

**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.