

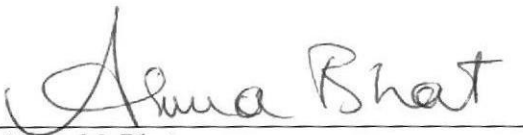


**CONTRA COSTA COUNTY  
DEPARTMENT OF CONSERVATION AND DEVELOPMENT  
COMMUNITY DEVELOPMENT DIVISION**

**APPROVED PERMIT**

APPLICANT:	CenterPoint Properties Trust 725 South Figueroa Street, Suite 3005 Los Angeles, CA 90017	APPLICATION NO.:	CDMS19-00009 CDDP18-03007
		ASSESSOR'S PARCEL NO.:	409-300-037 ref.
		PROJECT LOCATION:	506 Brookside Drive Richmond, CA
OWNER:	Same as above	ZONING DISTRICT:	P-1
		APPROVED DATE:	May 25, 2022
		EFFECTIVE DATE:	June 7, 2022

This matter having not been appealed within the period of time prescribed by law, a DEVELOPMENT PLAN AND TENTATIVE MAP (consolidation of 19 parcels into 3 larger parcels) to construct three warehouse buildings totaling 555,537 square feet on a 31.48-acre site. Off-site improvements will occur along Fred Jackson Way, Brookside Drive and including traffic calming improvements to benefit the North Richmond community. The project also includes annexation into the West County Wastewater District, removal of 7 trees, and grading of approximately 131,415 cubic yards of soil in the RICHMOND area is hereby APPROVED, subject to the attached conditions of approval.

By:   
Aruna M. Bhat  
Deputy Director

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

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

**CONDITIONS OF APPROVAL FOR CENTERPOINT PROPERTIES (Applicant/Owner):  
COUNTY FILE #'s CDDP18-03007 and CDMS19-00009 AS APPROVED BY THE  
COUNTY PLANNING COMMISSION ON MAY 25, 2022**

**Project Approval:**

1. Development is APPROVED as generally described in the application materials received by the Department of Conservation and Development/Community Development Division (CDD) on August 28, 2018, (including Tentative Map submitted October 29, 2019), and subject to the conditions below.

**Compliance Review:**

2. At least 30 days prior to issuance of a building permit, the applicant shall provide a permit compliance report to CDD for review and approval. The report shall identify all conditions of approval that are administered by CDD. The report shall document the measures taken by the applicant to satisfy all relevant conditions. Copies of the permit conditions may be obtained from CDD. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the conditions of this permit prior to requesting County issued permits.

The permit compliance review is subject to staff time and materials charges, with an initial deposit of \$1,000 which shall be paid at the time of submittal of the compliance report.

3. At least 30-days prior to occupancy, any proposed tenant shall submit a Property Use Verification (PUV) application to CDD staff in order to verify consistency with this permit. The PUV will be necessary to obtain any required business licenses from the County Tax Collector's Office. .

**General Provisions:**

4. Any deviation from or expansion beyond the limits of this permit approved under this application may require the filing of a request for modification of the Development Plan Permit.
5. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number to call in complaints shall also be visible to ensure compliance with applicable regulations.

6. Applicant shall make best efforts to hire employees, workers, and subcontractor components for jobs from the Richmond/North Richmond community.
7. At least 30 days prior to submittal of a building permit for signage, a detailed sign program shall be submitted for the review and approval of CDD.
8. The applicant shall pay the Contra Costa County, Department of Conservation and Development, Current Planning Division, a flat not-to-exceed amount of \$125,000 as its fair share contribution towards the cost of a General Plan/Zoning Ordinance update for the North Richmond area.

**Aesthetics:**

9. At least 30 days prior to applying for a building permit, the applicant shall submit for review and approval by the Contra Costa County Department of Conservation and Development staff a Final Lighting Plan. Light standards shall be low-lying and exterior lights on the buildings shall be deflected so that lights shine onto the applicant's property. **(Mitigation Measure (MM) AES – 1)**

**Air Quality:**

10. The project applicant shall ensure, at minimum, the use of equipment that meets the United States Environmental Protection Agency's (EPA) Tier 4 Interim emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower for all site preparation, grading, and building construction activities, unless it can be demonstrated, to the Contra Costa County Department of Conservation and Development's satisfaction, that such equipment is not available. Any emission control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 Interim emissions standards for a similarly sized engine, as defined by the California Air Resources Board (ARB) regulations.

Prior to the issuance of building or grading permits, the project applicant shall ensure that all construction (e.g., demolition and grading) plans clearly show the requirement for EPA Tier 4 Interim emissions standards for construction equipment over 50 horsepower for the specific activities stated above.

During construction, the project applicant shall ensure that a list of all operating equipment in use on the construction site is maintained on-site for verification by the Contra Costa County Department of Conservation and Development. The construction equipment list shall state the makes, models, Equipment Identification Numbers, and number of construction equipment on-site.

Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to 5 minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. **(MM AIR-2a)**

11. The project's construction contractor shall comply with the following Bay Area Air Quality Management District (BAAQMD) Best Management Practices (BMPs) for reducing construction emissions of PM<sub>10</sub> and PM<sub>2.5</sub>:
  - Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water should be used whenever possible.
  - To control dust, pave, apply water twice daily or as often as necessary, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
  - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
  - Sweep daily with water sweepers (using reclaimed water if possible) or as often as needed, all paved access roads, parking areas, and staging areas at the construction site to control dust.
  - Sweep public streets daily (with water sweepers using reclaimed water if possible) or as often as needed in the vicinity of the project site to keep streets free of visible soil material.
  - Hydroseed or apply nontoxic soil stabilizers to inactive construction areas.
  - Enclose, cover, water twice daily, or apply nontoxic soil binders to exposed stockpiles (e.g., dirt, sand, etc.).
  - Limit vehicle traffic speeds on unpaved roads to 15 mph.
  - Replant vegetation in disturbed areas as quickly as possible.
  - Install sandbags or other erosion control measures to prevent silt runoff from public roadways. **(MM AIR-2b)**

12. Prior to issuance of the certificate of occupancy, Contra Costa County shall require future tenants proposing operations that have potential to emit nuisance odors to prepare an odor management plan that identifies project design features, measures, and control technologies to ensure compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. Facilities that have the potential to generate nuisance odors include, but are not limited to:

- Composting, green waste, or recycling facilities
- Fiberglass manufacturing facilities
- Painting/coating operations
- Large-capacity coffee roasters
- Laboratory operations
- Food-processing facilities

The odor management plan for the proposed facility shall be submitted to the County prior to the issuance of the certificate of occupancy. During operation of the proposed facility, the County shall conduct periodic evaluation of on-site odors per the schedule and reporting requirements outlined in the odor management plan. **(MM AIR-4)**

**Zero Emission Vehicle Requirements:**

13. The following mitigation measures shall be implemented during all on-going business operations and shall be included as part of contractual lease agreement language to ensure the tenants/lessees are informed of all on-going operational responsibilities.

- a. The property owner/tenant/lessee shall ensure that all heavy-duty trucks (Class 7 and 8) domiciled on the project site are model year 2014 or later from start of operations, and shall expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2025 or when commercially available for the intended application, whichever date is later.

“Domiciled at the project site shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70% of the calendar year or (ii) dedicated to the project site (defined as more than 70% of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere).

Zero-emission heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.

- b. The property owner/tenant/lessee shall utilize a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations as follows: For any vehicle (Class 2 through 6) domiciled at the project site, the following "clean fleet" requirements apply: (i) 33% of the fleet will be zero emission vehicles at start of operations, (ii) 65% of the fleet will be zero emission vehicles by December 31, 2023, (iii) 80% of the fleet will be zero emission vehicles by December 31, 2025, and (iv) 100% of the fleet will be zero emission vehicles by December 31, 2027.

"Domiciled at the project site" shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70% of the calendar year or (ii) dedicated to the project site (defined as more than 70% of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere).

Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles.

The property owner/tenant/lessee shall not be responsible to meet "clean fleet" requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the project site.

- c. The applicant, property owner, tenant, lessee, or other party operating the facility (the "Operator") shall procure the zero emission vehicles/trucks required to meet the "clean fleet" requirements in (a) and (b) above. Within 30-days of occupancy, the Operator shall demonstrate to the satisfaction of CDD staff, that the applicable clean fleet requirements are being met.

In the event that there is a disruption in the manufacturing of zero emission vehicles/trucks or that sufficient vehicles/trucks are not commercially available for the intended application, the "clean fleet requirements" may be adjusted as minimally as possible by the CDD to accommodate the manufacturing disruption or unavailability of commercially available vehicles/trucks. The Operator shall quantify the GHG, criteria and toxic contaminant emissions resulting from any delayed compliance of this condition and submit the findings to CDD for review and approval. The Operator shall propose mitigation measures to reduce additional emissions resulting from any delay in compliance to a less than significant level, as

provided for in MM-GHG 1g. The Operator shall prioritize procuring any necessary GHG emissions offsets from the North Richmond area and surrounding community, thereby further reducing criteria air pollution and toxic air contaminants in the immediate area. The Operator shall implement the proposed measures after CDD review and approval. Any extension of time granted to implement this condition shall be limited to the shortest period of time necessary to allow for 100% electrification under the clean fleet requirements. The CDD staff may seek the recommendation of the California Air Resources Board in determining whether there has been a manufacturing disruption or insufficient vehicles/trucks commercially available for the intended application.

The Operator shall submit a condition of approval compliance report within 30 days of, but not later than, the following dates: December 31, 2023, December 31, 2025, and December 31, 2027. The report shall outline clean fleet requirements applicable at each report interval and include documentation demonstrating compliance with each requirement. The County Zoning Administrator shall consider each report at a noticed public hearing and determine whether the Operator has complied with the applicable clean fleet requirements. If the Operator has not met each 100% clean fleet requirement by December 31, 2027, then the Operator shall submit subsequent reports every year until the 100% clean fleet requirement is implemented. The County Zoning Administrator shall consider each subsequent report at a noticed public hearing and determine whether the Operator has complied with the clean fleet requirements, including any minimal adjustments to the requirements by the CDD to accommodate the manufacturing disruption or unavailability of commercially available vehicles/trucks, as described in the previous paragraph.

After the 100% clean fleet requirement has been implemented and confirmed by the CDD, the Operator shall submit to the CDD an on-going compliance report every three years containing all necessary documentation to verify that the Operator is meeting the clean fleet requirements. At the time it confirms that the 100% clean fleet requirement has been implemented, the CDD will establish the due date for the first on-going compliance report. Each subsequent on-going compliance report shall be due within 30 days of, but not later than, the three-year anniversary of the preceding due date. The on-going compliance reports and accompanying documentation shall be made available to the public upon request.

- d. The property owner/tenant/lessee shall ensure all on-site equipment and vehicles (e.g., yard hostlers, yard equipment, forklifts, yard trucks and tractors, and pallet jacks) used within the project site are zero-emission from start of operations.
- e. The property owner/tenant/lessee shall use the cleanest technologies available and provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on-site.
- f. At least 30 days prior to applying for building permits, the property owner/tenant/lessee shall submit plans for review and approval of CDD staff, which include the necessary infrastructure for future use of zero emission vehicles, including both heavy-duty and delivery trucks (e.g., installation of conduit specifically designated for truck charging equipment in the future).
- g. Idling is strictly prohibited on the subject property and adjacent streets in the Richmond/San Pablo area. The property owner/tenant/lessee shall inform all truck drivers associated with the business of this prohibition.
- h. Applicant/tenant/lessee shall periodically sweep the property to remove road dust, tire wear, brake dust and other contaminants in parking lots.
- i. Applicant/tenant/lessee shall not use diesel back-up generators on the property unless absolutely necessary. If absolutely necessary, at the time of initial operation, generators shall have Best Available Control Technology (BACT) that meets CARB's Tier 4 emission standards or meets the most stringent in-use standard, whichever has the least emissions. In the event rental back-up generators are required during an emergency, the units shall be located at the project site for only the minimum time required. Applicant/tenant/lessee shall make every effort to utilize emergency back-up generators that meet CARB's Tier 4 emission standards or have the least emissions.
- j. The property owner/tenant/lessee shall monitor and ensure compliance with all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation.
- k. The operation of Transportation Refrigeration Units (TRUs) is prohibited on the subject site. Any proposed use of TRUs at the subject location will require submittal of a Development Plan modification application and subject to review under the California Environmental Quality Act.



- I. The property owner shall add this Condition of Approval, Air Quality 15, a through I, as part of contractual lease agreement language to ensure the tenant/lessee is informed of all on-going operational responsibilities.

### **Preferred Truck Route**

14. The preferred truck route for all heavy-duty trucks (Class 7 and 8) exiting the site via Brookside Drive is: left turn onto Brookside Drive, left turn at Central Street, right turn on Pittsburg Avenue. The preferred truck route for all heavy-duty trucks exiting the site via Fred Jackson Way is: proceed directly onto Pittsburg Avenue to the Richmond Parkway. Drivers returning to this site shall be instructed to use the same routes outlined above. These preferred truck routes shall be implemented during all on-going business operations and shall be included as part of contractual lease agreement language to ensure the tenants/lessees are made aware of the preferred route for heavy-duty trucks.

### **Solar Power Generation:**

15. At least 30-days prior to applying for a building permit, the applicant shall submit evidence to the CDD staff for review and approval, demonstrating that the subject building(s) have been designed to be solar ready by meeting or exceeding the current California Building Code (e.g., structurally able to support solar panels on roofs, appropriately sized electrical panels and conduit, etc.).
16. The project sponsor shall include with the building permit application, sufficient solar panels to provide power for the operation's base power use at the start of operations and as power use demand increases. Project sponsor shall include analysis of (a) projected power requirements at the start of operations and as power demand increases corresponding to the implementation of the "clean fleet" requirements, and (b) generating capacity of the solar installation.

CDD shall verify the size and scope of the solar project based upon the analysis of the projected power requirements and generating capacity as well as the available solar panel installation space.

In the event sufficient space is not available on the subject lot to accommodate the needed number of solar panels to produce the operation's base or anticipated power use, the applicant shall demonstrate how all available space has been maximized (e.g., roof, parking areas, etc.). Areas which provide truck movement may be excluded from these calculations unless otherwise deemed acceptable by the supplied reports.

In the event utility provider review/approval delays do not allow installation/operation of the CDD approved solar panels at the time of final

building inspection (occupancy), the project sponsor shall provide documentation to the CDD for review and approval, demonstrating how all reasonable and normal efforts have been made to procure the necessary permits and install the solar panels.

17. Prior to issuance of the initial building permit, the applicant shall pay the Contra Costa County, Department of Conservation and Development, Current Planning Division, a flat not-to-exceed amount of \$500,000 as its fair share contribution towards the cost of planning and/or constructing a Solar Project for the benefit of the North Richmond area. The Solar Project must benefit North Richmond residents as mitigation for the construction of a warehouse project with its associated emissions and truck traffic. The County will work with the District One Supervisor and the North Richmond Community to define and develop the Solar Project.

### **Biological Resources:**

#### Nesting Bird Surveys

18. Construction work shall take place outside of the February 15 to September 15 bird nesting seasonal window to the maximum extent practicable. If construction is to be conducted during the nesting season, the project applicant is responsible for ensuring that the project does not result in any violation of the Migratory Bird Treaty Act (MBTA) or Fish and Game Code. A qualified Biologist shall conduct focused pre-construction nesting bird surveys throughout the project area no more than 5 days prior to the initiation of on-site project-related activities. Surveys shall be conducted in all potential habitat located at, and adjacent to, project work sites and in staging and storage areas. The minimum survey radii surrounding the work area will be the following: (1) 250 feet for passerines; and (2) 1,000 feet for raptors such as *Buteo spp.* In the event that there is a lapse in construction activities for 7 days or more, a qualified Biologist shall conduct additional focused pre-construction nesting bird surveys in areas of potential habitat again before project activities can be reinitiated. If an active nest is found, the qualified Biologist may consult with the California Department of Fish and Wildlife (CDFW) if needed regarding appropriate action to comply with the Fish and Game Code.

- **Active Nest Buffers.** Active nest sites and protective buffer zones will be designated as "ecologically sensitive areas" where no project-related activities or personnel may enter (while occupied or in use for the season in the case of multi clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging

surrounding the nest site. The qualified Biologist shall determine the necessary buffer, in consultation with CDFW if needed, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and shall increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.

- **Active Nests.** A qualified Biologist will observe any identified active nests prior to the start of any project-related activities to establish a behavioral baseline of the adults and any nestlings. Once project activities commence, all active nests shall be continuously monitored by a qualified Biologist to detect any signs of disturbance and behavioral changes as a result of the project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified Biologist shall halt project activities causing that change until the nestlings have fledged, and the nest is determined to be inactive. **(MM BIO-1a)**

19. General Minimization Measures

- **Harassment of Animals.** No project personnel or motorized equipment shall harass, herd, or drive any wildlife. Harass is defined as an intentional act that disrupts an animal's normal behavior patterns, including but is not limited to, breeding, feeding, or sheltering. Project personnel and equipment shall not cause displacement of wildlife into roadways or open areas lacking cover from predators.
- **Allow Wildlife to Leave Unharmd.** Project staff shall allow any wildlife encountered during the course of project activities to leave the project area unharmed.
- **Temporary Flagging, Fencing, and Barriers.** The permittee shall remove all temporary flagging, fencing, and/or barriers from the project area upon completion of project activities.
- **Open Pipes Restriction.** All pipes, culverts, signposts, poles, or similar structures that are staged, stored, or installed at the project area for one or more overnight periods shall be thoroughly inspected for wildlife prior to use in project activities.
- **Open Trenches.** Wildlife escape ramps shall be installed, constructed of wood, or installed as an earthen slope in each open trench, hole, or pit

that is capable of allowing large (e.g., deer, coyote) and/or small (e.g., frogs, snakes) wildlife to escape on their own volition. Open trenches, pits, or holes shall be inspected for wildlife prior to the initiation of project activities each day. If wildlife is discovered, it shall be allowed to leave on its own volition, or if necessary, moved by biological staff if applicable. Special-status species shall not be handled without prior consultation from CDFW.

- **Signpost Restriction.** Signposts installed permanently throughout the course of the project shall have the top capped and/or the top three post holes covered or filled with screws or bolts to prevent the entrapment of wildlife.
- **Fencing Restriction.** All fencing installed temporarily or permanently throughout the course of the project, shall not be constructed of materials deleterious to wildlife (e.g., sharp edges exposed at the top or bottom of chain-link fencing, braided wire where birds may become entangled, etc.). No barbed wire, or equivalent, shall be allowed where it may result in harm to birds and other wildlife.
- **Restriction of Nighttime Construction and Artificial Lighting.** Except for construction activities that involve the pouring of concrete and require the use of nighttime lighting, all other project activities shall be terminated 30 minutes before sunset and shall not resume until 30 minutes after sunrise. The permittee shall use sunrise and sunset times established by the Federal Aviation Administration (FAA) found at: [https://avcams.faa.gov/sunrise\\_sunset.php](https://avcams.faa.gov/sunrise_sunset.php).

No permanent or unattended temporary outdoor lighting shall be used during the course of construction.

### **Cultural Resources and Tribal Cultural Resources:**

20. Worker Training, Archaeological Monitoring, and Halt Construction Upon Encountering Historical or Archaeological Materials

Prior to the initiation of construction activities, an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall provide Worker Environmental Awareness Program (WEAP) training to construction personnel with an overview of applicable laws, project mitigation measures, and procedures to be followed with regards to historical and/or archaeological resources that may be encountered over the course of the

project. An Archaeologist should be present to monitor all ground-disturbance activities. In the event a potentially significant historical and/or archaeological resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an Archaeologist has evaluated the situation. The applicant for the proposed project (CenterPoint Properties) shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The Archaeologist shall make recommendations concerning appropriate measures that shall be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate California Department of Parks and Recreation (DPR) 523 forms and shall be submitted to Contra Costa County Department of Conservation and Development, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP), as required. **(MM CUL-1)**

21. Stop Construction upon Encountering Human Remains

In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If during the course of project construction, there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

2. Where the following conditions occur, the landowner or his or her authorized representative shall work with the Coroner to rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD if available or on the project site or off-site where the reburial would not be subject to further subsurface disturbance:
  - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the NAHC.
  - The descendant identified fails to make a recommendation.
  - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. **(MM CUL-3)**

## 22. Native American Construction Monitoring

To minimize the potential for destruction of or damage to existing or previously undiscovered burials, archaeological and Tribal Cultural Resources (TCRs) and to identify any such resources at the earliest possible time during project-related earthmoving activities, the project applicant and its construction contractor(s) shall implement the following measures:

- Native American Monitors from culturally affiliated Native American Tribes shall be invited to monitor the vegetation grubbing, stripping, grading or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American representatives from cultural affiliated Native American Tribes shall act as a representative of their Tribal Government and shall be consulted before any cultural studies or ground-disturbing activities begin.
- Native American representatives and Native American Monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted, or slowed if such sites or objects are identified within the direct impact area. Only a Native American representative can recommend appropriate treatment of such sites or objects.
- If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone, are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the

find until an Archaeologist who meets the Secretary of the Interior' s qualification standards can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the County, the California Office of Historic Preservation (OHP), and other appropriate agencies. Appropriate treatment measures may include development of avoidance or protection methods, archaeological excavations to recover important information about the resource, research, or other actions determined during consultation. **(MM CUL-4a)**

23. Avoidance and Preservation in place of Tribal Cultural Resources

Should Tribal Cultural Resources (TCRs) be discovered during project construction, avoidance and preservation in place is the preferred manner of mitigating impacts to TCRs and shall be accomplished by several means, including:

- Planning construction to avoid TCRs, archaeological sites and/ or other resources; incorporating sites within parks, green-space, or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. As noted in Mitigation Measure CUL-4a, appropriate treatment measures may include archaeological excavations to recover information about the resource. Recommendations for avoidance of cultural resources shall be reviewed by the CEQA Lead Agency representative (Contra Costa County), interested Native American Tribes and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology and social, cultural and environmental considerations, and the extent to which avoidance is consistent with project objectives. If feasible, avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources or modification or realignment to avoid highly significant features within a cultural resource. Native American representatives from interested Native American Tribes shall be allowed to review and comment on these analyses and shall have the opportunity to meet with the CEQA Lead Agency (Contra Costa County) representative and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.
- If the resource can be avoided, the construction contractor(s), with Native

American Monitors from culturally affiliated Native American Tribes present, shall install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) shall maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area shall be demarcated as an "Environmentally Sensitive Area." Native American representatives from interested Native American Tribes and the CEQA Lead Agency (Contra Costa County) representative shall also consult to develop measures for long-term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional cultural properties and cultural landscapes, in accordance with State and federal guidance including National Register Bulletin 30 (Guidelines for Evaluating and Documenting Rural Historic Landscapes), Bulletin 36 (Guidelines for Evaluating and Registering Archaeological Properties), and Bulletin 38 (Guidelines for Evaluating and Documenting Traditional Cultural Properties); National Park Service Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and using the Advisory Council on Historic Preservation (ACHP) Native American Traditional Cultural Landscapes Action Plan for further guidance. Use of temporary and permanent form of protective fencing shall be determined in consultation with the Native American representatives from interested Native American Tribes. **(MM CUL-4b)**

### **Geology and Soils:**

#### 24. Prepare Grading and Construction Plans that Incorporate Geotechnical Investigation Recommendations

Prior to issuance of the grading permits for the proposed project, development of the final grading, foundation, and construction plans shall incorporate the site-specific earthwork, foundation, floor slab, finished grades, underground utilities, and pavement design recommendations, as detailed in the Geotechnical Investigation prepared by Cornerstone Earth Group dated August 22, 2018. The applicant shall coordinate with the County Department of Conservation and Development and County Geologist to tailor the grading and foundation plans, as needed, to reduce risk related to known soil and geologic hazards. The final grading, foundation, and construction plans for the proposed project shall be reviewed by the County Department of Conservation and Development and County Geologist. Grading operations shall meet the



requirements of the recommendations included in the Preliminary Geotechnical Investigation prepared by Cornerstone Earth Group. During construction, the County Department of Conservation and Development shall monitor construction of the proposed project to ensure the earthwork operations are properly performed. **(MM GEO-1a)**

25. Prepare Final Construction Report

The Project Geotechnical Engineer shall prepare a final report that documents the field observations and testing services provided during construction as well as provide a professional opinion on the compliance of construction with the recommendations in the Geotechnical Investigation. The final report can be segmented into an as-graded report that is issued at the end of rough grading, but prior to the installation of the foundations, and a second letter commenting on the inspections made during installation of foundations/parking lot/drainage facilities. The County Department of Conservation and Development will place a hard hold on the final inspection, to ensure that the Geotechnical Engineer's grading-foundation inspection letter-report is provided prior to requesting the final building inspection for each building. **(MM GEO-1b)**

**Greenhouse Gas Emissions:**

26. Prior to the issuance of building permits, the project applicant/developer shall demonstrate (e.g., provide building plans) to the satisfaction of the Contra Costa County Department of Conservation and Development, that the proposed buildings are designed and will be built to, at minimum, meet the Tier 2 advanced energy efficiency requirements of the Nonresidential Voluntary Measures of the California Green Building Standards Code, Division A5.2, Energy Efficiency, as outlined under Section A5.203.1.2.2. **(MM GHG-1a)**
27. Prior to issuance of occupancy permits, the project applicant/developer shall demonstrate to the satisfaction of the Contra Costa County Department of Conservation and Development, that the proposed parking areas for passenger automobiles are designed and will be built to accommodate electric vehicle (EV) charging stations. At minimum, the parking shall be designed to accommodate a number of EV charging stations equal the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.3.2. **(MM GHG-1b)**

28. Prior to issuance of occupancy permits, the project applicant/developer shall demonstrate to the satisfaction of the Contra Costa County Department of Conservation and Development, that the proposed parking areas for passenger automobiles are designed and will be built to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles. At minimum, the number of preferential parking spaces for passenger automobiles shall equal the Tier 2 Nonresidential Voluntary Measures of the California Green Building Standards Code, Section A5.106.5.1.2. **(MM GHG-1c)**
29. To reduce idling emissions from transport trucks, which places restrictions on idling, the project applicant/developer shall have signage placed at truck access gates, loading docks, and truck parking areas that clearly notes idling is strictly prohibited on the subject property. In coordination with Contra Costa County, the project applicant/developer shall also place similar signs in the adjacent streets in the Richmond/San Pablo area. At minimum, each sign placed outside the interior premises of the subject property shall note the idling prohibition on the adjacent streets and include telephone numbers of the building facilities manager and the California Air Resources Board (ARB) to report violations. All signage shall be made of weather-proof materials. All site and architectural plans submitted to the Contra Costa County Department of Conservation and Development shall note the locations of these signs. Prior to issuance of occupancy permits, the Contra Costa County Department of Conservation and Development shall verify compliance with these requirements herein. **(MM GHG-1d)**
30. All landscaping equipment (e.g., leaf blower) used for property management shall be electric-powered only. The property manager/facility owner shall provide documentation (e.g., purchase, rental, and/or services agreement) to the Contra Costa County Department of Conservation and Development to verify, to the County's satisfaction, that all landscaping equipment utilized will be electric-powered. **(MM GHG-1e)**
31. Prior to the issuance of grading and building permits for the proposed project, the project applicant shall provide Contra Costa County with documentation demonstrating that the rooftop photovoltaic system will satisfy 100 percent of operational electricity consumed by the project, including the electricity demand resulting from the electric vehicle (EV) fleet.

If the rooftop photovoltaic system will not be able to supply the additional electricity demand resulting from the EV fleet charging requirements, the project applicant shall, prior to the issuance of the certificate of occupancy for the proposed project, provide Contra Costa County with documentation

demonstrating that the additional electricity demand will be supplied with 100 percent carbon-free electricity sources. These sources may include, but are not limited to, Pacific Gas and Electric Company (PG&E) 100 Percent Solar Choice electricity service option or Marin Clean Energy's (MCE) Deep Green 100 percent renewable electricity service option. This documentation shall also demonstrate that 100 percent carbon-free electricity sources will be utilized for the first 30 years of operation.

To monitor and ensure that 100 percent of electricity demand generated by the proposed project is supplied with 100 percent carbon-free electricity sources, the project applicant shall maintain records of all electricity consumption and supply associated with the proposed project's operation for five years and make these records available to the County upon request. **(MM GHG-f)**

32. Prior to the issuance of the certificate of occupancy for the proposed project, the project applicant shall provide the County with documentation demonstrating the purchase of voluntary carbon credits pursuant to the following performance standards and requirements: the carbon offsets shall achieve real, permanent, quantifiable, verifiable, additional and enforceable reductions as set forth in California Health and Safety Code Section 38562(d)(1) and (d)(2) and 17 California Code of Regulations § 95802(a); and one carbon offset credit shall mean the past reduction or sequestration of one metric ton (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) that is "not otherwise required" (CEQA Guidelines § 15126.4(c)(3)). Such credits shall be purchased through a verified greenhouse gas (GHG) emissions credit broker and (i) shall be registered with, and retired by an Offset Project Registry, as defined in 17 California Code of Regulations § 95802(a), approved by ARB, such as, but not limited to the Climate Action Reserve, American Carbon Registry, or Verra, and (ii) shall be subject to protocols that are ARB-approved as required in 17 California Code of Regulations § 95970 (a)(1)-(2). Such credits shall be in an amount sufficient to offset operational GHG emissions of no less than 3,688 MT CO<sub>2</sub>e per year starting in 2021, 3,384 MT CO<sub>2</sub>e per year starting in 2023, 530 MT CO<sub>2</sub>e per year starting in 2025, 371 MT CO<sub>2</sub>e per year starting in 2027, and 2,205 MT CO<sub>2</sub>e per year starting in 2045 for the first 30 years of project operations, based on current estimates of the project related GHG emissions. Alternatively, the project applicant may purchase the total amount estimated over the lifetime of the proposed project (30 years), which is estimated to be 35,112 MT CO<sub>2</sub>e. The purchase shall be verified as occurring prior to approval of occupancy permits. Copies of emission estimates and offset purchase contract(s) shall be provided to the County for review and approval prior to the issuance of the certificate of occupancy for the proposed project.

Should the project applicant fail to meet the County's conditions of approval for the proposed project as described in Chapter 2, Project Description, of the Draft EIR, the project applicant shall recalculate the MT CO<sub>2</sub>e generated by project operation and purchase carbon credits equal to no less than the amount necessary to ensure that project emissions do not exceed 660 MT CO<sub>2</sub>e per year. If the project applicant fails to meet the County's conditions of approval, as described in Chapter 2, Project Description, of the Draft EIR, for the first year of operation (2021), then the project applicant shall recalculate the proposed project's operational MT CO<sub>2</sub>e per year and purchase the necessary amount of carbon credits no later than December 31 in the following calendar year to ensure that the proposed project does not exceed 660 MT CO<sub>2</sub>e per year. If the project applicant fails to meet the County's conditions of approval, as described in Chapter 2, Project Description, of the Draft EIR, for the benchmark year of 2023, then the project applicant shall recalculate the proposed project's operational MT CO<sub>2</sub>e per year and purchase the necessary amount of carbon credits no later than December 31 in the following calendar year to ensure that the proposed project does not exceed 660 MT CO<sub>2</sub>e per year. If the project applicant fails to meet the County's conditions of approval, as described in Chapter 2, Project Description, of the Draft EIR, for the benchmark year of 2025, then the project applicant shall recalculate the proposed project's operational MT CO<sub>2</sub>e per year and purchase the necessary amount of carbon credits no later than December 31 in the following calendar year to ensure that the proposed project does not exceed 660 MT CO<sub>2</sub>e per year. If the project applicant fails to meet the County's conditions of approval, as described in Chapter 2, Project Description, of the Draft EIR, for the benchmark year of 2027, then the project applicant shall recalculate the proposed project's operational MT CO<sub>2</sub>e per year and purchase the necessary amount of carbon credits no later than December 31 in the following calendar year to ensure that the proposed project does not exceed 660 MT CO<sub>2</sub>e per year. All carbon credits purchased to offset project emissions shall meet the standards and requirements stated in this mitigation measure and documentation proving the purchase of carbon credits which meet these standards and requirements shall be provided to the County for review and approval. **(MM GHG-1g)**

33. Prior to issuance of the initial building permit, the applicant shall pay the Contra Costa County, Department of Conservation and Development, Current Planning Division, a flat not-to-exceed amount of \$750,000 as its fair share contribution towards the cost of funding an air quality improvement and/or health related project(s) for the benefit of the North Richmond area. The project(s) must benefit sensitive receptors within the North Richmond area as mitigation for

the construction of a warehouse project with its associated emissions and truck traffic. The County will work with the District One Supervisor and the North Richmond Community to fund the project(s).

**Hazards and Hazardous Materials:**

34. Prepare Soil Management Plan and Health and Safety Plan

Prior to issuance of grading permits, the applicant shall retain a licensed professional to prepare and submit a Soil Management Plan and Health and Safety Plan for review and approval by Contra Costa Environmental Health. These plans shall include the following:

- Site control procedures to control the flow of personnel, vehicles, and materials in and out of the project site.
- Measures to minimize dust generation, stormwater runoff, and tracking soil off-site.
- If excavation de-watering is required, protocols to evaluate water quality and discharge/disposal alternative should be described.
- Protocols for conducting earthwork activities in areas where impacts soil, soil vapor, and/or groundwater are present or suspected. Worker training requirements, health and safety measures, and soil handling procedures shall be described.
- Protocols to be implemented if buried tanks, structures, wells, debris, or unidentified areas of impacted soils are encountered during construction activities.
- Protocols to evaluate the quality of soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be determined.
- Procedures to evaluate and document the quality of any soil imported to the project site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals should not be accepted.
- Methods to monitor excavations for the potential presence of volatile chemical vapors. **(MM HAZ-1)**

## **Hydrology and Water Quality:**

### 35. Prepare Final Drainage Plan Prior to Grading

- 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 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 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.
- In accordance with Division 1014 of the Contra Costa County Ordinance Code, the applicant shall 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 2); and
- Submit a Final Stormwater Control Plan 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 NPDES Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (Division 1014) prior to issuance of a building permit. Improvement Plans shall be reviewed to verify consistency with the Final Stormwater Control Plan and compliance with the Contra Costa Stormwater C.3 Guidebook of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (Division 1014) and be designed to discourage prolonged standing/ponding of water on-site. **(MM HYD-3)**

**Noise:**

36. Implement Noise Reduction Measures During Construction

- The construction contractor shall ensure that grading activities shall be restricted to the hours between 7:30 a.m. and 5:30 p.m., Monday through Friday. **(MM NOI-1)**

**Transportation:**

37. Prior to issuance of the certificate of occupancy, the applicant shall retain a qualified transportation consultant to prepare a project-specific Transportation Demand Management (TDM) Program that could incorporate the following measures, where feasible. The TDM Program shall be reviewed and approved by the County, and the applicant shall implement all approved TDM measures.

- Commute Trip Reduction Program
- Ride-sharing Program
- End of Trip Facilities
- Last Mile Services
- New Employee Commute Orientation
- Preferential Parking Program
- Employer-Sponsored Vanpool
- Transportation Network Company (TNC) Partnership
- Employer-Sponsored Shuttle to/from BART Station(s) or Other Transit Hub
- Carpool and Vanpool Ride-Matching Services **(MM TRANS-1)**

38. Prior to issuance of the certificate of occupancy for the proposed project, the applicant shall install a median and bulb-outs on Fred Jackson Way along the project frontage, stop signs at the project driveways, and signage prohibiting vehicles from turning left out of the project driveways. **(MM TRANS-2a)**

39. Prior to issuance of the building permit, the applicant shall (1) pay the North Richmond Area of Benefit (AOB) fee and (2) commit to installing one of the following improvements on Fred Jackson Way, Market Avenue, or Chesley Avenue prior to project occupancy:

- Bulb-outs
- Elevated crosswalks
- Speed tables
- Chicanes **(MM TRANS-2b)**

40. Prior to the issuance of the certificate of occupancy, the applicant shall install curb ramps where required at all pedestrian walkways and pedestrian connections between the three buildings. The applicant shall install pedestrian crossings on all four approaches of Fred Jackson Way and Brookside Drive (including ADA-compliant pedestrian landing islands). The applicant shall install pedestrian crossings on all four approaches of Fred Jackson Way and Pittsburg Avenue (including ADA-compliant pedestrian landing islands). **(MM TRANS-4a)**
41. Prior to the issuance of the certificate of occupancy, the applicant shall install long-term bicycle parking consistent with County Code Section 82-16.412 and other bicycle amenities (showers, changing rooms, bike repair tools/station, etc.) in a convenient location. **(MM TRANS-4b)**

### **Landscaping:**

42. Final Landscaping Plan: At least 30 days prior to CDD stamp-approval of plans for issuance of a building permit, a final landscape and irrigation plan shall be submitted to the CDD for review and approval. The landscaping plan shall conform to the State's Model Water Efficient Landscape Ordinance or the County's Ordinance, if one is adopted. Prior to requesting a final inspection, the approved landscaping shall be installed and evidence of the installation (e.g., photos) shall be provided for the review and approval of CDD.
43. Restitution for the removal of (7) code-protected tree:
  - a. Planting and Irrigation Plan: Prior to issuance of a grading or building permit, whichever occurs first, 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 Department of Conservation and Development, Community Development Division (CDD). *See the North Richmond Design Guidelines for species and size requirements.*
  - b. Required Security to Assure Completion of Plan Improvements: A security shall be provided to ensure that the approved planting and irrigation plan is implemented. Prior to issuance of a building permit, the applicant shall submit a security that is acceptable to the CDD.
44. The Final Landscaping Plan shall include sufficient plantings along the southern property boundary to establish a vegetative screening aimed at blocking dust and particulate matter from migrating southward unabated. The vegetative screening shall include fast growing, tall species (e.g., Italian and Leyland cypress) with a density that will accomplish the goal of capturing the maximum amount of dust and particulate matter feasible (e.g., two or three rows of trees



offset from one another and appropriately spaced).

45. Any proposed tree alteration, removal, or encroachment within a drip line of code-protected trees that are not identified with this permit approval will require submittal of a Tree Permit application for review and consideration by CDD.
46. The applicant shall comply with California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495) and/or any applicable State mandated landscape/water related requirements applicable at the time of landscaping installation for the project. To the maximum extent feasible, the project proponent shall use drought tolerant vegetation for the development.

Project sponsors should be aware that Section 31 of the East Bay Municipal Utility District's (EBMUD) Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Any questions regarding these requirements can be directed to EBMUD Water Service Planning at (510) 287-1365.

### **General Construction:**

#### Construction Period Restrictions and Requirements

47. During construction, the following mitigation measures shall be implemented:
  - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
  - 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.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 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.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  - 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. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.
48. Implement the following Emission Reduction Measures into the final design of the project:
- The project sponsor shall require their contractor and subcontractors to fit all internal combustion engines with mufflers which are in good condition.
  - A dust and litter control program shall be submitted for the review and approval of the Community Development Division staff. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
  - The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flow.
  - Transporting of heavy equipment and trucks shall be limited to weekdays between the hours of 8:30 A.M. and 4:30 P.M. and prohibited on Federal and State Holidays.
  - The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
  - All construction activities shall be limited to the hours of 7:00 A.M. to 6:00

P.M., Monday through Friday, and shall be prohibited on state and federal holidays on the calendar dates that these holidays are observed.

- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise generating equipment as far from surrounding residential properties as possible.
- Saturday work may be permissible upon review and approval by CDD staff of a written request by the contractor/developer indicating the circumstances warranting such Saturday work and the nature of the work to be performed.

**Debris Recovery:**

49. At least 15 days prior to the issuance of a building permit the developer shall demonstrate compliance with the debris recovery program, which requires at least 50 percent of the jobsite debris generated by construction projects of 5,000 square feet or greater to be recycled, or otherwise diverted from landfill disposal.
50. Dumpsters or refuse areas shall be screened from view from any roadway.
51. The Development Plan application was subject to an initial deposit of \$116,880.80 that was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to issuance of a building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contracting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

**PUBLIC WORKS CONDITIONS OF APPROVAL FOR PERMIT CDDP18-03007 and  
SUBDIVISION CDMS19-00009**

**Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exception(s) must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on August 28, 2018 and Tentative Map received October 29, 2019.**

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

**General Requirements:**

52. Improvement plans prepared by a registered civil engineer shall be submitted to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code or 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 the Public Works Department.
53. The Parcel Map merging the underlying properties into three parcels shall be approved by the County Board of Supervisors and filed at the County Recorder's Office.

**Roadway Improvements:**

Fred Jackson Way

54. Applicant shall construct curb, 8-foot wide concrete sidewalk (exclusive of curb width if constructed monolithically) street lights, longitudinal and transverse drainage infrastructure, stormwater management facilities, signage, striping and pavement conforms to existing improvements. In general, the face of curb for these improvements shall be 32-feet east of the ultimate centerline of Fred Jackson Way.
55. The project is limited to a total of three driveways along the Fred Jackson Way frontage: a main driveway opposite the intersection at Pittsburg Avenue, one between Pittsburg Avenue and Brookside Drive, and one between Pittsburg Avenue and Da Villa Road. Driveways designated for truck access shall be 40-50 feet wide. All others shall be 26 feet wide. Exact location of these northern and southern driveways are subject to review and approval of Public Works.
56. Install curb bulb-outs at the intersection of Pittsburg Avenue, as well as "pork chop" medians and signage near the driveways left-turnout movements from the project site to direct traffic north along Fred Jackson Way or west along Pittsburg Avenue toward Richmond Parkway. **MM TRANS-2a, MM TRANS-2b**
57. Install traffic signals at the intersections of Fred Jackson Way with both Brookside Drive and Pittsburg Avenue. The traffic signal at the Brookside Drive intersection shall allow full turning movements at all approaches. The signal at Pittsburg Avenue will include a separate southbound to west bound right turn

lane, permitted left turns on the northbound and southbound approaches and split phases on the eastbound and westbound approaches. The applicant shall install pedestrian crossings on all four approaches of both signalized intersections, including ADA-compliant pedestrian landing islands as applicable. Construction costs for installation of these signals would be credited against the project's North Richmond AOB fee obligation. **MM TRANS-4**

58. The applicant shall submit a preliminary "sketch" plan to the Public Works Department for review showing all required improvements to the Fred Jackson Way frontage, signalized intersections and nearby offsite County roadway conforms. The sketch plan shall be to scale, show horizontal alignments, transitions, curb lines, and lane striping. It shall provide sight distance at the project driveways for a design speed of 40 miles per hour. Truck turning exhibits should also be included to show accessibility to/from project driveways and potential turning movement conflicts. The plan shall extend a minimum of 175 feet beyond the limits of the proposed work. Final alignment and driveway locations will be subject to Public Works approval based on compatibility with existing and proposed right of way dedications and improvements on adjacent and nearby properties.

#### Brookside Drive

59. Applicant shall construct curb, minimum 5-foot sidewalk (excluding width of curb), necessary longitudinal and transverse drainage, stormwater management facilities, street lighting, signage striping, pavement widening and transitions along the entire project frontage of Brookside Drive. Applicant shall construct face of curb 20 feet from the ultimate road centerline.
60. The project is limited to a total of three driveways along Brookside Drive frontage Driveways designated for truck access shall be 40-50 feet wide. All others shall be 26 feet wide. Exact location of these driveways are subject to review and approval of Public Works. Driveways shall incorporate signage and turn restrictions to discourage cut through traffic in residential neighborhoods.
61. The applicant shall submit a preliminary "sketch" plan to the Public Works Department for review showing all required improvements to the Brookside Drive frontage and nearby offsite conforms. Format of said "Plan" shall be as described above relative to Fred Jackson Way.

#### Off-Site Traffic Mitigation

62. In 2017, the North Richmond Area of Benefit (AOB) traffic mitigation fee program was updated to require new developments within North Richmond to

contribute towards traffic calming strategies to reduce cut-through truck traffic in the neighborhood. Pursuant to Mitigation Measure TRANS-2b, the applicant will be required to develop traffic calming measures for review and approval by the Public Works Department, execute an agreement and post security to construct the identified improvement(s) prior to filing the Parcel Map for the project. The cost of the off-site traffic calming improvements would be counted as work completed and would be provided credit towards the North Richmond AOB fee obligation. As noted above, the two signals required along Fred Jackson Way will be credited to this obligation.

#### Miscellaneous

63. Any cracked and displaced curb, gutter, and sidewalk within the project's limits of work shall be removed and replaced. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doweled into existing improvements.

#### **Access to Adjoining Property:**

##### Proof of Access

64. 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.
65. Applicant shall furnish proof to the Public Works Department that legal access to the property is available from Fred Jackson Way and Brookside Drive.

##### Encroachment Permit

66. Applicant shall obtain an encroachment permit from the Application and Permit Center, if necessary, for construction of improvements within the right of way of Fred Jackson Way, Brookside Drive and Pittsburg Avenue.

#### **Abutter's Rights:**

67. Applicant shall restrict access along the Fred Jackson Way and Brookside Drive frontages of this property, with the exception of the access points shown on the applicant's site plan, as specifically approved under these conditions of approval. Owner shall relinquish abutter's rights of access along both frontages with the exception of the access points shown.

### **Road Dedications:**

68. Property Owner shall convey to the County, by Offer of Dedication, a minimum of ten feet of right of way along the entire Brookside Drive frontage for the planned future half-width of 30 feet from the ultimate centerline. Additional right of way may be necessary to accommodate public utilities.
69. If the applicant opts to separate public street stormwater runoff from the on-site runoff by constructing dual stormwater management facilities, the infrastructure associated with runoff from the public right of way may necessitate additional right of way along Fred Jackson Way and/or Brookside Drive. Property Owner shall convey to the County, by Offer of Dedication, any additional right-of-way necessary for operation and maintenance of stormwater management facilities associated with treatment of runoff from the public right of way.

### **Access & Utility Easements:**

70. Proposed Private Access and Utility Easements between the three subdivision parcels should be delineated on the Parcel Map to provide for internal circulation and access to common driveways and utilities.

#### Da Villa Road

71. Owner shall grant a (generally) 15-foot wide Access and Utility Easement ("PAUE") to the property currently identified as Assessors' Parcel No. 409-300-002 (541 Da Villa Road). Said easement shall lie contiguous to the south property line of the project site (coincident with the north line of the Da Villa Road) and extend from the grantee's property westerly to Fred Jackson Way. To eliminate angle points in the easement, additional easement area may be required to create a centerline alignment for what will effectively be a 40-foot wide Da Villa Road easement that conforms to County collector road standards.
72. Coincident with the above PAUE, owner shall dedicate a non-exclusive Access and Drainage Easement to the Contra Costa County Flood Control and Water Conservation District ("District") to supplement the District's existing access along Da Villa Road and encumber any portions of Line A of Drainage Area 19A to be constructed by this project.

### **Countywide Street Light Financing:**

73. Applicant shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing.

### **Landscaping:**

74. If applicable, the applicant shall install and guarantee all SWCP landscaping and automatic irrigation facilities within the public-right-of-way, to be maintained by the County. The landscape facilities shall be maintained by the developer: a) for a minimum of 180 days after installation and b) until the plants have become established.
75. If applicable, the applicant shall submit four sets of landscape and automatic irrigation plans and cost estimates, prepared by a licensed landscape architect, for all SWCP landscaping and automatic irrigation facilities to be maintained by the County to the Public Works Department for review approval, prior to issuance of building permits. Applicant shall pay appropriate fees in accordance with County Ordinance. Landscaping shall meet the requirements of the Contra Costa County Public Works Department Landscaping Design, Construction and Maintenance standards and Guidelines for County Maintained Facilities.
76. All landscaping to be maintained by the property owner shall be submitted to the CDD for review and approval.
77. Applicant shall apply to the Public Works Department for annexation to the Community Facilities District (CFD) No. 2006-1 (North Richmond Area Maintenance Services) for the future maintenance of area wide medians and landscaping. The annexation of property into the CFD must be completed prior to occupancy and the applicant should be aware that the annexation process may take approximately 60 days.

### **Pedestrian Access:**

78. 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.
79. Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.

### **Parking:**

80. "No Parking" signs shall be installed along Fred Jackson Way and Brookside Drive subject to the review of the Public Works Department and the review and approval of the Board of Supervisors.



### **Utilities/Undergrounding:**

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

### **Drainage Improvements:**

#### Collect and Convey

82. 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.

The nearest public drainage facilities are Lines A and B of Drainage Area 19A located along the west side of Fred Jackson Way that will convey stormwater run-off from the site to the Wildcat Creek and San Pablo Creek respectively. The Drainage Study included in the DEIR and supplemental documentation reviewed by Public Works indicates these lines have sufficient capacity to satisfy the Ordinance Code requirements. Staff concurs with this preliminary analysis, pending final assessment in conjunction with review of the final construction drawings and documents. **MM HYD-3**

### **Miscellaneous Drainage Requirements:**

83. Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
84. Private storm drain easements conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be conveyed across any storm drain conveyance or management facilities that serve more than one parcel.
85. Applicant shall dedicate Public Storm Drain Easements over any portions of Lines A or B (DA 19A) that traverse the project site that are not otherwise

encumbered in the easement dedicated to the District for the widening of Da Villa Road as described above.

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

86. 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 storm water 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 storm water drainage:

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention basins) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES permits.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- 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.
- Filtering Inlets.
- The applicant shall sweep the paved portion of the site at least once a year between September 1<sup>st</sup> and October 15<sup>th</sup> utilizing a vacuum type sweeper. Verification (invoices, etc.) of the sweeping shall be provided to the County Clean Water Program Administrative Assistant at 255 Glacier Drive, Martinez, CA 94553; (925)313-2238.
- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Other alternatives comparable to the above as approved by the Public Works Department. **MM HYD-1**

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

87. 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 certificate of occupancy. To the extent required by the NPDES Permit, the Final Stormwater Control Plan and the O+M Plan will be required to comply with NPDES Permit requirements that have recently become effective that may not be reflected in the preliminary SWCP and O+M Plan. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant. **MM HYD-3**
- 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).
  - Stormwater management facilities shall be subject to inspection by Public Works Department staff; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
  - Prior to filing the Parcel Map the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
  - 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.
  - 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.

**Area of Benefit Fee Ordinance:**

88. The applicant shall comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the WCC Transit/Pedestrian, WCCTAC Bridge/Road, and North Richmond Areas of Benefit as adopted by the Board of Supervisors. These fees will be collected prior to issuance of building permits on this site.
89. Prior to constructing any public improvements, the applicant, shall contact Public Works Department to determine the extent of any eligible credits or reimbursements against the area of benefit fees.

**Drainage Area Fee Ordinance:**

90. The applicant shall comply with the drainage fee requirements for Drainage Area 19A as adopted by the Board of Supervisors prior to initiation of the use requested with this application.
91. Certain improvements required by the Conditions of Approval for this development or the County Subdivision Ordinance may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the Public Works Department to determine the extent of any credit or reimbursement for which the developer may be eligible. Any credit or reimbursements shall be determined prior to issuance of a Building Permit or as approved by the Flood Control District.

**ADVISORY NOTES**

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

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

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

- B. The applicant may be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the North Richmond, West Contra Costa

Transportation Advisory Committee (WCCTAC) Bridges/Roads, and WCCTAC Transit/Pedestrian Areas of Benefit Area of Benefit as adopted by the Board of Supervisors.

- 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 California Department of Fish and Wildlife, Bay Delta Region (Region 3), 825 Cordelia Road, Suite 100, Fairfield, CA 94534 of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
  
- D. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
  
- E. 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 project:
  - Contra Costa County Building Inspection Division
  - Contra Costa County Grading Division
  - Contra Costa County Environmental Health Division
  - Contra Costa County Consolidated Fire Protection District
  - East Bay Municipal Utility District
  - West County Wastewater District
  - LAFCO
  - City of Richmond
  - DTSC