, beyond the date of receipt of the written verification of installation. A prerequisite of releasing the bond between 12 and 24 months shall be to have the Applicant arrange for the consulting arborist to inspect all required replacement trees and to

prepare a report on the trees' health. In the event the CDD determines that the required replacement trees have been damaged or have died, then the CDD may require that all or part of the security be used to provide for replacement of the dead or damaged tree(s).

- f. Integration with Final Landscape Plan: The tree restitution planting and irrigation plans described in Subsection(a) above may be incorporated as part of the "Final Landscape Plan" required below. However, the integrated plan shall identify each designated replacement tree required to replace removed trees, and that are intended to satisfy this condition. The estimate required pursuant to Subsection-(a) above shall only cover materials and labor associated with the implementation of the required tree restitution, and not the full Final Landscape Plan.
25. **Prior to grading, trenching, filling, or any other ground disturbing activity within the dripline of any tree identified for preservation**, the applicant shall provide an arborist report detailing measures to be implemented during construction activities to ensure the continued vitality of the tree.
26. **Prior to the start of any clearing, stockpiling, trenching, grading compaction, paving, or change in ground elevation**, the applicant shall install fencing at the dripline or other area as determined by an arborist, of all trees adjacent to or in the area to be altered. **Prior to the issuance of grading or building permits**, the fences shall be inspected, and the location thereof approved by the consulting arborist or appropriate County staff.
27. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the dripline of a tree to be preserved unless indicated on plans approved by the County and addressed in any required report prepared by an arborist. If grading or construction is approved within the dripline, an arborist may be required to be present during grading operations. The arborist shall have the authority to require protective measures to protect the roots. Upon completion of grading and construction, the consulting arborist shall prepare a report outlining further methods required for tree protection if any are required. All arborist expense shall be borne by the developer and applicant.
28. No parking or storing of vehicles, equipment, machinery, construction materials, or construction trailers, and no dumping of oils or chemicals shall be permitted within the dripline of any tree to be preserved.

### **Final Landscape Plan**

29. **Prior to recordation of the Parcel Map or CDD stamp approval of plans for issuance of a building or grading permit, whichever occurs first**, a final landscape and irrigation plan shall be submitted to the CDD for review and approval. The plan shall be designed in general accord with the preliminary landscape plans of Gates and Associates

received by the CDD on October 8, 2020. The Final Landscape Plan shall be compliant with the County's Water Efficient Landscapes Ordinance (Chapter 82-26).

30. **Prior to any tree removal, stamp-approval of plans for the issuance of a grading permit, or any ground disturbance activity that may impact existing trees, whichever occurs first**, the applicant shall provide evidence to the County that any necessary permits have been obtained from the City of Walnut Creek for tree removal or trimming proposed within the city limits.
31. Where feasible, all construction contractors shall limit impacts to the roots of off-site trees that may encroach upon the subject property and construction areas.

### **Signage**

32. The Applicant shall submit a detailed sign program for review and approval of the CDD. The sign program may be submitted and approved in parts. A preliminary sign program including provisions for monument signs and signs related to the independent living units shall be submitted and approved by the CDD **prior to stamp-approval of plans for issuance of building permits for the first building containing independent living units**. A Final Sign program with provisions addressing signs for the health center shall be submitted and approved **prior to CDD stamp approval of plans for issuance of building permits for health center improvements**. The Final sign program shall be consistent with the County's Sign Ordinance (Chapter 88-6).

### **Transportation and Parking Demand Management (TDM)**

33. The applicant shall implement a project-specific Final Transportation Demand Management (TDM) Program with the goal of encouraging residents of the development to use alternate modes of transportation. **Prior to CDD stamp-approval of plans for issuance of building or grading permits**, the applicant shall submit a conceptual TDM Program for review and approval of the CDD. The TDM Program shall comply with the standards of the County TDM Ordinance and shall identify single-occupancy automobile trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. Trip reductions strategies may include, but not be limited to, the following:
  - a. Pedestrian and bicycle improvements, onsite or offsite, to connect to existing and planned pedestrian and bicycle facilities, nearby transit stops, services, schools, shops, etc., in accordance with County policies and plans;
  - b. Provision of or enhancements to transit amenities near the project site
  - c. Information to be distributed regarding:
    - i. transit, carpool, vanpool, rideshare, TNC (e.g., Uber, Lyft), "Guaranteed Ride

- “Home,” and micromobility (e.g. bikeshare, scooter share) services,
- ii. pedestrian and bicycle connections to off-site destinations (e.g., transit stops/stations, commercial areas, schools, and community amenities (e.g. parks, community center), and
- iii. incentives, promotions, and events that support single-automobile trip reduction.

- d. On-site amenities that reduce demand for external automobile trips (e.g., bicycle parking, showers/locker rooms, fitness center, childcare services).
- e. Compliance with a future County VMT/TDM ordinance.
- f. Participation in a future County VMT fee program.

34. As part of the applicant’s TDM program submittal, the applicant shall provide a plan detailing the location of at least 90 long-term bicycle parking spaces.

### **Financial Assistance Program for Independent Living Units**

35. The applicant has agreed to establish and implement a financial assistance program (the “Program”) for the independent living units proposed as part of the Project. The Program will include the following components:

A. The facility operator will establish an annuity for the purpose of providing ongoing subsidies to lower-income households that would not otherwise have the financial means to live in the facility. The facility operator will fund the annuity by depositing, concurrently with issuance of a certificate of occupancy for the Project’s first independent living unit, \$2,000,000 into a separate account established solely for this purpose. The facility operator will provide monthly fee subsidies to Program participants utilizing funds from the annuity. Prior to occupancy of any independent living units, the County and the applicant or facility operator will establish specific administrative guidelines covering the use and investment of the annuity which shall serve to implement the following Program objectives:

1. The facility operator will use commercial best efforts to market independent living units and the Program to lower-income households and provide monthly fee subsidies to Program participants, with a target occupancy rate of 10% of the Project’s independent living units.
2. The Program shall be designed to be available and utilized for a period of 20 years from the first deposit into the annuity account.
3. The annuity shall retain any accrued interest. The applicant or facility operator will use best business practices in investment of the annuity funds.

B. The facility operator will operate the Program to comply with the following standards:

1. Residents participating in the Program shall reside in independent living apartments dispersed throughout the facility and have access to all on-site amenities that are available to residents not participating in the Program.
2. The construction quality and exterior design of the independent living units occupied by Program participants must be comparable to those of similar units occupied by residents not participating in the Program.

C. Annually, the facility operator will provide the County a report detailing the use and accounting of the annuity, the number of Program participants that the facility operator has admitted under the Program during the previous calendar year, the annual incomes of the participant households, and the annual incomes of other households that may be qualified as Moderate-, Lower- or Very Low-Income Households. In the event the facility operator fails to meet the targets set forth in Section A, the facility operator will provide the County a written plan for meeting those targets in the future.

D. The facility operator will be solely responsible for marketing the Program to qualified households. When feasible, the facility operator will grant priority preference to Program applicants as follows:

1. Households qualified as Very Low-Income Households, as defined in Government Code section 50105.
2. Households qualified as Lower-Income Households, as defined in Government Code section 50079.5.
3. Households then currently residing in Contra Costa County.
4. Households no longer residing in Contra Costa County, but that did reside in Contra Costa County within six months of their application submittal or did reside in Contra Costa County continuously for at least ten years immediately prior to no longer residing in the county.
5. Households with a principal care giver, or with a child, stepchild, grandchild, parent, sibling, spouse, or domestic partner, then currently residing in Contra Costa County.
6. Households with a principal care giver, or with a child, stepchild, grandchild, parent, sibling, spouse, or domestic partner, then currently working in Contra Costa County.
7. All other households.

E. The County and facility operator may jointly elect to extend or increase the annuity to make additional independent living units available for application of this Program and/or to increase the subsidy provided to target-income households that occupy independent living units within the Project.

F. If the facility operator fails to meet the target occupancy rate of 10% of the Project's

independent living units for five consecutive years and fails to expend \$500,000 from the annuity for monthly fee subsidies during the same period, the facility operator shall pay to the County an amount equal to the then-remaining balance of the annuity.

### **Community Benefits Agreement**

36. The applicant has agreed to enter into a Community Benefits Agreement with the County to make an annual community benefits contribution to the County to benefit the local community, including areas within the unincorporated Contra Costa County and the City of Walnut Creek near the Project. The agreement will detail the timing and amount of the agreed-upon community benefit payments. Prior to filing the Parcel Map for the project, the applicant shall provide the CDD with an executed copy of the Community Benefits Agreement between the applicant and County.

### **Conversion to For Sale or For Rent Units**

37. Any future conversion of any approved independent living units to for-sale units or rental units shall require a modification to the approved Final Development Plan, subject to review and approval by the County. Any future proposal to convert any approved independent living units shall be evaluated for compliance with all applicable federal, State, and local laws and regulations, including all applicable County zoning requirements.

### **Climate Action Plan Consistency**

38. **Prior to CDD stamp-approval of plans for issuance of building permits for any independent living unit building or the health center**, the applicant shall provide evidence (construction plan details/notes) that the proposed building meets or exceeds minimum applicable standards listed in Table-E.1 (Standards for CAP Consistency – New Development) of the County Climate Action Plan's Appendix-E, as follows:

- a. All appliances and insulation installed by the project sponsor shall be rated high efficiency.
- b. All buildings shall meet standards to be solar ready as defined by the California Building Code.

### **Aesthetics**

39. A lighting plan for any proposed exterior lighting shall be submitted to the Contra Costa County Department of Conservation and Development, Community Development Division for review and approval and include the following (**MM AES-4.1**):

- a. Exterior lighting must be directed downward and away from adjacent properties and public/private right-of way to prevent glare or excessive light spillover.

Lighting bulbs must be limited to low intensity lights, including lighting for identification purposes.

- b. No free-standing light poles (except those used within building interior courtyards and for internal roadway lighting) will be allowed within the project site. Landscaping lights must be limited to ground-level for walking/safety purposes.
- c. If any lighting is proposed for the construction staging area, lighting must also be directed downward and away from adjacent properties. Lighting intensity may not be greater than what is reasonably required to safely illuminate the staging area.

### **Building and Retaining Wall Color and Materials Palette**

40. The exterior of all proposed buildings and retaining walls shall be composed of materials that naturally are or that have otherwise been finished in earth tones, similar to those shown on the approved architectural plans. **Prior to CDD stamp approval of plans for issuance of a building permit for construction of the health center, buildings to house independent living units, or any retaining walls**, the applicant shall submit a color palette and materials sample for review and approval of the CDD.

### **Air Quality**

41. Enhanced BAAQMD Best Management Practices: The project shall implement the Bay Area Air Quality Management District's (BAAQMD's) recommended best management practices (BMPs) and additional measures to reduce construction equipment exhaust emissions. These measures shall include the following (**MM AIR-1.1**):

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three times a day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content shall be verified by lab samples or moisture probe.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using a wet power vacuum street sweeper at least once per day. The use of dry power sweeping shall be prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. Use interior coatings with no more than 88 grams per liter volatile organic

compounds (VOC) (i.e., ROG) and exterior coatings with no more than 132 grams per liter VOC (i.e., ROG) to reduce daily emissions by at least 12 percent. Coating must also meet or exceed BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). Alternatively, the project could submit a plan to demonstrate that overall VOC content of architectural coatings would be at least 12 percent below BAAQMD requirements.

- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
- i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries.
- j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity.
- k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- m. Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel, and (2) washing truck tires and construction equipment **prior to leaving the site**.
- n. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

### **Recycled Water for Construction and Dust Control**

42. If available within a reasonable distance from the project site, recycled water shall be used for construction and dust control activities.

43. Selection of Construction Equipment: Prior to the issuance of any demolition, grading, and/or building permits, the project applicant shall retain a qualified consultant to develop a plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 72 percent reduction in diesel particulate matter (DPM) exhaust emissions or greater and a fleet-wide average 16 percent reduction in NOX or greater. This is the minimum reduction required to reduce the project impacts (i.e., NOX emissions and cancer risk) to a less than significant level. The feasible plan to achieve this reduction would include the following (**MM AIR-1.2**):

- a. All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S.

Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 interim engines. Where Tier 4 equipment is not available, exceptions could be made for equipment that includes California Air Resources Board (CARB)-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement.

## **Biological Resources**

44. **Pre-Construction Bat Surveys**: A pre-activity survey for roosting bats shall be conducted at the two valley oaks (*Quercus lobata*) that support suitable roost habitat near the northeastern and southeastern corners of the project site **within 30 days prior to the onset of ground-disturbing activities**. A qualified biologist will conduct a survey to look for evidence of bat use within suitable habitat. If evidence of use is observed, or if high-quality roost sites (e.g., a tree with a large cavity) are present in areas where evidence of bat use might not be detectable, an evening visual survey combined with a nighttime acoustic survey shall be conducted to determine if roosting bats are present and to identify the specific location of such bats. If no roosting bats are located, project work can continue as Planned.

If a maternity roost is detected, a disturbance-free buffer zone (determined by a qualified biologist) shall be implemented during the maternity roost season (March 15–August 31). No project-related activities shall take place within the buffer during the maternity season.

If an active non-breeding bat roost is located, project work shall be redesigned to avoid removal or disturbance of the occupied tree. No buffer from the roost shall be necessary during the nonmaternity season (September 1–March 14). If the roost tree itself must be removed, bats shall be passively excluded from roost habitat with one-way devices, or trees will be removed using a two-step tree removal process. The two-step process shall be initiated if exclusion with one-way devices is not feasible due to height of the roost. For the two-step process, trees shall be removed over a two-day period. On day 1, all non-suitable limbs shall be removed, and on day 2, the remainder of the tree shall be removed.

Removing trees in this way creates disturbance that encourages bats to vacate the tree before the potential habitat is removed. Either method shall be monitored by a qualified biologist with knowledge of bat ecology and experience with bat exclusion methods. **(MM BIO-1.1)**

45. Pre-construction surveys for western burrowing owl shall be conducted in accordance with the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation. If preconstruction surveys find active nests avoidance and minimization guidelines (such as site surveillance, buffers, translocation, artificial burrows, or habitat replacement) must be developed **prior to the start of construction** in accordance with the March 7, 2012, CDFW memo, and through consultation with CDFW. **(MM BIO-1.2)**
46. **Avoidance and Nesting Inhibition**: To the extent feasible, construction activities (or at least the commencement of such activities) shall be scheduled to avoid the nesting season. If

construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code shall be avoided. The nesting season for most birds in Contra Costa County extends from February 1 through August 31.

If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project shall be removed **prior to the start of the nesting season** (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation, and prevent the potential delay of the project due to the presence of active nests in these substrates. **(MM BIO-1.3)**

47. Pre-Construction Bird Surveys: If not possible to schedule construction activities between September 1 and January 31, pre-construction nesting bird surveys shall be completed by a qualified biologist no more than seven days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.

If an active nest is found in an area that would be disturbed by construction, the biologist shall designate an adequate buffer zone (typically 300 feet for raptors and 100 feet for other species) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Department of Conservation and Development, **prior to the removal of trees and issuance of a grading permit or demolition permit.** **(MM BIO-1.4)**

48. Avoidance and Minimization: **Prior to the start of construction** the property owner or project sponsor shall clearly delineate riparian habitat to be avoided with fencing around the dripline of the riparian canopy. Further indirect impacts to riparian habitat shall be avoided by implementing the following measures during construction **(MM BIO-2.1):**

- a. Existing native vegetation shall be retained by removing only as much vegetation as necessary to accommodate the new road. Any vegetation removed shall be replaced per MM BIO-2.2 below.
- b. Temporary disturbance or removal of riparian vegetation shall not exceed the minimum necessary to complete the work. Any vegetation removed shall be replaced per MM BIO-2.2 below.
- c. Exposed soil shall be controlled by stabilizing slopes (e.g., with erosion control blankets) and protecting channels (e.g., using silt fences or straw wattles).
- d. Site ingress/egress locations shall be stabilized (e.g., with erosion control blankets).

49. Compensatory Mitigation for Permanent Loss of Riparian Habitat: For areas that are not

able to be avoided, the property owner or project sponsor shall restore or enhance an equivalent area at a 2:1 (mitigation:impact) ratio, on an acreage basis (or as otherwise directed by a regulatory agency with regulatory authority over impacts to riparian habitat on the site). **Prior to issuance of a grading permit**, the applicant shall prepare a Riparian and Aquatic Habitat Mitigation and Monitoring Plan (Riparian and Aquatic HMMP) for aquatic and riparian habitat creation as a means of compensatory mitigation. The Riparian and Aquatic HMMP shall be prepared by a qualified restoration ecologist and shall provide, at a minimum, the following items:

- a. Habitat impacts summary and proposed habitat mitigation actions.
- b. Goals of the restoration to achieve no net loss.
- c. The location of the mitigation sites and existing site conditions.
- d. Mitigation design including:
  - Proposed site construction schedule.
  - Description of existing and proposed soils, hydrology, geomorphology, and geotechnical stability.
  - Site preparation and grading plan.
  - Invasive species eradication plan.
  - Soil amendments and other site preparation.
  - Planting plan (plant procurement/propagation/installation).
  - Maintenance plan.
- e. Monitoring measures, and performance and success criteria. At a minimum, success criteria shall include at least 70 percent cover by native, woody riparian vegetation by year five.
- f. Monitoring methods, duration, and schedule.
- g. Contingency measures and remedial actions.
- h. Reporting measures.

The mitigation shall be deemed complete and the applicant released from further responsibilities when the final success criteria have been met, or when the mitigation is deemed complete as determined by applicable regulatory/resource agencies. **(MM BIO 2.2)**

50. **Construction Best Management Practices**: The central drainage and associated seasonal wetlands that are to be avoided by the project design will be protected from construction activities through implementation of best management practices (BMPs) such as installing silt fencing between jurisdictional waters and project related activities, locating staging and laydown areas away from potentially jurisdictional features, and isolating construction work areas from any identified jurisdictional features. In addition, site stormwater treatment features must be designed consistent with the California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit as described above, and shall be placed in locations to treat runoff from the developed portion of the site before entering avoided wetlands. To the extent feasible, existing site drainage patterns in the vicinity of avoided wetlands shall be preserved to prevent indirect alterations to surface hydrology that may

contribute to supporting the wetlands. **(MM BIO-3.1)**

51. Compensatory Mitigation for Permanent Loss of Wetlands: To compensate for the perennial drainage and seasonal wetlands that will be permanently impacted by extension of Kinross Drive to the project site, the project proponent shall implement one of the following, in agreement with United States Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB) as per permit requirements. **(MM BIO-3.2)**
  - a. Acquisition of equivalent wetlands and waters at a nearby site at a ratio of 2:1, on an acreage basis;
  - b. Purchase of mitigation credits at a mitigation bank;
  - c. Enhancement of seasonal wetlands and the perennial drainage to be preserved in the central portion of the site, as well as creation of seasonal wetland habitat in the bioretention facilities proposed on site, at a ratio of 2:1, on an acreage basis;
  - d. An alternative to be agreed upon with the USACE and RWQCB.
52. To avoid encroachment within identified wetlands areas, the rip-rap aprons proposed under the clear-span bridge shall be relocated either outside the areas designated as jurisdictional by the Army Corps of Engineers, or further east to the general location of the culverted crossing that will be removed.
53. Construction Worker Training: Worker Awareness Training for cultural resources shall be provided to members of the construction excavation and grading team. Training shall consist of the preparation of an alert sheet that would provide guidance and procedures in the event of an unexpected discovery of cultural materials with photographs of typical artifact that shall be exposed coupled with a briefing of the construction crew. **(MM CUL-2.2)**
54. Undiscovered Archaeological Resources: If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 50 feet of the resources shall be halted and the County Department of Conservation and Development be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The County shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological documentation. Any identified resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC. **(MM CUL-2.2)**
55. Report of Archaeological Resources: If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the County

Department of Conservation and Development **prior to issuance of certificate of occupancy**. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources. **(MM CUL-2.3)**

56. Human Remains: If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the County Department of Conservation and Development and the Contra Costa County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. Contra Costa County shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by Contra Costa County and as determined appropriate by the NAHC, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered. **(MM CUL-3.1)**

## **Geology and Soils**

57. Design-level Geotechnical Compliance: The applicant shall prepare a site-specific, design-level geotechnical investigation for the project. The design-level geotechnical report shall include, but not be limited to, the following considerations:

- a. The 2019 CBC classification of the site as being located in Site Class B or C shall be determined. Building foundations, retaining walls, and structural framing requirements will be impacted by the Site Classification.
- b. The central portion of the site is underlain by artificial fill and colluvial soils that are more than 17 feet deep. The liquefaction potential of these underlying soils shall be evaluated.
- c. More detailed evaluation of the excavation characteristics of the sandstone and claystone bedrock underlying the site shall be performed. The excavation characteristics of the bedrock will impact cut grading and excavations for underground utilities and foundations.
- d. Final recommendations for grading shall be provided, including permanent and temporary slope inclinations, differential fill thickness for building pads, fill construction, and the extent of colluvial and artificial soil removal.
- e. The impacts from the on-site expansive soils on proposed structures, pavements, and flatwork shall be addressed.

- f. The design and construction of valley drains and subdrains in fill keyways and benches shall be addressed.
- g. Potential water seepage through rock fractures, daylighting from cut slopes and into utility trenches shall be assessed.
- h. Pseudostatic seismic loads will need to be incorporated into the design of retaining walls which will be more than six feet tall, as specified in the CBC.

All recommendations by the engineering geologist and/or geotechnical engineer shall be incorporated into the final design. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project design phase, shall be incorporated in the project. All foundations and other project structures that require building permits must be compliant with the provisions of the California Building Code. Construction drawings for the project, including seismic design factors, shall be subject to technical review and approval by the Contra Costa Department of Conservation and Development **prior to issuance of construction permits. (MM GEO-1.1)**

58. Paleontological Monitoring: Construction activities involving excavation or other soil disturbance within the project site shall be required to retain a qualified Paleontological Monitor as defined by the Society for Vertebrate Paleontology (SVP) (2010) equipped with necessary tools and supplies to monitor all excavation, trenching, or other ground disturbance. Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. In the event that a paleontological resource is discovered, the monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and collected. **Prior to issuance of a grading permit** a copy of the executed contract or other evidence that paleontological monitoring services have been retained, shall be provided to the County for review.

**Prior to beginning construction activities**, the Principal Paleontologist shall attend a preconstruction meeting to identify specific areas on the project site where paleontological monitoring will be required and shall provide training to construction personnel on how to identify potentially significant fossils. The Principal Paleontologist will periodically assess monitoring results and if no significant fossils have been exposed after fifty percent of excavation, the Principal Paleontologist may determine that monitoring is no longer necessary. **(MM GEO-6.1)**

59. Inadvertent Discovery of Fossils: If fossils are discovered during excavation, the Principal Paleontologist or his/her designated representative will make a preliminary taxonomic identification and determine if the find is significant. For significant/ potentially significant fossil finds, the Paleontologist shall provide a written recommendation to the Contra Costa Department of Conservation and Development if further action is required, and provide recommended measures for any further evaluation, fossil collection, or protection of the resource. Any subsequent paleontologic work shall be approved by the Contra Costa Department of Conservation and Development and completed as quickly as possible to avoid damage to the fossils and delays in construction schedules. At a minimum, for significant fossils, the paleontological staff will assign a unique field number to each

specimen identified; photograph the specimen and its geographic and stratigraphic context along with a scale near the specimen and its field number clearly visible in close-ups; record the location using a global positioning system (GPS), record the field number and associated specimen data (identification by taxon and element, etc.) and corresponding geologic and geographic site data (location, elevation, etc.) in the field notes and in a daily monitoring report; stabilize and prepare all fossils for identification, and identify to lowest taxonomic level.

Upon completion of fieldwork, all significant fossils collected shall be prepared to a point ready for curation. Preparation shall include the careful removal of excess matrix from fossil materials and stabilizing and repairing specimens, as necessary. Following laboratory work, all fossil specimens will be identified to the lowest taxonomic level, cataloged, analyzed, and delivered to an accredited museum repository for permanent curation and storage. The cost of curation is assessed by the repository and is the responsibility of the project proponent.

A report to be submitted to the repository museum documenting the results of the paleontological mitigation monitoring efforts associated with the project shall be prepared by the Principal Paleontologist. The report shall include a summary of the field and laboratory methods, an overview of the project site geology and paleontology, a list of taxa recovered, an analysis of fossils recovered and their scientific significance, and recommendations. **(MM GEO-6.2)**

## **Hazards and Hazardous Materials**

60. Conduct Asbestos and Lead Surveys Prior to Demolition. **Prior to the issuance of demolition permits for the two existing residences and associated structures**, the applicant shall retain a licensed professional to conduct asbestos and lead paint surveys. These surveys shall be conducted **prior to the disturbance or removal of any suspect asbestos-containing materials and lead-based paint**, and these materials shall be characterized for asbestos and lead by a reliable method. All activities involving asbestos-containing materials and lead-based paint shall be conducted in accordance with governmental regulations, and all removal shall be conducted by properly licensed abatement contractors. **(MM HAZ-2.1)**

61. PCB Screening Assessment. **Prior to the issuance of demolition permits for the existing residences and associated structures**, the applicant shall submit a PCB Screening Assessment Form with their permit application.<sup>55</sup> If on-site buildings do contain PCBs that exceed threshold limits, the project applicant shall follow applicable federal and state laws, which may include reporting to such agencies as the EPA, RWQCB, and DTSC, who may require additional sampling and abatement of PCBs consistent with state and federal requirements. **(MM HAZ-2.2)**

## **Hydrology and Water Quality**

62. In accordance with Division 914 of the Contra Costa County Ordinance Code, the project

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 that conveys the stormwater to a natural watercourse. Any proposed diversions of the watershed shall be subject to review by the County Public Works Department, and possibly be subject to hearing body approval. **Prior to issuance of a grading permit**, the applicant shall submit improvement plans for proposed drainage improvements, and a drainage report with hydrology and hydraulic calculations to the Engineering Services Division of the Public Works Department and the Contra Costa County Flood Control and Water Conservation District for review and approval that demonstrates the adequacy of the on-site drainage system and the downstream drainage system. The 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 not adequate to handle the Existing Plus 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. **(MM HYD-3.1)**

## **Noise**

63. A Construction Noise Management Plan shall be prepared by the construction contractor and implemented **prior to the start of and throughout construction** to reduce noise impacts on the nearby existing land uses. The plan shall establish the procedures the contractor will take to reasonably minimize construction noise at the nearby existing land uses. The plan shall include, but not be limited to, the following measures to reduce construction noise levels as low as practical **(MM NOI-1.1)**:

- a. Restrict noise-generating activities including construction traffic at the construction site or in areas adjacent to the construction site to the hours of 8:00 a.m. to 5:30 p.m., Monday through Friday, with no construction allowed on federal and State weekends and holidays.
- b. Potential contractors shall be requested to submit information on their noise management procedures and demonstrate a successful track record of construction noise management on prior projects.
- c. The selected contractor will equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- d. The selected contractor will prohibit unnecessary idling of internal combustion engines.
- e. The selected contractor will locate stationary noise generating equipment such as air compressors or portable power generators as far as practical from sensitive receptors.
- f. The selected contractor will utilize "quiet" air compressors and other stationary noise sources where technology exists.
- g. The selected contractor shall limit the allowable hours for the delivery of materials or equipment to the site and truck traffic coming to and from the site for any

purpose to Monday through Friday between 8:00 a.m. and 5:30 p.m.

- h. The selected contractor will establish construction staging areas and material stockpiles at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction to a distance of at least 75 feet, as is feasible.
- i. The selected contractor will designate a project liaison that will be responsible for responding to noise complaints during the construction phase. The name and phone number of the liaison will be conspicuously posted at construction areas and on all advanced notifications. This person will take steps to resolve complaints, including periodic noise monitoring, if necessary. Results of noise monitoring will be presented at regular project meetings with the project contractor, and the liaison will coordinate with the contractor to modify any construction activities that generated excessive noise levels to the extent feasible.
- j. The selected contractor will hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.
- k. **Prior to the initiating of each phase of the project (e.g., grading, construction)** neighboring property owners within 300 feet of construction activity shall be notified in writing of the construction schedule and **at least 2 weeks prior to loud noise-generating activities**. Notification will include the nature and estimated duration of the activity.
- l. A qualified acoustical professional shall be retained to address noise concerns, and if needed, to determine if construction noise levels at adjacent property lines are consistent with the findings of the certified EIR. Corrective actions shall be taken to reduce construction noise if inconsistencies are identified. Temporary noise barriers shall be installed during construction phases involving earth moving equipment (e.g., grading operations) where they would be effective in reducing the construction noise impact, when directly adjoining sensitive receptors, such as at the Seven Hills School. An eight-foot plywood noise barrier could reduce noise levels by at least 5 dBA.

64. **Prior to the issuance of building permits**, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet 50 dBA Leq during daytime hours and 40 dBA Leq during nighttime hours. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the noise limits at all adjacent noise sensitive land uses. Noise reduction measures could include, but are not limited to, locating equipment away from noise sensitive locations, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors. If properly designed and controlled, the combined worst-case noise level due to the operation of on-site noise sources including the project parking lots, mechanical equipment, and maintenance building operations would not be substantially increased with the project and would remain below

the 60 dBA Ldn noise and land use compatibility thresholds established for residential land uses by Contra Costa County and the City of Walnut Creek. **(MM NOI-1.2)**

65. The project shall implement the following measures to minimize vibration impacts from construction activities **(MM NOI-2.1)**:

- a. Avoid the use of vibratory rollers and other heavy construction equipment within 20 feet of existing structures.
- b. Place operating equipment on the construction site as far as possible from vibration sensitive receptors.
- c. Use smaller equipment within 20 feet of the perimeter property lines adjoining off site structures to minimize vibration levels below the limits.
- d. Select demolition methods not involving impact tools within 100 feet of the perimeter property lines adjoining off-site structures.
- e. Avoid dropping heavy objects or materials near vibration sensitive locations.
- f. A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the County by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.

### **Child Care**

66. In accordance with Chapter 82-22 (Child Care Facilities) of the County Ordinance Code the developer shall mitigate the need for four additional infant child care spaces created by the proposed development via one or a combination of the following methods:

- a. The developer may contribute funds directly to family child care providers in the Walnut Creek area to encourage providers to care for infants. The submitted funds are intended for use in training or the purchase of infant equipment. The fund contribution amount shall be sufficient to train a sufficient number of additional staff or to purchase enough equipment to substantially meet the additional infant child care demand created by the proposed development. The fund amount shall be subject to review and approval of CoCoKids and the Community Development Division.
- b. The developer may contract with the CoCoKids to recruit and train additional family child care providers, with a special focus on recruiting providers to provide infant care. The proposed contract shall be submitted for review and approval of the Community Development Division.

### **PUBLIC WORKS CONDITIONS OF APPROVAL**

**Applicant shall comply with the requirements of Title 8, Title 9, and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval.**

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**Conditions of Approval are based on tentative map submitted to the Department of Conservation and Development on December 22, 2020.**

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

67. The drainage, road, and utility improvements outlined below shall require the review and approval of the Public Works Department and are based on the vesting tentative map received by the Department of Conservation and Development, Community Development Division, on December 22, 2020.
68. Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the City of Walnut Creek for any improvements constructed within the corporate limits of the City. City review includes review and inspection fees, and security for all improvements required by the Environmental Impact Report's Mitigation Measures and the conditions of approval for this entitlement.

**Public Streets (North San Carlos Drive/Seven Hills Ranch Road/Kinross Drive)**

69. The applicant shall coordinate with the City of Walnut Creek to determine what frontage or road improvements, roadway dedications, or right of way acquisitions, may be required by the City. Based on the project description and environmental review, these improvements are anticipated to include:
  - a. Extend Kinross Drive to provide primary access to the project site. Kinross Drive is a two-lane collector street located within the Walnut Creek city limits. The extension of Kinross Drive would be constructed within a 50-foot right-of-way that was previously dedicated to the city. The proposed extension of Kinross Drive will transition as it approaches the project from two-lanes to three-lanes, two lanes for ingress.
  - b. Kinross Drive improvements include constructing sidewalk on the northeast side and installing landscaping on the southwest side.
70. Vehicular entrance gates shall be located such that vehicles can queue without obstructing through traffic.

**Land Dedication for Potential Future Use by the County for Flood Control, Restoration and/or Trail Development**

71. **Prior to filing of the Parcel Map**, the property owner shall convey to the County, by separate instrument, an irrevocable offer of dedication in fee for public purposes, including flood control, drainage, restoration, open space, and/or public trails, in the County's sole discretion, of the approximately 2.4-acre area, depicted in the attached Exhibit A, along the western boundary of the project site. The form of the irrevocable offer of dedication shall be subject to review and approval by the CDD. The irrevocable offer of dedication

shall be recorded concurrently with, or prior to, recordation of the parcel map.

### **Access to Adjoining Property**

#### Proof of Access

72. Applicant shall furnish proof to the County 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.
73. Applicant shall furnish proof to the County Public Works Department that legal access to the property is available from Kinross Drive, North San Carlos Drive and Seven Hills Ranch Road.

#### Easement Vacation

74. Applicant shall furnish proof to the County Public Works Department that all existing easements in conflict with proposed improvements are being relocated or have been abandoned, quitclaimed, vacated, or otherwise extinguished by the easement holder(s).

#### Encroachment Permit

75. Applicant shall obtain an encroachment permit from the City of Walnut Creek, if necessary, for construction of improvements within the right-of-way of Kinross Drive or other City rights of way.

### **Private Roads**

76. Applicant shall construct the on-site roadway system to current County private road standards with a minimum travel way width of 20 feet, or as otherwise required by the Fire Marshal.
77. Applicant shall ensure that emergency and refuse collection vehicles are able to maneuver through the proposed development and construct a paved turnaround at the end of all the proposed private roads.
78. Applicant shall furnish proof to the County Public Works Department that legal access to the property is available from Kinross Drive, North San Carlos Drive and Seven Hills Ranch Road.

### **Emergency Vehicle Access**

79. Emergency vehicle access (EVA) shall be provided via a gated, fire district compliant entrance extending from the health care center to North San Carlos Drive at the north end of the project site.

80. The project shall improve North San Carlos Drive from the proposed EVA gate to the Heather Farm Dog Park to meet fire district standards. These improvements fall under the purview of the City of Walnut Creek.
81. A supplemental gated EVA shall also be provided from the internal access road to the extension of Seven Hills Ranch Road at the southwest end of the site.

### **Pedestrian Facilities**

82. The proposed secondary emergency vehicle access points at North San Carlos Drive and Seven Hills Ranch Road should be designed to allow use by residents and employees of the facility accessing the site as pedestrians and bicyclists.
83. Applicant shall design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.
84. The EVA access points located on the north and south ends of the project site shall be equipped with gates allowing pedestrian and bicycle access. Residents and employees shall be provided with keycards allowing for access via these gates upon request.

### **Parking**

85. Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the County Public Works Department.

### **Utilities/Undergrounding**

86. Applicant shall underground all new and existing utility distribution facilities. Applicant 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.

### **Countywide Street Light Financing**

87. **Prior to filing the Parcel Map**, the property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

## **Sub-regional Park Maintenance Financing**

88. Prior to filing the Parcel Map, the property owner shall request and pay all associated costs relative to annexation to County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area – Park Maintenance).

## **Drainage Improvements**

### Collect and Convey

89. 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.
90. Storm drain infrastructure that traverses or directly discharges to facilities within the City of Walnut Creek will be subject to compliance with the City of Walnut Creek's Minimum Drainage Design Standards. Permits, plan review, and inspection shall be coordinated with the City.
91. Any revisions to the proposed drainage infrastructure shown on the tentative parcel map shall be subject to review and approval by the CDD and County Public Works Department prior to implementation.

## **Miscellaneous Drainage Requirements**

92. The applicant shall submit hydrology and hydraulic calculations showing the adequacy of the onsite drainage system and the downstream drainage system.
93. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

## **Wetlands Protection**

94. The applicant shall relinquish "development rights" over that portion of the site that is within the area of the enhanced wetlands delineated on the site plan, or as otherwise required by State or Federal regulatory agencies. "Development Rights" shall be conveyed to the County by grant deed.

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

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

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

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by the County Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Shallow roadside and on-site swales.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Shared trash bins shall be sealed to prevent leakage OR shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by the County Public Works Department.

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

96. The applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the County 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 the Parcel Map**. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
97. 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).
98. Stormwater management facilities shall be subject to inspection by the County Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
99. **Prior to filing the Parcel Map**, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

100. **Prior to filing 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.
101. 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.

### **Construction Activities**

102. **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 County CDD and, as applicable, the City of Walnut Creek. The TCP shall incorporate the following elements:
  - a. All construction traffic shall utilize Kinross Drive, except that: (1) Seven Hills Ranch Road may be utilized initially to facilitate access for construction of a temporary connection to Kinross Drive; and (b) Seven Hills Ranch Road and North San Carlos Drive may be utilized, subject to required applicable County and/or City permits to complete those utility and access improvements as specifically required to serve the Project pursuant to the Final Development Plan and as shown on the approved construction documents.
  - b. Construction traffic shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, with no construction allowed on Federal and State holidays and weekends and holidays.
  - c. Parking for construction workers shall be identified in the TCP. Except as may be necessary to accommodate specifically approved construction activities, all worker parking shall be directed to an appropriate onsite location, separated from noise-sensitive receptors nearest the project site by at least 75 feet.
  - d. Construction staging areas shall be identified for material stockpiles and equipment storage at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction to a distance of at least 75 feet where feasible.
  - e. The applicant shall require their selected contractor to designate a TCP administrator who shall be identified and accessible via phone and email to the County and City throughout all phases of construction and shall perform the following functions: (1) Enforce the provisions of the approved TCP with respect to all phases of construction; (2) Respond within 24 hours to address any concerns communicated by the County, and by the City for work within the City;

(3) Monitor truck traffic activity and compliance with the TCP's designated travel routes, including placing flagmen to direct traffic movements as may be needed for safety purposes and to ensure that approved routes are utilized (such as avoiding use of the private segment of Kinross Drive); and (4) Communicate on a regular basis with the qualified acoustical professional retained to monitor construction noise pursuant to the Mitigation Monitoring and Reporting Plan (MMRP), and work with the County to implement any needed adjustments to the TCP for compliance with MMRP requirements.

103. The applicant shall survey the baseline pavement condition on access roads and haul routes to be used **prior to the commencement of any work on site**. The survey shall include a video tape of the roadways.
104. The applicant shall prepare an analysis to estimate the wear the hauling operation will cause to the pavement during construction of the project and to estimate the cost of restoring pavement on any roads, easements, and/or rights-of-way to meet or exceed pre-project conditions. **Prior to issuance of the first Building Permit** the applicant shall execute a bonded road improvement agreement to assure the roadway repairs. The amount shall be subject to approval by the County Public Works Department and/or the City of Walnut Creek, as applicable, based on the jurisdiction of the facility in question,
105. **Within 6 months following construction of the project**, the applicant shall construct repairs necessary to restore any roads, easements, and/or rights-of-way to meet or exceed pre-project conditions.

### **Drainage Area Fee Ordinance**

106. A small portion of the project lies within formed Drainage Area 8. The applicant shall comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Supervisors. The fee shall be paid **prior to filing of a parcel map (if deemed necessary) or prior to building permit issuance, whichever occurs first**.

### **Sub-regional Park Maintenance Financing**

107. **Prior to filing the Parcel Map**, the property owner(s) shall annex the subject property into County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area – Park Maintenance). All associated costs relative to the request and processing of the annexation shall be borne by said owner(s).

### **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 Government Code Section 66000 *et seq.*, the Applicant has the opportunity to protest fees, dedications, reservation, 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 DCD is closed, then the protest must be submitted by the end of the next business day.

B. The Applicant should be aware of applicable expiration dates and renewing requirements prior to recording the Parcel Map.

C. It is unlawful to engage in business in the unincorporated area of the County without first procuring a business license from the County Tax Collector following CDD approval of this application.

D. **Prior to commencement of the use approved under this permit and approval**, the Applicant may wish to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed Project:

- County Building Inspection Division
- Central Contra Costa Sanitary District
- California Department of Fish and Wildlife
- City of Walnut Creek
- Contra Costa Water District
- United States Army Corp of Engineers
- Regional Water Quality Control Board

E. Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors. Payment is required **prior to issuance of a building permit**.

F. 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 of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.

G. 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.

H. This project may be subject to the requirements of the State Regional Water Quality

Control Board. It is the applicant's responsibility to determine if a permit is required.

- I. The Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans to bring it into full compliance with C.3 stormwater requirements.