



## AGENCY COMMENT REQUEST

Date \_\_\_\_\_

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

*DISTRIBUTION*

INTERNAL

Building Inspection     Grading Inspection  
 Advance Planning     Housing Programs  
 Trans. Planning     Telecom Planner  
 ALUC Staff     HCP/NCCP Staff  
 APC PW Staff     County Geologist

HEALTH SERVICES DEPARTMENT

Environmental Health     Hazardous Materials

PUBLIC WORKS DEPARTMENT

Engineering Services (1 Full-size + 3 email Contacts)  
 Traffic  
 Flood Control (Full-size)     Special Districts

LOCAL

Fire District \_\_\_\_\_

San Ramon Valley – (email) [rwendel@srvfire.ca.gov](mailto:rwendel@srvfire.ca.gov)  
 Consolidated – (email) [fire@cccfd.org](mailto:fire@cccfd.org)  
 East CCC – (email) [brodriguez@cccfd.org](mailto:brodriguez@cccfd.org)

Sanitary District \_\_\_\_\_

Water District \_\_\_\_\_

City of \_\_\_\_\_

School District(s) \_\_\_\_\_

LAFCO

Reclamation District # \_\_\_\_\_

East Bay Regional Park District

Diablo/Discovery Bay/Crockett CSD

MAC/TAC \_\_\_\_\_

Improvement/Community Association

CC Mosquito & Vector Control Dist (email)

OTHERS/NON-LOCAL

CHRIS (email only: [nwic@sonoma.edu](mailto:nwic@sonoma.edu))

CA Fish and Wildlife, Region 3 – Bay Delta

Native American Tribes

ADDITIONAL RECIPIENTS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Please submit your comments to:*

Project Planner \_\_\_\_\_  
 Phone # \_\_\_\_\_  
 E-mail \_\_\_\_\_  
 County File # \_\_\_\_\_  
 Prior to \_\_\_\_\_

\* \* \* \* \*

We have found the following special programs apply to this application:

Active Fault Zone (Alquist-Priolo) Liquefaction  
 Flood Hazard Area, Panel # \_\_\_\_\_  
 60-dBA Noise Control  
 CA EPA Hazardous Waste Site

\* \* \* \* \*

**AGENCIES:** 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.

Comments:  None     Below     Attached

Print Name \_\_\_\_\_

Signature \_\_\_\_\_ DATE \_\_\_\_\_

Agency phone # \_\_\_\_\_

**From:** [Joanne Chiu](#)  
**To:** [Adrian Veliz](#)  
**Subject:** CDLP21-02004 Agency Comment  
**Date:** Thursday, February 18, 2021 1:19:55 PM

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Hi Adrian,

The parcel is not subject to HCP/NCCP Ordinance No. 2007-53. The project is located outside the HCP/NCCP Urban Development Area / County ULL.

Joanne

Joanne Chiu (*she/her/hers*)  
[East Contra Costa County Habitat Conservancy](#)  
30 Muir Road | Martinez, CA 94553  
Office: (925) 674-7263 | Cell: (510) 550-5503  
[www.cocohcp.org](http://www.cocohcp.org)



Contra Costa County  
**Public Works**  
Department

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

# Memo

January 19, 2022

**TO:** Adrian Veliz, Senior Planner, Department of Conservation and Development  
**FROM:** Randolph Sanders, Associate Civil Engineer, Engineering Services Division  
By: Ronald Lai, Engineering Technician, Engineering Services Division  
**SUBJECT:** **LAND USE PERMIT LP21-2004**  
**Staff Report & Recommended Conditions of Approval**  
(Tom Linn/Sunset Road/Brentwood/APN 015-090-039)  
**FILE:** LP21-2004

The attached recommended conditions of approval, based on the site plan, 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 land use permit to allow the continued operation of an existing owner-operated, horse boarding facility in the unincorporated area of Brentwood in Contra Costa County. The subject property is a 10-acre lot with existing structures, include those for horse boarding, located at 2235 Sunset Road (APN 015-090-039). The subject site is Parcel C of MS83-0035 and zoned A-2. No new improvements and structures are proposed with this application.

## Traffic and Circulation

The site gains access from Quail Trail, a privately maintained road. Quail Trail intersects Sunset Road, a publicly maintained road, to the north. Quail Trail is a gravel road approximately 16 feet wide within a 30-foot right-of-way. No additional road improvements or easement widths are required at this time.

## 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.

No existing or proposed drainage facilities are shown on the site plan. As the proposed parcel is relatively large in size and will have restricted building envelopes under the County's "ranchette" development policy, exceptions from the "collect and convey" requirements may be considered, if requested. Such exceptions are considered on a case-by-case basis, and will only be allowed if 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.

The applicant has provided an exception request per Chapter 92-6 from the collect and convey requirements specified in Chapter 914-2 of the County Subdivision Ordinance. The request for exceptions is based on the finding outlined below:

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

The application proposes no new development. The lot is relatively flat with no known flood issues to date. There is no existing storm drainage infrastructure within the surrounding area. The area generally consists of large, rural agricultural properties with no existing drainage infrastructure.

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

Given that no development is proposed, the requirements of 914 unfairly over-burdens the applicant's property. Such exceptions have also been approved on other similar properties in the past. In order to maintain agricultural use of the property, applicant intends to maintain existing drainage flow patterns.

- (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.

No development is proposed and no increase in impervious surface would occur as a result of the application. The existing drainage pattern would remain the same. This site, as well as neighboring properties, have not had any issues with runoff in the past. The property is very well maintained, and being that the property is on native sand, it helps with effective natural draining. Therefore, the granting of the exception would have no detrimental or injurious impact on the public welfare to other properties in the territory in which the property is situated.

Public Works has no objection to the granting of an exception from this requirement provided that 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 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. It appears that this project will not create/replace more than 10,000 square feet of impervious surface area and therefore, a SWCP is not required at this time.

The County's Stormwater Management Discharge Control Ordinance (§1014) requires that discharge of polluted water be effectively prohibited, and allows the County to require that a Stormwater Pollution Prevention Plan (SWPPP) be prepared to minimize the discharge of pollutants from any project that involves a land use that is likely to result in the discharge of pollutants. The proposed land use has a relatively high potential to contribute polluted water to nearby water bodies; therefore, the applicant shall be required to submit a SWPPP, subject to the review and approval by the Public Works Department, that document permanent and operational Best Management Practices (BMPs) that will be implemented to minimize potential impacts to water quality. The SWPPP shall include BMPs related to manure management, horse washing, and other activities that have the potential to result in pollutant discharges related to the horse stable and boarding facility (i.e. restricting horses' access to creeks or other sensitive areas). Applicant has provided a manure management plan that appears to be acceptable.

### **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 property 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 East County Regional Areas of Benefit, as adopted by the Board of Supervisors. If applicable, these fees shall be paid prior to initiation of use.

### **Drainage Area Fee and Creek Mitigation**

The property is located within unformed Drainage Area 74A. There is currently no fee ordinance adopted by Board of Supervisors for this area.

RS:RL:sr  
\\pw-data\grpdata\engsvc\Land Dev\LP\LP 21-2004\LP21-2004 Staff Report & COAs.docx

cc: Jocelyn LaRocque, Engineering Services  
Larry Gossett, Engineering Services  
Ronald Lai, Engineering Services  
Howard Hiibel, owner  
2235 Sunset Road, Brentwood, CA 94513  
Tom Linn, applicant  
P.O. Box 313, Antioch, CA 94509

**PUBLIC WORKS RECOMMENDED  
CONDITIONS OF APPROVAL FOR PERMIT LP21-2004**

**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 October 8, 2021.**

**COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT AND/OR 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 permit. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of Public Works.

**Access to Adjoining Property:**

Proof of Access

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

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.

Exception (Subject to Advisory Agency findings and approval)

- Applicant shall be permitted an exception from the collect and convey requirements of the County Ordinance Code due to the large size of the proposed parcels, provided that there are no known drainage problems on-site currently, the existing drainage pattern is maintained and additional concentrated stormwater runoff is not discharged onto adjacent properties.

**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 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.
- Offer pavers for household driveways and/or walkways as an option to buyers.
- 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.
- Other alternatives comparable to the above as approved by the Public Works Department.

**Stormwater Management and Discharge Control Ordinance:**

- Prior to initiation of use, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval of the Public Works Department. The SWPPP shall document Best Management Practices (BMPs) that will be incorporated into the project

to minimize the discharge of pollutants from the project. The SWPPP shall include BMPs related to manure management, horse washing, and other activities that have the potential to result in pollutant discharges related to the horse stable and boarding facility. Any permanent structural BMPs must be constructed and inspected prior to final inspection for building permits.

#### **ADVISORY NOTES**

- 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 East County Regional Areas of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.
- 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.