

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03052, JASMINE DENNIS, RPM TEAM (APPLICANT) AND TOWN OF DISCOVERY BAY (OWNER)

FINDINGS

A. Growth Management Performance Standards

1. Traffic: The construction of a new 8,315-square-foot building for the Town of Discovery Bay Community Service Department will replace existing administrative facilities on the subject property and not increase population in the immediate vicinity. Trips generated by employees and patrons of the Town of Discovery Bay Community Services District will remain the same. Accordingly, the project will not generate any additional AM or PM peak hour trips, and therefore, will not increase existing traffic levels in the area.
2. Water: The subject property currently receives water service from the Town of Discovery Bay. The project is to construct a new administrative building for the Community Service Department and will not generate an increase in demand for water service. Any requests for new water service will be reviewed and approved by the Town of Discovery Bay.
3. Sanitary Sewer: The subject property currently receives sanitary sewer service from the Town of Discovery Bay. As stated above, the project is to construct a new administrative building for the Community Service Department and is not anticipated to generate an increase in demand for sanitary sewer service. The applicant will be required to submit plans to the Town of Discovery Bay for review and approval.
4. Fire Protection: The subject property is in the service area of the Contra Costa County Fire Protection District. The new administrative building will be required to meet all current Fire Protection District requirements. Therefore, the project is not expected to generate additional demand for fire protection services. Project plans will be reviewed by the Fire Protection District for compliance with its requirements.
5. Public Protection: Police protection services in the project vicinity are provided by the Contra Costa County Sheriff's Office, which provides patrol service to the unincorporated Discovery Bay area. The administrative building will not include any population increase in the community. Thus, the project will not significantly increase the demand for police service facilities or personnel.

6. *Parks & Recreation:* The construction of the new administrative building will not provide any housing units and will not increase the population in the area. Therefore, there will be no substantial increase in the demand for parks or recreation facilities.
7. *Flood Control and Drainage:* No portion of the subject property is located within a flood-prone area as determined by the FEMA, the Federal Emergency Management Agency. The lot has already been developed and the construction of a new administrative building on a relatively undeveloped portion of the property does not involve the removal, construction, or alteration of any dams or levees within the County.

B. Development Plan Findings

In approving a substantial modification of Final Development Plan CDDP74-03014, findings are required that the proposed project is consistent with the intent and purpose of the P-1 Planned Unit District and is compatible with other uses in the vicinity, both inside and outside the district.

Project Findings: Final Development Plan CDDP74-03014 established the requirement for providing a community center and recreational facilities on the subject property. Since the Discovery Bay area was previously predominantly agricultural, there was a need to provide water and sanitary service to the area. The creation of the Town of Discovery Bay Community Services District provided such utility service to the Discovery Bay community from the centrally located property. Construction of the new administrative building will allow the Town of Discovery Bay to continue and enhance its operations of providing water and sanitary service to the community, while not displacing any buildings or residences. continue this service. Pursuant to Final Development Plan CDDP74-03014, the minimum yard setbacks on the subject parcel are the same as for the F-1 Water Recreation District, which requires a 20-foot front yard, a 5-foot minimum and 15-foot aggregate side yard as well as a 15-foot rear yard. The F-1 District also limits building heights to 35 feet or 2 and ½ stories. The 8,315 square-foot, 20-foot 9¼ inch tall administrative building meets all applicable yard and height requirements. In addition, the project will develop the southwestern portion of the property south of the Community Center that relatively undeveloped in a manner that will be consistent with the surrounding residential and retail-business land uses in the immediate vicinity. Thus, the project is compatible with the water recreation land uses in the P-1 District and does not impact other uses on lots outside of the P-1 District.

C. Tree Permit Findings

1. Required Factors for Granting Tree Permit. The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:

- *Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.*

The applicant has identified code-protected trees on the subject property, One such tree, a 60-inch Diameter Acacia, is located south of the existing Community Center at the northern wall of the new administrative building. Two other code-protected trees, both 14-inch diameter Mediterranean Fan Palm trees, are located near the western portion of the new administrative building. The administrative building is located on the southwestern portion of the property south of the Community Center within a relatively undeveloped area of the property. The remainder of the property is developed with the Community Center and recreational facilities. Thus, due to the size of the administrative building and the existing development elsewhere on the property, reasonable development of the property requires removal of the three trees and this development cannot be reasonably accommodated on another area of the lot.

2. Required Factors for Denying a Tree Permit. The Zoning Administrator is satisfied that none of the factors for denying a tree permit as provided by County Code Section 816-6.8010 apply.

D. Environmental Findings

Development Plan CDDP24-03052 is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303(c), New Construction of Small Structures, which provides a Class 3 exemption for the construction of a new commercial building up to 10,000 square feet in floor area on sites zoned for such use in an urbanized area. There is no substantial evidence that the project involves unusual circumstances, including future activities, resulting in, or which might reasonably result in, significant impacts which threaten the environment. None of the exceptions in CEQA guidelines section 15300.2 apply.

CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03052

Project Approval

1. This Development Plan application for a substantial modification of Final Development Plan CDDP74-03014, to allow construction of a new 8,315-square-foot administrative building for the Discovery Bay Community Service Department, 28 new off-street parking spaces, a new administrative building monument sign, and 10,357 square feet of new landscaping, is APPROVED.
2. A Tree Permit for the removal of three code-protected trees, including one 60-inch diameter Acacia and two 14-inch diameter Mediterranean Fan Palm trees, is APPROVED.
3. The Development Plan and Tree Permit approvals described above are granted based on the following information and documents:
 - Project application accepted by the Department of Conservation and Development, Community Development Division (CDD) on November 26, 2024.
 - Revised plans received on February 12, 2025, March 4, 2025 and May 27, 2025.
4. Any change from the approved plans shall require review and approval by the CDD and may require the filing of an application to modify this Development Plan and/or Tree Permit.
5. The Conditions of Approval of Final Development Plan CDDP74-03014 shall remain in full force and effect.

Building Permits

6. No construction is approved with this permit. Any construction at the project site will require issuance of building permits from the Department of Conservation and Development, Building Inspection Division, prior to commencement of work.

Application Costs

7. The Development Plan application is subject to an initial application deposit of \$4,500.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. Any additional

fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance in the event that additional fees are due.

Arborist Expenses

8. The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

Additional Tree Impacts

9. If any impacts to trees occur in addition to those described herein, a new Tree Permit may be required. The fee for this application is a deposit of \$750.00 that is subject to time and material costs. Should staff costs exceed the deposit, additional fees will be required.

Construction Restrictions

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

10. 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.
11. 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.
12. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
13. 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.

14. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

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

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

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

15. 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 CDDP24-03052

The applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on March 4, 2025.

The applicant shall comply with the following conditions of approval **prior to issuance of a building permit or encroachment permit under this permit.**

General Requirements

16. For Public Works review for compliance relative to this Development Permit, a Compliance Review Fee deposit shall be submitted directly to the Public Works Department in accordance with the County's adopted Fee Schedule for such services. This fee is separate from similar fees required by the Department of Conservation and Development and is a deposit to offset staff costs relative to review and processing of these conditions of approval and other Public Works related services ancillary to the issuance of building permits and completion of this project.
17. The applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The conditions of approval below are subject to the review and approval of the Public Works Department.

Access to Adjoining Property:

Encroachment Permit

18. The applicant shall obtain an encroachment permit from the Public Works Department, if necessary, for construction of driveways, utilities or other improvements within the right-of-way of Discovery Bay Boulevard.

Countywide Street Light Financing:

19. The property owner(s) shall annex to the County 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.

Bicycle - Pedestrian Facilities:

Pedestrian Access

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

Drainage Improvements:

Collect and Convey

21. The applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to *an adequate* natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to *an adequate* natural watercourse, in accordance with Division 914 of the Ordinance Code.

Miscellaneous Drainage Requirements:

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

Floodplain Management:

24. The project is required to provide Urban Level of Flood Protection (minimum 200-year flood protection) to meet state requirement for the urban/urbanizing areas within the Sacramento-San Joaquin Valley basin. The applicant shall be aware of and comply with the State requirements and the County Floodplain Management Ordinance as they pertain to providing Urban Level of Flood Protection. The 200-year flood elevation in this area is recognized as 10.5 feet. Non-residential buildings below that elevation are allowed but must be "wet floodproofed" in accordance with the applicable technical bulletins available from FEMA.

National Pollutant Discharge Elimination System (NPDES):

25. 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 (Central Valley - Region V).

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 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.
- Filtering Inlets.
- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by the Public Works Department.

Stormwater Management and Discharge Control Ordinance:

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

27. 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).
28. Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
29. Prior to initiation of the proposed use, 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.
30. Prior to issuance of a building permit, 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.
31. 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.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT 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 NINETY (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 is strongly encouraged 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
 - Health Services Department, Environmental Health Division
 - Town of Discovery Bay Community Services District
 - Contra Costa County Fire Protection District
 - Contra Costa Mosquito and Vector Control District
- C. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the East Contra Costa Regional Fee & Finance Authority/ Regional Transportation Development Impact Mitigation (ECCRFFA/RTDIM) and Discovery Bay Areas of Benefit as adopted by the Board of Supervisors. Payment is required prior to the issuance of a building permit.