RESOLUTION NO. 59-17

A RESOLUTION OF THE CITY COUNCIL, CITY OF PLEASANT HILL, APPROVING A DEVELOPMENT PLAN & CONDITIONAL USE PERMIT, ARCHITECTURAL REVIEW AND SIGN PERMITS (PLN 16-0027) FOR THE CARMAX AUTO SUPERSTORE AT 65 & 77 CHILPANCINGO PARKWAY

WHEREAS, the applicant, CarMax Auto Superstores, submitted a Planned Unit Development District (Rezoning), Development Plan, Conditional Use Permit, Architectural Review Permit and Sign Permit application (PLN 16-0027) for a new Automobile, vehicle sales use project at 65 and 77 Chilpancingo Parkway, APN’s 153-300-001, 153-300-002, and 153-300-003 (“Project”); and

WHEREAS, Planned Unit Development District (PUD) Permit PLN 16-0027 proposes to rezone an approximate 9.95 acre project site from the current RB Retail Business zoning district and include a PUD Concept Plan; and

WHEREAS, Architectural Review Permit PLN 16-0027 proposes development of a new automobile, vehicle sales use that would be built in two phases, and associated site improvements to include parking areas, landscape areas and tree removals; and

WHEREAS, Sign Permit PLN 16-0027 proposes development of signs (walls, monument, directional, temporary a new automobile, vehicle sales use that would be built in two phases, and associated site improvements to include parking areas, landscape areas and tree removals; and

WHEREAS, Development Plan Permit PLN 16-0027 proposes development of a new automobile, vehicle sales use that would be built in two phases, and associated site improvements to include parking areas, landscape areas and tree removals; and

WHEREAS, Conditional Use Permit PLN 16-0027 proposes development of a new automobile, vehicle sales use that would be built in two phases, and associated site improvements to include parking areas, landscape areas and tree removals and a 4,000 gallon underground fuel storage tank; and

WHEREAS, in accordance with the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., as further governed by the Guidelines to the California Environmental Quality Act, 14 California Code of Regulations §§ 15000, et seq., collectively, “CEQA”), the City of Pleasant Hill (“City”) determined that an Environmental Impact Report (“EIR”) should be prepared in order to analyze all potential adverse environmental impacts resulting from the Project; and

WHEREAS, the Architectural Review Commission held two study sessions on the proposed project on April 7, 2016, and the Planning Commission held one study session on June 2, 2016; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing was held by the Architectural Review Commission at a special meeting on June 28, 2017, where all interested person where all interested persons invited to provide comments on the proposal; and
WHEREAS, on June 28, 2017, the Architectural Review Commission adopted Resolution No. 05-17 Recommending the City Council’s Certification of the Final Environmental Impact Report, Adoption of Environmental Findings Pursuant to the California Environmental Quality Act and Adoption of a Mitigation Monitoring and Reporting Program; and

WHEREAS, on June 28, 2017, the Architectural Review Commission adopted Resolution No. 04-17 Recommending approval of A Planned Unit Development District, Concept Plan, Architectural Review & Sign Permit (PLN 16-0027) for the project; and

WHEREAS, after notice thereof having been duly, regularly and lawfully given, a public hearing was held by the Planning Commission at a special meeting on June 29, 2017 regarding the proposed PUD rezoning, associated Concept Plan, Development Plan and Conditional Use Permit at which time all interested parties were invited to provide comments on the proposal; and

WHEREAS, on June 29, 2017, the Planning Commission adopted Resolution No. 09-17 Recommending the City Council’s Certification of the Final Environmental Impact Report, Adoption of Environmental Findings Pursuant to the California Environmental Quality Act and Adoption of a Mitigation Monitoring and Reporting Program; and

WHEREAS, on June 29, 2017, the Planning Commission adopted Resolution No. 08-17 Recommending approval of A Planned Unit Development District, Concept Plan, Development Plan Permit & Conditional Use Permit (PLN 16-0027) for the project; and

WHEREAS, the EIR reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, the City has not received any comments or additional information that constituted substantial new information requiring recirculation under Public Resources Code Section 21092.1 and State CEQA Guidelines Section 15088.5; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Pleasant Hill, as recommended by the Architectural Review Commission, in accordance with Section 18.115 of the PHMC, approves Architectural Review Permit PLN 16-0027 based upon the following findings and conditions of approval contained in Exhibit A:

Architectural Review Permit Findings

1. Ensure excellence of architectural design. The project incorporates commercial buildings and structures that have architectural features that provide interest to the buildings. This includes the use of entry features with a varied roof type, metal canopies, green screens, a glass storefront, columns that are visually interesting and
contrasting to the main building body and roof top screen solutions. The proposed building elevations incorporate various building materials, and colors, that complement each other and are of high quality and long lasting. The site plan is designed to accommodate a safe vehicle circulation pattern and provides guest and employee parking. Lastly, the proposed landscape plan would preserve perimeter and significant tree specimens, would plant new trees and increase the amount of landscaping on the site.

2. Ensure that siting and architectural design of structures, including their materials and colors, are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located. The project incorporates a color palette that is generally neutral, and earth-toned, that will be complementary to surrounding development. No design/material/color elements proposed would be inconsistent with the surrounding multi-family residential and commercial development. The project incorporates split face CMU and stucco-siding, with trim-elements/contrasts, and pitched roofs entry features that can be readily found used throughout the area.

The project proposes a drought-tolerant landscape design, with a mix of deciduous and evergreen trees, while preserving existing trees, that complements and is consistent with the existing mixed uses surrounding the site. Lastly, the project includes perimeter barriers around the vehicle storage area that will help to screen service uses and vehicle storage from views.

3. Ensure that plans for the landscaping of open spaces conform with the requirements of this chapter and that they provide visually pleasing settings for structures on the site and on adjoining and nearby sites, and blend harmoniously with the natural landscape. The proposed landscape plan complements the new buildings, while preserving existing perimeter trees will provide visual buffering of the buildings from surrounding views. The plant palette is complementary and consistent with the remainder of the neighborhood through the use of deciduous and evergreen trees and drought-tolerant species. As the surrounding area is built-out and dominated by an urban landscape, the project would continue this type of landscape treatment and be compatible to the surrounding area. Lastly, the proposed landscape plan includes new trees, water retention basins, complementary shrubs and ground cover and would increase the overall landscaping on the site.

4. Prevent excessive and unsightly grading of hillsides, and preserve natural landforms and existing vegetation. The project does not propose to significantly alter the existing drainage pattern and elevation. The site will continue to slope to the east. The project proposes to preserve existing on-site large tree specimens and would also preserve mature tree specimens on the perimeter of the property.

5. Ensure compliance with Citywide Design Guidelines and applicable provisions of the proposed PUD Concept Development Plan. As noted in the Architectural Review Commission staff report, the project, as modified by the required conditions of approval, is consistent with applicable City-wide design guidelines and provisions of the proposed PUD Concept Plan.
ARC Scope of Review

In approving an architectural review permit, the Architectural Review Commission shall review the site plan and physical design of a project; the sign designs and locations; and lighting. In its review, the Architectural Review Commission shall consider the following factors:

A. Excellence of design: The ARC has reviewed the proposed project and has determined that it is in substantial compliance with City-Wide Design Guidelines.

B. Height, bulk and coverage of buildings: The proposed project does not exceed the allowed building height for the existing RB-Retail Business zoning district. The FAR and lot coverage is less than the former K-Mart and McDonald’s restaurants buildings.

C. Colors, building materials, and types of building and installations: The Commission reviewed the proposed colors, building materials and types of buildings and with this approval noted consistency with City-Wide Design Guidelines.

D. Physical and architectural relation with existing and proposed structures in the area and to the site’s location within the City: The proposed projects architecture has been reviewed by the ARC for consistency with City-Wide Design Guidelines. In addition, the architecture of the proposed buildings are compatible with surrounding commercial buildings using similar building materials such as CMU block and stucco exterior finishes.

E. Site layout, orientation and location of buildings, and relationship with property boundaries and open areas: The project includes centrally located buildings with large setbacks, the lot coverage is reduced from the existing condition, and the proposed commercial buildings are compatible with surrounding commercial buildings in building, mass and architecture.

F. Height, materials, colors and variations in boundary walls, fences, or screen planting: The ARC reviewed and approved the proposed fences, walls and screening methods for the project, consistent with City-Wide Design Guidelines.

G. Location and type of landscaping, including but not limited to setback areas and off-street parking areas: The ARC reviewed and approved the proposed landscaping consistent with zoning provisions, the PUD Concept Plan and City-Wide Design Guidelines.

H. Appropriateness of sign design and exterior lighting standards and devices and other building graphics, pursuant to criteria established in PHMC § 18.60.050 and the sign design guidelines adopted under PHMC § 18.60.090: The ARC has reviewed the proposed signage, with further analysis provided in the next Section. The ARC also
reviewed proposed exterior lighting to verify consistency with ordinance, PUD Concept Plan and City-Wide Design Guidelines provisions.

1. The extent of grading and its relationship to topography, as related to visual impacts:
   The ARC reviewed the proposed grading for the project. As proposed the grading and topography is minimally modified from the existing condition and has been reviewed to ensure that drainage is not negatively affected.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Pleasant Hill, as recommend by the Architectural Review Commission, in accordance with Section 18.105 of the PHMC, recommends approval of the Sign Permit PLN 16-0027 based upon the following findings and conditions of approval contained in Exhibit A:

**Sign Permit Findings**

1. Ensure sign visibility and legibility, including letter height and legibility, contrast background relationship, placement and location, and the impact of other signs in the vicinity, and the average travel speed on adjacent streets. The proposed monument sign, with two and a half foot letters on an eight foot high sign, provides adequate visibility and legibility particularly when located on a multi-lane roadway. The building signs are in proportion with the building, and with letter heights of approximately three feet, the building signs will be adequate for viewing from the public right-of-way.

2. Intensity of sign illumination of both the proposed sign and other signs in the vicinity, and other light sources such as street lights or canopy lights. All of the signs are internally illuminated. The building signs (and building) are setback a considerable distance from adjacent right-of-way (over 100 lineal feet) with existing and new vegetation proposed in order to help to minimize its illumination to adjacent uses. The monument sign will have an east-west direction, will not face adjacent uses and will have an adjustable brightness capability, which will help to minimize its illumination.

3. The relation of the signs to the architectural design of the building. An attractive scale between the sign, the building and the immediate surroundings shall be maintained. The wall signs are appropriately located over building entries and exits, which helps to provide clear direction to those visiting the site. The signs are not of a size that overpowers the building appearance, as the building is over 20 feet in height, with maximum letter heights of approximately three and a half feet. The monument sign design is similar and complementary to the primary building.

4. Ensure the graphic design of a sign, including emphasis on simplicity, style, trademarks or business identification and use of symbols. The building and monument sign contains the “CarMax” wording and has a dashed line below. The additional wall sign for “service” is placed directly over the service entry. No other graphics or lettering are proposed on the building wall or monument sign. Thus, the signs are simple and provide business identification for the business.
5. *The sign proposal conforms to the city-wide sign design guidelines and/or other applicable adopted design guidelines.* The proposed signs are consistent with sign design guidelines as noted in Attachment D of the June 28, 2017 ARC Staff Report.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Pleasant Hill, as recommended by the Planning Commission, in accordance with Chapter 18.90 of the PHMC, approves Development Plan Permit PLN 16-0027 based upon the following findings and conditions of approval contained in Exhibit A:

1. *The proposed development will not be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity of the proposed development.* The proposed project’s environmental impacts have been reviewed and addressed by the project’s EIR. The use will minimize light impacts by complying with ordinance provisions and as analyzed in the EIR. Traffic will be less than what is currently generated from the existing McDonald’s restaurant and considerably less than what was generated when the larger retail building was in use. In addition, noise impacts will be minimized through the use of solid doors to the car wash and service buildings and incorporating an eight foot tall solid wall around the perimeter of the vehicle staging and service area. Truck trips and test drives of automobiles will use existing streets that will minimize trips through surrounding residential neighborhoods by requiring the project to post and provide test drive route maps that avoid residential neighborhoods of the City. The fuel storage tank impacts will be minimized as it will be required to have proper fire permits prior to installation. Therefore, the project will not be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity of the proposed development.

2. *The proposed development will not be injurious or detrimental to adjacent properties or to property in the neighborhood or the City.* As noted previously, the proposed project’s environmental impacts have been reviewed and addressed by the project EIR. The use will minimize light impacts by complying with ordinance provisions and with the analysis completed in the EIR. The project has adequate parking for the proposed use, minimizing spill over to adjacent streets and properties. In addition, noise impacts will be minimized through the use of solid doors to the car wash and service buildings and incorporating an eight foot tall solid wall around the perimeter of the vehicle staging and service area. The fuel storage tank impacts will be minimized as it will be required to have proper fire permits prior to installation. Therefore, the project will not be injurious or detrimental to adjacent properties or to property in the neighborhood or the City.

3. *The proposed development is consistent with the policies and goals established by the General Plan.* The project is consistent with the following General Plan goals, policies and programs:

*Community Development, CD2.5, Allow intensification of commercial land use only when such a change can be reasonably expected by the City Council to result in (a) effective mitigation of environmental constraints, noise, traffic, and other hazards; (b) excellence of design; (c) compatibility with adjacent*
development; and (d) at least one of the following: provision of affordable housing pursuant to the policies in the City's Housing Element; or, provision of parkland, trails, or other community or recreation facilities or equivalent funding for development of such facilities consistent with Community Development Goals 17, 18, and 19. The project would not intensify commercial land uses. The vacant Kmart is 89,218 square feet, whereas the proposed project is 45,289 square feet of building area over two phases and a 2.27-acre outdoor automobile display lot that would be where the existing parking lot is generally located. The project would feature a high-quality and attractive design, which would be compatible with the surrounding commercial development while taking into consideration nearby residential uses.

**CD 3: Generate thriving, attractive and cohesive development at vacant or underutilized sites (includes Community Development Policy 3A & 3B).** The project proposes a new development on a project site that has been under-utilized for many years. The project is expected to significantly increase the appearance of the site, is proposing a business that is not currently located in the City, but would be complementary to other commercial uses in the area.

**CD5.1, Install streetscape features in the public right-of-way that call attention to consistent design themes and promote pedestrian friendliness.** The proposed project includes features consistent with the City of Pleasant Hill design themes and promotes pedestrian friendliness. Refer to Section 3.11 of the EIR, Transportation and Traffic for further discussion of pedestrian amenities.

**CD8.1, Require installation of public art, landscaping, and/or other public amenities in conjunction with all new public and private development and major rehabilitation or expansion of existing development.** The proposed project would require the incorporation of art into the proposed project, in an amount that would not exceed $75,000 to be reviewed and approved by the City Architectural Review Commission.

**CD9.1, Enforce a minimum 50-foot setback from the right-of-way for scenic routes, in which only compatible features may be allowed, including appropriate landscaping and pedestrian and bicycle routes.** The proposed project is not located adjacent to a right-of-way for a scenic route.

**CD9.2, Amend the Zoning Ordinance to require minimization of visual impacts from structures adjacent to scenic routes.** The proposed project is not located adjacent to a scenic route.

**CD9.3, Prepare landscaping plans for scenic routes and corridors, including through cooperation with the Recreation and Park District.** The proposed project is not located adjacent to a scenic route. However, the proposed project has prepared a landscaping plan that is to be reviewed and approved by the City. See Section 3.1 of the EIR, Aesthetics, Light, and Glare for further discussion.

**CD10.1, Improve City streets where necessary to accommodate emergency vehicles.** The project applicant would be required to install traffic improvements and/or provide the City of Pleasant Hill with applicable fees for the improvements of City streets, as well as comply with applicable Fire Code requirements to ensure emergency vehicle access. See Section 3.7 of the EIR, Hazards and Hazardous Materials for further discussion.

**CD 10.2, Work with non-city agencies (including through mutual aid agreements where appropriate), and provide required funding for City services, to maintain necessary emergency personnel staffing levels, and to build additional emergency service facilities and infrastructure as necessary.** The EIR evaluates project impacts to city services, and all impacts are less than significant without the need for mitigation. Refer to Section 3.10 of the EIR, Public Services for further discussion. Nevertheless, the project would be required to pay applicable development impact fees for identified city services.

**CD 11.1, Consult with water providers and the Sanitary District prior to approving development.** The EIR evaluates project impacts on the wastewater system and concludes that the capacity of the wastewater facility would be adequate to serve the project. Consultation with CCCSDD has occurred in conjunction with the project application. Refer to Section 3.13 of the EIR, Utilities and Service Systems for further discussion.
CD 11.2, Continue to improve on recycling efforts, with the goal of attaining the mandated 50 percent diversion rate. The project would be required to comply with all recycling mandates under State and local law.

CD21.1, Establish guidelines for preserving and reclaiming streams, wetlands, and riparian areas in conjunction with new or modified development. The proposed project has followed guidelines specified in the Municipal Code for protecting and preserving the Grayson Creek corridor running along the eastern border of the project site on the adjacent property owned by the Contra Costa County Flood Control District. The project will provide a minimum 20-foot setback from parking lot areas, and over 100 feet from project structures, measured from the property line. The parking lot area is separated from Grayson Creek by a 10 foot wide pedestrian/bicycle path, plus a 10 foot wide landscaping strip, and further by a 30 foot wide perimeter road. In addition, the perimeter road will be setback at least 10 feet from the property line and at least 20 feet from the top of bank of the creek. During construction, the project will also provide a temporary construction fence that will be at least 20 feet back from the top of bank of the creek. The area along the top of bank of Grayson Creek on the adjoining Flood Control property has been used historically as a vehicular access route for trucks and heavy equipment used to maintain the Grayson Creek flood control channel and is heavily disturbed. Refer to Section 3.3 of the EIR, Biological Resources for further discussion. In addition, the project applicant would be required to prepare a storm water pollution prevention plan and a storm water management plan to avoid pollution from runoff.

CD21.2, Comply with directives from environmental regulatory authorities to update the Zoning Ordinance and other ordinances, standards and regulations to incorporate storm water quality and watershed protection measures to limit impacts to aquatic ecosystems and preserve and restore the beneficial uses of natural water bodies and wetlands in the city. Grayson Creek is the only aquatic ecosystem near the project site. The EIR evaluates project impacts on Biological Resources including aquatic ecosystems, and it found that the project would not significantly impact any aquatic ecosystems. Refer to Section 3.3 of the EIR, Biological Resources for further discussion.

CD21.3, For new development, consider alternatives to impermeable surfaces that will promote gradual infiltration of precipitation. The existing site is covered with predominately impervious surfaces such as asphalt and buildings, and a small amount of landscaping on the parking lot. The proposed project would create approximately 2.5 acres of pervious surfaces (such as porous pavement, bio-retention area, landscaping), which would result in less impervious surface coverage on the project site than under existing conditions. In addition, a Storm water Management Plan has been developed to promote infiltration of precipitation and to reduce pollution from runoff.

CD22.1, Require mitigation for potential environmental impacts of development on native species and their habitat, including migration corridors. The proposed project would implement mitigation for any potentially significant impacts to native species and their habitats. Refer to Section 3.3 of the EIR, Biological Resources for further discussion.

CD22.2, Require construction activities to avoid disturbance to natural features, including wildlife migration corridors, as much as possible. The proposed project would implement best management practices during construction activities to avoid disturbance to any identified natural features. The project site does not include and is not near any wildlife migration corridors. See Section 3.3 of the EIR, Biological Resources for further discussion.

CD22.3, Continue to enforce the tree protection provisions of the Zoning Ordinance. The proposed project would be required to comply with the applicable tree protection provisions of the Zoning Ordinance.
CD23.1, Design new public buildings to exceed State standards for water and energy efficiency. The proposed project would implement water and energy efficiency standards to meet state standards. See Section 6 of the EIR, Other CEQA Considerations for further discussion.

CD23.5, Develop a tree planting and maintenance strategy to reduce ambient air temperature on hot sunny days. Shade trees would be planted and maintained within the parking area.

CD23.7, Work with the Central Contra Costa Sanitary District (CCCSD) and the East Bay Municipal Utility District to expand the use of recycled and other non-potable water for landscape irrigation and other appropriate uses. The proposed project would connect to CCCSD’s recycled water system, consistent with the objective of extending recycled water service to established areas of Pleasant Hill. Refer to Section 3.13 of the EIR, Utilities and Service Systems for further discussion.

CD23.9, Require compliance with the City Recycled Water Ordinance. The proposed project would connect to CCCSD’s recycled water system. Refer to Section 3.13 of the EIR, Utilities and Service Systems for further discussion.

CD24.1, Require undergrounding of utilities in conjunction with installation or modification of public and private improvements. All new utilities would be located underground. Refer to Section 3.13 of the EIR, Utilities and Service Systems for further discussion.

CD25.2, Conduct a survey of the city to identify historic or cultural sites eligible for resource protection, with specific consideration of structures 45 years old and older. This EIR includes a review of all historic and cultural sites within the identified study area. There are no structures 45 years old or older on the project site, or other potentially historic or cultural sites eligible for resource protection. Therefore, no specific consideration is required. Refer to Section 3.4 of the EIR, Cultural Resources for further discussion.

CD25.5, If cultural resources are unearthed during construction, earth disturbing work shall be suspended until appropriate mitigation is established by the City in consultation with a qualified archaeologist retained by the developer and/or with the County Coroner. This EIR sets forth mitigation for the inadvertent discovery of cultural resources in accordance with Public Resources Code Section 21083.2. Refer to Section 3.4 of the EIR, Cultural Resources for further discussion.

CD25.6, Require archaeological archival study for proposed development projects, plus field study for projects on previously undeveloped properties. This EIR sets forth mitigation for the inadvertent discovery of archaeological resources in accordance with Public Resources Code Section 21083.2. Refer to Section 3.4 of the EIR, Cultural Resources for further discussion.

Economic Strategy, ES1: Promote the economic health of the downtown and the city as a whole. The use will attract people to the City that may patron other existing City business that will improve the overall health of the City. In addition, since the City does not have a large number of automobile dealers in the City, it should not negatively impact existing City businesses.

ES2.1, Permit additional retail, commercial, and light industrial uses in appropriate locations, but require such uses to mitigate their impacts on schools, residential areas, and traffic. The project would allow for additional, viable commercial uses on an underutilized infill site. Moreover, it would not result in significant impacts to residential areas or schools, as it would not include new dwelling units. The project would be required to mitigate, as feasible, all identified impacts. Refer to Section 3.10, Public Services and Section 3.11, Transportation and Traffic of the EIR for further discussion.

ES2.2, Identify the reuse potential and feasibility of commercial and light industrial properties. The project would facilitate the improvement and reuse of a site that largely has been vacant since approximately 2012. By redeveloping a currently underutilized and mostly vacant site, the project promotes the orderly and efficient reuse of land.
ES2.4. Work with real estate and development professionals to identify opportunities to bring employers into the city that will diversity the job base. The project is estimated to generate approximately 150 jobs and would diversify the job base.

ES2.5. Create a mechanism to identify and create redevelopment/reuse opportunities that respond to the needs of specific potential commercial users. The project contemplates redeveloping a mostly vacant site. Having CarMax as a member of the City's business community would help to diversify the City's economic base.

ES2.7. Work with Diablo Valley College, Cal State East Bay, and other regional educational institutions to tailor job-training programs to local businesses (including service, retail, finance, insurance, real estate, local government, education, and transportation). The proposed project's CarMax facility would include a range of new employment opportunities that vary from entry-level to highly skilled positions. Diablo Valley College is close to the project site, which would provide students the opportunity for job-training programs.

ES3C. Strive for a balanced mix of local, regional, and national retailers that offer a diversity of product and pricing choices to local residents. The proposed business is a national retailer that is not located in the City, or in close proximity. Thus, this use will provide an opportunity for residents to sell and purchase used cars in a venue that currently does not exist in the City.

ES3.2. Plans should allow for a compatible mix of office, hotel, retail, and/or residential uses at the Contra Costa and DVC Plaza Shopping Centers, and should include fiscal implications of any proposed net reduction in the square footage of retail floor space that existed at DVC Plaza in July 2003 so that the new development will provide equivalent or superior fiscal or economic benefits to the City. The closure of the previous retail uses on-site drastically reduced the retail floor space at DV Plaza compared to July 2003. The project would develop a retail use on the site and revitalize a portion of DV Plaza, create jobs, and provide the City with significant sales tax revenue, which would provide superior fiscal benefits to the City compared with July 2003 levels (according to the City of Pleasant Hill Economic Development Department). See the proposed PUD Concept Plan for additional information of the merits of the proposed project.

ES4.1. Require fiscal impact analyses for major development proposals to assess citywide impacts and to identify any burden on the City such projects might create. The project is expected to significantly enhance the City's sales tax revenues and help enlarge the City's revenue base. As the project site is now mostly unoccupied, it provides little in the way of revenue to the City. The project would substantially enlarge the City's economic, tax, and employment bases.

ES4.4. Enact nonresidential developer and/or impact fees as appropriate to ensure that new development is self-supporting and does not burden the City revenue base. The project is expected to significantly enhance the City's sales tax revenues and help enlarge the City's revenue base. As the project site is now mostly unoccupied, it provides little in the way of revenue to the City. The project would substantially enlarge the City's economic, tax, and employment bases.

ES4.5. When reviewing new developments and substantial enlargements or additions, ensure to the degree possible that there are no unintended negative impacts on the school district or other public agencies. This EIR evaluates project consistency with applicable thresholds and concludes the project would not have significant impacts on the school district or other public agencies, as the project would not generate new population growth. Refer to Section 3.10, Public Services for further discussion.

Circulation. C1. Establish and maintain a safe and efficient multi-modal transportation system that emphasizes the use of existing arterial and collector roadways, paths and bike lanes. The General Plan includes discussion that commercial vehicles with a gross weight over 6,000 pounds are only allowed on certain streets that are designated as Truck Routes. Contra Costa Boulevard is a designated Truck Route and is the main arterial road providing commercial vehicles access to the site. The project site was previously a multi-tenant shopping center including large anchor tenants such as K-Mart. Commercial
vehicles (including trucks) historically have accessed the site from Contra Costa Boulevard and onto Chilpancingo and Old Quarry Road, as well as from Cottonwood Road, as there is no other practical access onto the site for commercial vehicles except through these streets. None of these streets are considered local residential streets, as Old Quarry Road is a collector street and Chilpancingo Parkway is an arterial street, which allow trucks to serve existing commercial uses fronting the street. Truck Routes are intended to keep large commercial vehicles off of residential streets that may be small, narrow and not designed to accommodate larger, heavier commercial vehicles. While Old Quarry Road abuts multi-family residential uses, the project site has historically been commercial, with large delivery and shipping trucks serving the commercial property through Old Quarry Road (the loading docks for the site could only be accessed through Old Quarry Road), thus, continuing a pre-existing condition. The improvements along Old Quarry Road have been designed to accommodate continued truck access from the project site and the adjacent southern shopping center.

*Circulation, C1.1, Identify specific roadway segments where right-of-way widening, narrowing, or extension may be appropriate or will likely be needed to improve safety.* The proposed project would dedicate right-of-way in accordance with the City’s requirements. See Section 3.11 of the EIR, Transportation and Traffic for further discussion.

*C1.4, Provide roadway improvements necessary to meet the LOS standards established for Basic Routes in the Growth Management Element.* The appropriate LOS standards specified in this policy were used as the basis for assessing intersection operations impacts for those facilities located within Pleasant Hill. Refer to Section 3.11 of the EIR, Transportation and Traffic for further discussion.

*C1.5, Require developers to establish comprehensive construction traffic plan, for approval by City staff, which denote haul routes, detours, and other factors that may impact public safety.* The comprehensive construction traffic plan review is a required discretionary approval for all project uses, and would be imposed on this project in the conditions of approval. Refer to Section 3.11 of the EIR, Transportation and Traffic for further discussion.

*C6.10, Work with employers, schools, and developers to encourage employee ridesharing and transit use.* There are four existing bus stops located adjacent to the project site. The bus stops at Contra Costa Boulevard/Cottonwood Drive and Diablo Valley College would serve the Pleasant Hill BART station, enabling access to regional transit systems. See Section 3.11 of the EIR, Transportation and Traffic for further discussion.

*C6.11, Work with employers, schools, and developers to encourage innovative transportation measures.* The project site is adequately served by transit service, as it is located on an infill site near existing transportation corridors. The project would construct frontage sidewalk and pedestrian level lighting enhancements consistent with the City design template on the north side of Golf Club Road. The crosswalks along the project driveways would be enhanced with high-visibility treatments and signage. These improvements would be included as part of the project and would help encourage alternative modes of transit and pedestrian connectivity.

*C8.3, Identify areas where sidewalks, curb cuts, ramps, and other pedestrian amenities should be installed or upgraded.* These areas have been identified in the Traffic Impact Study (Appendix I). Refer to Section 3.11 of the EIR, Transportation and Traffic for further discussion.

*C9.1, Identify specific locations where access for person with disabilities needs to be improved.* To accommodate all users of the street system and provide a complete and connected pedestrian facility between the project site’s transit service and nearby land uses, sidewalks would be provided along the project frontage in accordance with applicable City of Pleasant Hill standards, and the design would meet ADA requirements. Refer to Section 3.11 of the EIR, Transportation and Traffic for further discussion.

*Growth Management, GM1B. Support infill and redevelopment in existing urban areas and around key transit facilities.* The project is the redevelopment of a site that is within proximity near key transit facilities.
GM2.7, Require traffic impact studies (consistent with the CCTA’s Technical Procedures) as part of the application review process for development projects estimated to generate more than 100 net new peak hour vehicle trips. A traffic impact study was conducted as part of this EIR in accordance with applicable thresholds and other requirements, as the project would generate more than 100 net new peak-hour vehicle trips. Refer to Section 3.11 of the EIR, Transportation and Traffic and Appendix I for further discussion.

GM2.8, Only approve development projects (that will generate more than 100 net new peak hour vehicle trips) if the City or the Redevelopment Agency has made Findings of Consistency with the adopted LOS standards and TRANS PAC’s MTSOs for regional routes. A traffic impact study was conducted as part of this EIR, and LOS standards were consistent with applicable city standards. Refer to Section 3.11 of the EIR, Transportation and Traffic and Appendix I for further discussion.

GM2.15, Require developers to pay costs necessary to mitigate impacts of their projects on the local and regional transportation system, including establishment of trails and other alternatives to vehicle use as specified in the Capital Improvement Plan and the Citywide Bicycle and Pedestrian Master Plan (when adopted). The project traffic mitigation fees will be offset by a credit from trips generated by the previous McDonald’s restaurant use that has been operating on the project site. In addition, the project is making various roadway improvements to accommodate the project (e.g. left turn pocket on Chilpancingo Parkway) and is incorporating on-site bicycle facilities and funding transit passes for employees for a year after occupancy to reduce impacts on the regional transportation system.

GM2.17, Require all new development to contribute to or participate in the improvement of park, school, fire, police, sanitary, water, and flood control services in proportion to the demand generated by the development’s occupants and users. The project applicant would be required to provide the City of Pleasant Hill all applicable development impact fees.

GM2.18, Approve development projects only after finding that performance standards will be maintained following project occupancy. Project-specific mitigation measures required to maintain standards will be required of the project sponsor. By redeveloping a currently underutilized and mostly vacant site within the City’s urbanized area, the project promotes the orderly and efficient use of land. The project would also be required to satisfy all applicable standards and requirements imposed by the City with respect to infrastructure and public services. Refer to Section 3.7, Hydrology; Section 3.10, Public Services; and Section 3.13, Utilities and Service Systems of the EIR for further discussion.

Safety and Noise, SN1.5, Enforce federal regulations that control placement of structures in floodplains, and maintain appropriate standards for development in flood-prone and poorly drained areas. The proposed project’s storm drainage infrastructure would be sized to accommodate full buildout of the proposed project, and would otherwise adhere to all applicable standards and other requirements. See Section 3.7 of the EIR, Hydrology and Water Quality for further discussion.

SN1.6, Require mitigation for any development that could create or significantly worsen flood or drainage problems. The proposed project’s storm drainage infrastructure would be sized to accommodate full buildout of the proposed project, and would otherwise adhere to all applicable standards and other requirements. See Section 3.7 of the EIR, Hydrology and Water Quality for further discussion.

SN1.7, Adopt a no-net fill policy or limit on impervious surface as a percentage of lot size. The proposed project would implement storm water quality measures such as bio-retention areas, which consist of pervious materials. In addition, the existing site is covered with predominately impervious surfaces such as asphalt and buildings and a small amount of landscaping on the parking lot. The project would create approximately 2.5 acres of pervious surfaces (such as porous pavement, bio-retention area, landscaping), which would result in less impervious surface coverage on the project site than under existing conditions. This would be consistent with the object of minimizing impervious surfaces.

SN1.10, Adopt standards regulating expansion or new development in the 100-year floodplain. In accordance with federal law, all project buildings in a flood zone would need to have the finished floor
a minimum of 1 foot above the 100-year flood elevation. This requirement is reflected in Mitigation Measure HYD-4. Refer to Section 3.7 of the EIR, Hydrology for further discussion.

**SN 2A: Adhere to County Airport Land Use Compatibility Plan development restrictions.** The project has been reviewed by County Airport staff. No comments have been received noting that the project is inconsistent with the Airport Land Use Compatibility Plan.

**SN3.1, Adopt and enforce the most recently state approved building code provisions necessary to promote seismic safety in structural designs, including regulations relating to grading and construction relative to seismic hazards, liquefaction potential, and development on sloping ground.** The EIR sets forth mitigation requiring project structures comply with the applicable California Building Standards Code provisions. Refer to Section 3.5 of the EIR, Geology and Soils for further discussion.

**SN3.2, Require geotechnical studies for development in areas with moderate to high liquefaction potential that include analysis of seismic settlement potential and specify appropriate mitigation.** The EIR is supported by a Geotechnical Exploration prepared by ENGENO Incorporated, a consulting engineering geologist. The findings of this Geotechnical Exploration are summarized in the EIR and, where necessary, mitigation is set forth. Refer to Section 3.5 of the EIR, Geology and Soils for further discussion.

**SN4.2, Work with the Fire District to review development plans to assure adequacy of access for equipment, water supplies, construction standards, and vegetation clearance.** The EIR sets forth standards requiring project structures and other improvements to comply with the applicable California Building Standards Code provisions related to fire safety. Refer to Section 3.10 of the EIR, Public Services for further discussion.

**SN5.1, Identify and require businesses that use, store, dispose of, or transport hazardous materials to ensure that adequate measures are taken to protect public health and safety.** The EIR evaluated project-related handling and use of hazardous materials and concluded that such activities would not expose human health or the environment to undue risks. This is consistent with the objective of enhancing the City’s ability to regulate the use, transport, and storage of hazardous materials and to quickly identify substances and take appropriate action during emergencies. Refer to Section 3.6 of the EIR, Hazards and Hazardous Materials for further discussion.

**SN5.2, Work with appropriate agencies to require all transport of hazardous materials to follow approved routes.** As discussed in Impact HAZ-1, the proposed project would handle minimal amounts of hazardous materials while operating. The use, storage, transport, and disposal of hazardous materials are highly regulated by federal, state, and local agencies. The project would comply with these laws. Refer to Section 3.6 of the EIR, Hazardous and Hazardous Materials for further discussion.

**SN6.2, Work with water suppliers and jurisdictional agencies during the environmental review process for new development to prevent contamination of water supplies.** The proposed project would implement applicable storm water pollution prevention measures to protect water quality. Refer to Section 3.7 of the EIR, Hydrology for further discussion.

**SN7.2, Use the City noise contour map to determine when acoustical studies shall be required.** The EIR evaluated noise impacts from the project using the City’s noise contour map and other applicable standards, contained in Section 3.9 of the EIR, Noise. Further analysis can be found in Appendix H of the EIR.

**SN7.7, Evaluate the impacts of vibration when considering proposed development near Interstate 680.** Implementation of the project would not result in exposure of persons to vibrations in excess of standards established in the local general plan or noise ordinance. This includes the impacts of vibration on development near Interstate 680. Refer to Section 3.9 of the EIR, Noise for further discussion.

**SN7.8, Monitor noise along Contra Costa Boulevard/North Main Street, and identify appropriate methods to rectify unacceptable noise levels in the vicinity of noise-sensitive uses.** In relation to noise
along Contra Costa Boulevard/North Main Street, implementation of the project would not result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

SN8.2, Enforce air pollution control measures during construction. The EIR includes an air quality analysis for construction emissions. Where necessary, mitigation measures are identified to reduce emissions to the extent feasible. Refer to Section 3.2 of the EIR, Air Quality/Greenhouse Gas Emissions for further discussion.

SN8.7, In consultation with the Bay Area Air Quality Management District, identify sources of odors and toxics and amend the Zoning Ordinance to establish buffer zones around those sources. The project was not identified as a source of odor or toxics, as set forth by the Zoning Ordinance. Refer to Section 3.2 of the EIR, Air Quality/Greenhouse Gas Emissions for further discussion.

4. The proposed development is architecturally compatible with other development in the vicinity, both inside and outside the district. The project’s architecture has been reviewed by the Architectural Review Commission to ensure compatibility with surrounding properties.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Pleasant Hill, as recommended by the Planning Commission, in accordance with Chapter 18.95 of the PHMC, approves the Conditional Use Permit PLN 16-0027 based upon the following findings and conditions of approval contained in Exhibit A:

1. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use. The proposed project’s environmental impacts have been reviewed and addressed by the project EIR. The use will minimize light impacts by complying with ordinance provisions and with the analysis completed in the EIR. Traffic will be less than what is currently generated from the existing McDonald’s restaurant and considerably less than what was generated when the larger retail building was in use. In addition, noise impacts will be minimized through the use of solid doors to the car wash and service buildings and incorporating an eight foot tall solid wall around the perimeter of the vehicle staging and service area. The fuel storage tank impacts will be minimized as it will be required to have proper fire permits prior to installation. Therefore, the project will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood.

2. The proposed use will not be injurious or detrimental to adjacent properties or to property in the neighborhood or to the general welfare of the City. The proposed project’s environmental impacts have been reviewed and addressed by the project EIR. The use will minimize light impacts by complying with ordinance provisions and as analyzed in the EIR. The project has adequate parking for the proposed use, minimizing spill over to adjacent streets and properties. In addition, noise impacts will be minimized through the use of solid doors to the car wash and service buildings and incorporating an eight foot tall solid wall around the perimeter of the vehicle staging and service area. Truck trips and test drives of automobiles will use existing streets that will minimize trips through surrounding residential neighborhoods by requiring
the project to post and provide test drive route maps that avoid residential neighborhoods of the City. The fuel storage tank impacts will be minimized as it will be required to have proper fire permits prior to installation and will be located underground. Therefore, the project will not be injurious or detrimental to adjacent properties or to property in the neighborhood or to the general welfare of the City.

3. The proposed use is consistent with the policies and goals established by the general plan. See discussion in the Development Plan Permit Finding No. 3, above.
ADOPTED by the City Council of the City of Pleasant Hill, on the 17th day of July, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

MICHAEL G. HARRIS O.D., Mayor

ATTEST

CAROL WU, CITY CLERK

APPROVED AS TO FORM

JANET E. COLESON, City Attorney
The following conditions of approval were recommended by the Architectural Review Commission and Pleasant Hill Planning Commission and approved by the Pleasant Hill City Council. Any specific questions should be addressed to the Public Works & Community Development Department’s Planning Division.

Project Conditions of Approval

1. Project Description – The following is an approval for a Carmax Auto Superstore. A description of approximate building and parking areas is provided below:

   a. Phase 1:
      i. A 10,030 square foot sales office and area
      ii. A 936 square foot private car wash & final quality control facility
      iii. A 6,150 square foot service center facility
      iv. A 1,708 square foot vehicle presentation area
      v. A 159 space parking lot for customers and employees
      vi. A 2.27 acre outdoor vehicle display area
      vii. An underground 4,000 gallon fuel tank

   b. Phase 2:
      i. A 24,100 square foot reconditioning service building
      ii. An expansion of the car wash & final quality control facility of approximately 2,365 square feet
      iii. A 15,682 square foot expansion of the vehicle staging area

2. Hours of Operation – The project hours of operation are noted below:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Monday - Friday</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Sales</td>
<td>9:00AM to 9:00PM</td>
<td>9:00AM to 9:00PM</td>
<td>9:00AM to 9:00PM</td>
</tr>
<tr>
<td>Auto Service</td>
<td>7:30AM to 6:00PM</td>
<td>7:30AM to 6:00PM</td>
<td>Closed</td>
</tr>
<tr>
<td>Auctions</td>
<td>9:00AM to 4:00PM</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Car Washing</td>
<td>7:30AM to 9:00PM</td>
<td>7:30AM to 9:00PM</td>
<td>7:30AM to 9:00PM</td>
</tr>
<tr>
<td>Vehicle Conditioning</td>
<td>6:00AM to 12:00AM</td>
<td>6:00AM to 12:00AM</td>
<td>6:00AM to 9:00PM</td>
</tr>
</tbody>
</table>
Vehicle reconditioning shall occur exclusively inside the building, excluding the transport of vehicles from the parking area into and out of the service building and shall be conducted in a manner and scope that limits noise to the surrounding residential properties consistent with the City’s applicable noise regulations and the project’s EIR MMRP.

3. **Test Drives** – Test drive routes shall not occur within residential areas of the City. The approved routes shall be posted on the premises and also provided to all customers prior to allowing them to test drive any vehicle.

4. **Exterior Speaker** – Exterior loud speakers shall be prohibited, except for emergency or safety purposes.

5. **Automobile Parts & Tires** – Automobile parts shall be stored in a manner that is not publicly visible from views. Tire storage shall occur within an enclosed and covered area that meets applicable stormwater requirements.

6. **Paint Booth** – Prior to building permit issuance, the applicant shall provide documentation of approval of any applicable permits from the Bay Area Air Quality Management District (BAAQMD).

7. **Transit** – The applicant shall provide transit passes or other transit use incentives for a period of one year from the issuance of a certificate of occupancy, to establish transit use for employees.

8. **Truck Deliveries** – The following shall apply related to truck deliveries:
a. Car-carrier delivery trucks access shall be reviewed and approved by the Zoning Administrator prior to business operations. The property owner and/or business operator shall inform each delivery company or party delivering to the site of this route.

b. All truck deliveries, loading, and unloading shall take place on the subject property (and not on any public streets). Said delivery, loading/unloading areas must be shown on the building permit plans and no idling of the delivery vehicles are allowed.

9. **Signs** – The following provisions shall be modified/included in the Planned Unit Development District Concept Plan, related to signage:
   a. Directional sign allowances shall be up to six feet in height and up to nine square feet, as proposed in the PUD.
   b. Directional signs shall not include any advertising.
   c. Small sign allowances shall be up to three square feet.
   d. One movable sign is allowed, that is up to five feet in height, with two square feet of sign area.
   e. Temporary sign display shall be in accordance with City zoning ordinance provisions for temporary signs.
   f. Construction signs shall comply with City zoning ordinance provisions for construction signs.

10. **PUD Modification** – The proposed PUD Land Use regulation table shall be modified to remove the reference to PHMC Section 18.20.050, in the “Automobile, vehicle/equipment wholesaler.”

11. **Overnight Vehicles** – Campers, trailers, motorhomes, or any other similar vehicles are not allowed on the construction site except when needed as sleeping quarters for a security guard.

12. **Construction Trailer** – A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.

13. **Fence/Wall** – The perimeter fence in the southwest corner of the property shall be an eight foot tall aesthetic solid wall (subject to final approval by the Architectural Review Commission). The wall shall be placed at the perimeter of the Phase 2 vehicle storage area/the non-landscaped area at the southwest corner of the site. In addition, barbwire fencing is not allowed.

14. **Engineering Conditions of Approval** - The project shall comply with all Engineering Division conditions of approval as noted in Attachment Engineering COA.

15. **Mitigation Monitoring Reporting Program** – The project shall implement and comply with the associated Mitigation Monitoring Program (Attachment C-2 of the CC Staff Report).

**Conditional Use Permit (UP) Conditions of Approval**
1. **Project Description** - The Conditional Use Permit approval is for an automobile sales use, as per the description provided in Special Condition No. 1. Any changes to the proposed project description is subject to review and approval of the City.

2. **Approval** - Approval is based on and shall be in accord with the plans contained in the project file, dated, “Approved July 17, 2017” except as they may be modified by these conditions.

3. **General Compliance** - Approval of this project shall not waive required compliance with all applicable sections of the Pleasant Hill Municipal Code, General Plan, and applicable policy plans.

4. **Parking Complaints** - In the event that the City receives a legitimate parking complaint (e.g. complaints regarding project parking demand spilling over from the site to nearby streets or sites), the property owner shall address and resolve the complaint in a timely and satisfactory manner, as determined by either the Zoning Administrator or Planning Commission in accordance with applicable City Municipal Code provisions. Measures to resolve any ongoing parking violations may include, but shall not be limited to, providing shared parking on an adjacent site, valet parking or other appropriate Parking Management Solutions.

5. **Hazardous Material Release Response Plan** – The applicant shall submit proof of an approved hazardous material release response plan prior to building permit issuance for the underground fuel storage facility.

6. **Construction and Demolition Debris Ordinance** - Prior to building permit final, the applicant/developer shall comply with the requirements of the City of Pleasant Hill Construction and Demolition Debris Ordinance (Chapter 14.40). Prior to building permit final a waste management plan shall be submitted and approved by the Building Division.

7. **Annotated Conditions of Approval** - When submitting final revised plans for issuance of a building permit for any aspect of the project, the applicant must provide to the Zoning Administrator a copy of these conditions of project approval with a cover letter specifying how the plans address and comply with each of these conditions.

8. **Annotated Conditions of Approval** - Prior to issuance of a building permit final (certificate of occupancy), the applicant shall submit to the Zoning Administrator an annotated list of outstanding conditions demonstrating proof of compliance with a cover letter specifying how the project has addressed and complied with each of these conditions.

9. **Other City Approvals** – Conditional Use Permit approval is subject to review and approval of a Development Plan Permit, Planned Unit Development District/Concept Plan and an Architectural Review permit by the City Council.

10. **Outside Agencies** - The owner/applicant shall comply with the applicable requirements of all other agencies having jurisdiction over this project. This shall include, but not be limited to the Contra Costa County Fire Protection District, PG&E, Contra Costa Health Department, Central Contra Costa County Sanitation District, Contra Costa County Flood Control District and Contra
Costa Water District. Proof of approval from other agencies with jurisdiction over the project shall be provided to the Zoning Administrator prior to commencement of operations at the facility.

11. Federal, State and Local laws - Owner/applicant shall comply with all federal, state, and local laws. The issuance of this conditional use permit shall not constitute a waiver of the requirements of any federal, state or local law, including the requirements of the California Building Standards Code.

12. Indemnification: The owner/applicant shall defend, at its sole cost and expense, indemnify, protect, release and hold harmless the City of Pleasant Hill and any agency or instrumentality thereof, including any of its agents, commissions, boards, officers, and employees ("indemnitees") from any and all claims, actions, or proceedings in accordance with that certain Indemnification Agreement between the City and the Applicant (dated as of July 17, 2017).

13. Time Period - The Use Permit shall expire two (2) years from the effective approval date unless: a building permit is issued, substantial money is expended, and construction diligently pursued, or an occupancy permit is issued, or the permit approval is renewed. A renewal may be granted only if a written request is submitted by the applicant to the Zoning Administrator prior to expiration of the Use Permit.

14. Noise Ordinance - The operator/applicant shall ensure that the facility strictly adheres to the City's Noise Ordinance (PHMC Chapter 9.15).

Development Plan Permit (DP) Conditions of Approval

1. Project Description – Approval is based on, and shall be in accord with, information contained in the project file with plans and application stamped “Approved July 17, 2017.” This approval is for a Development Plan Permit PLN 16-0027 for the development of a Carmax Auto Superstore. The project approval includes the following:

2. Time Period. The Development Plan Permit shall lapse two years after its date of approval unless one of the following has occurred:

   a. A building permit has been issued, substantial money has been expended, and construction diligently pursued; or

   b. A certificate of occupancy has been issued; or

   c. The Development Plan is renewed by the Planning Commission or other hearing body which originally approved it. No new notice or public hearing is required for a renewal if the findings required for approval remain valid.

3. Project Modifications - Any major changes to the project description or to any other project conditions shall require an amendment to the Development Plan permit and shall require review and approval by the decision-body that gave final approval to the original development
plan permit in accordance with applicable provisions of the City’s Municipal Code. Any minor
changes shall require an application request from the operator/applicant for review and
approval by the Zoning Administrator. The Zoning Administrator will determine if a change
is considered major or minor.

4. **Compliance with Project Conditions of Approval** - In the event that any of the
   aforementioned conditions are not satisfied the Development Plan permit approval becomes
   null and void.

5. **Project Parking Lot Lighting** – Prior to building permit issuance for exterior lighting, light
   levels shall be corrected to comply with applicable zoning ordinance provisions at the
   southwest portion of the site. In addition, the security gate area lighting levels shall comply
   with PUD provisions.

6. **Off-Site Improvements** – No off-site improvements shall occur unless written authorization
   is received from the property owner and provided to the Zoning Administrator in advance of
   constructing the improvements.

7. **Parking Space Reduction** - Any reduction in the 159 space on-site customer and employee
   parking lot shall not occur without prior City approval.

8. **Trees** - Approval of Development Plan Permit PLN 16-0027, does not include approval for
   removal of any trees. Tree removals are required to be reviewed and approved by the
   Architectural Review Commission, or Zoning Administrator, prior to the commencement of
   any such modifications.

9. **Trash Enclosure** – The project trash enclosure shall be sized in coordination and to the
   approval of the local waste collection agency.

10. **Construction Activity** – During construction, the applicant shall comply with conditions
    related to noise, best management practices and stormwater provisions. These conditions
    include, but are not limited to, Condition No. 9, 14, and 18 and applicable mitigation measure
    in the project’s EIR MMRP.

11. **Noise Ordinance** - The operator/applicant shall ensure that the facility strictly adheres to the
    City’s Noise Ordinance (PHMC Chapter 9.15).

12. **Water Efficient Landscape Ordinance** – The project shall comply with the City’s Water
    Efficient Landscape Ordinance, both prior to and after occupancy as appropriate.

13. **Other City Approvals** - Development Plan Permit approval is subject to review and approval
    of a Conditional Use Permit, Planned Unit Development District/Concept Plan and an
    Architectural Review permit by the City Council.

14. **Annotated Conditions of Approval** - Prior to issuance of a building permit and prior to
    issuance of a certificate of occupancy, the developer shall submit to the Zoning Administrator
    an annotated list of these conditions demonstrating proof of compliance.

15. **Construction and Demolition Debris Ordinance** - Prior to building permit final, the
    applicant/developer shall comply with the requirements of the City of Pleasant Hill
Construction and Demolition Debris Ordinance (Chapter 14.40). Prior to building permit final
a waste management plan shall be submitted and approved by the Building Division.

14. **Construction Hours** - Construction and Grading hours shall be limited to 7:30AM to 7:00PM
Monday through Friday. In addition, interior construction is allowed on Saturdays from
9:00AM to 6:00PM, with construction activity is prohibited on all Sundays and City holidays.

15. **Indemnification**: The owner/applicant shall defend, at its sole cost and expense, indemnify,
protect, release and hold harmless the City of Pleasant Hill and any agency or instrumentality
thereof, including any of its agents, commissions, boards, officers, and employees
(“indemnities”) from any and all claims, actions, or proceedings in accordance with that
certain *Indemnification Agreement* between the City and the Applicant (dated as of July 17,
2017).

16. **Outside Agencies** - The owner/applicant shall comply with the applicable requirements of all
other agencies having jurisdiction over this project. This shall include, but not be limited to
the Contra Costa County Fire Protection District, PG&E, Contra Costa Health Department,
Central Contra Costa County Sanitation District, Contra Costa County Flood Control District
and Contra Costa Water District. Proof of approval from other agencies with jurisdiction over
the project shall be provided to the Zoning Administrator prior to commencement of operations
at the facility.

17. **Federal, State and Local laws** - Owner/applicant shall comply with all applicable federal,
state, and local laws. The issuance of this development plan permit shall not constitute a waiver
of the requirements of any federal, state or local law, including the requirements of the
California Building Standards Code.

18. **Engineering Conditions** – The project shall comply with the following Engineering Division
conditions of approval and standard conditions of approval as noted in attached Attachment
Engineering COA.

**Architectural Review Permit (AR) Conditions of Approval**

1.0 **Plans**

1.1. The project shall substantially conform to the approved project plans, project narrative,
colors and materials board, all dated approved on July 17, 2017, on file with the Planning
Division, except as modified by these conditions. Minor changes to the plans may be
allowed subject to the approval of the Zoning Administrator if found to be in substantial
conformance to the approved plans and exhibits.

1.2. The following shall be completed per the direction provided by the Architectural Review
Commission:

   a. Prior to building permit issuance for Phase I, decorative pavement shall be incorporated
      into the plans for the pedestrian crossing (to the Grayson Creek bicycle/pedestrian trail)
subject to final review and approval by the Zoning Administrator.
b. Prior to building permit issuance for Phase I, detailed plans for public art shall be submitted to the Architectural Review Commission for review and input prior to final approval by the Zoning Administrator. The public art shall be completed/installed prior to building occupancy in an amount not to exceed $75,000.

c. Prior to building permit issuance for Phase I, the final landscape plan (focused on species location and selection – including integration of increased evergreen trees) shall be reviewed and input provided by the Architectural Review Commission prior to final approval by the Zoning Administrator.

d. Prior to building permit issuance for the Phase 2 vehicle reconditioning building, a revised building façade/elevation with increased architectural interest shall be provided for review and input by the Architectural Review Commission prior to final approval by the Zoning Administrator.

e. Prior to building permit issuance for Phase I, the location of a proposed above-ground transformer in the parking lot shall be reviewed and approved by the Zoning Administrator to ensure no sight visibility issues will exist.

1.3. Prior to building permit issuance, the applicant shall modify the proposed lighting to be in compliance with the applicable City Zoning Ordinance provisions, particularly at the southwest corner of the site. A revised photo-metric plan shall be submitted showing compliance with this condition. In addition, the revised photometric plan shall include light levels for the security gate area in compliance with the PUD Concept plan lighting provisions.

1.4. All interior lighting shall be turned off during non-operational evening hours, with the exception of lighting needed for security reasons.

1.5. Prior to building permit issuance, plans shall incorporate roll-up doors that shall be recessed eight inches into the building wall, unless the building wall is a concrete tilt-up wall in which case the roll-up doors shall be recessed two to three inches into the building wall.

1.6. Trash enclosures shall be sized to accommodate all necessary containers. The trash bins shall be kept inside the enclosure except when being unloaded.

1.7. All roof top equipment shall be screened from views and be located below or at the height of the top of the building parapet/walls and roof top screening. Security cameras on buildings are not required to be screened.

1.8. All ducts, meters, air conditioning equipment and any other mechanical equipment, whether on a structure, on the ground or on the roof shall be screened from views from a person standing at ground level with materials architecturally compatible with the building. Screening shall be completed prior to occupancy.

1.9. Ground mounted transformers shall be screened from views subject to review and approval by the Zoning Administrator.

1.10. The project landscaping and irrigation shall be designed for recycled water use.
1.11. All trellises shall be painted metal, or other long lasting material. No wood shall be used.

1.12. Prior to building permit issuance, the applicant shall submit plans, and receive approval from the Architectural Review Commission, for a perimeter fence in the southwest corner of the property shall be an eight foot tall aesthetic solid wall. The wall shall be placed at the perimeter of the Phase 2 vehicle storage area/the non-landscaped area at the southwest corner of the site. In addition, barbwire fencing is not allowed.

1.13. Prior to building permit issuance, plans shall include a specification and/or detail for the corten steel guard rail.

1.14. The following energy efficiency methods shall be incorporated:
   a. Energy star appliances shall be installed as part of the project and shall be indicated on building permit plans.
   b. Energy efficient lighting shall be installed in the project and shall be indicated on building permit plans.
   c. The project shall be constructed to allow for future installation of a Photovoltaic (PV) system. Prior to building permit issuance, plans shall comply with following provisions:
      i. Electrical conduit and cable pull strings shall be installed from the roof/attic area to the buildings main electrical panels;
      ii. An outlet shall be provided near the electrical panel for the installation of an “inverter” required to convert the direct current output from the photovoltaic panels to alternating circuit.

1.15. No stockpiling of dirt shall occur without specific review and approval by the City.

1.16. The applicant shall implement construction best management practices as noted in the project EIR and MMRP, including the following, to reduce construction noise:
   a. Select routes for movement of construction related vehicles and equipment so that noise sensitive areas, including residences, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the Zoning Administrator for approval prior to the issuance of building permits.
   c. The property owner shall designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the Zoning Administrator.
   d. Additional best management practices may be required by the Building Division and/or City Engineer. All additional best management practices shall be reviewed and approved by the Building Division and/or City Engineer, prior to implementation.
1.17. Any significant changes proposed to the exterior elevations prior to, or after issuance of a building permit shall be submitted to the Architectural Review Commission prior to building permit issuance or prior to building permit final.

1.18. Prior to building permit issuance, plans shall demonstrate compliance with Section 18.55.070.D (motorcycle parking development standard).

1.19. Prior to building permit issuance, the applicant shall submit details of the provision of four electric vehicle charging spaces and associated charging facilities within the parking lot. Two of the electric charging stations shall incorporate level 2 charging capability (CHAdeMO & SAE CCS compatible – DC Fast Charger).

1.20. A tree protection plan for preserved trees that are on-site and in close proximity of the project site shall be reviewed and approved by the Zoning Administrator prior to issuance of any permits and implemented during all construction activities. The tree protection plan shall be prepared by a certified/licensed arborist.

1.21. Grading and construction operations (if applicable) shall be limited to the hours of 7:30 a.m. to 7:00 p.m. Monday through Friday. In addition, interior construction is allowed on Saturdays from 9:00AM to 6:00PM, with construction activity is prohibited on all Sundays and City holidays.

1.22. All construction plans, such as, but not limited to, the site plan, building elevations, landscaping and irrigation plans, grading plan, mechanical drawings, street improvement plans, and detailed drawings submitted to the Building Division for permits shall be coordinated for consistency by the applicant prior to issuance of any permits. Any change or modification to one particular plan shall require the corresponding revisions on all other applicable plans. The applicant shall be responsible for correcting any inconsistency that may occur through error or omission during plan preparation or construction.

1.23. Approval of this project shall not waive required compliance with all applicable sections of the Pleasant Hill Municipal Code, General Plan, and applicable policy plans.

1.24. Prior to building permit final, the applicant/developer shall comply with the requirements of the City of Pleasant Hill Construction and Demolition Debris Ordinance (Chapter 14.40). Prior to building permit final a waste management plan shall be submitted and approved by the Building Division.

1.25. When submitting final revised plans for issuance of a building permit for any aspect of the project, the applicant must provide to the Zoning Administrator a copy of these conditions of project approval with a cover letter specifying how the plans address and comply with each of these conditions.

1.26. Prior to issuance of a building permit final (certificate of occupancy), the applicant shall submit to the Zoning Administrator an annotated list of conditions of approval...
demonstrating proof of compliance with a cover letter specifying how the project has addressed and complied with each of these conditions.

1.27. The owner/applicant shall comply with the applicable requirements of all other agencies having jurisdiction over this project. This shall include, but not be limited to the Contra Costa County Fire Protection District, PG&E, Contra Costa Health Department, Central Contra Costa County Sanitation District, Contra Costa County Flood Control District and Contra Costa Water District. Proof of approval from other agencies with jurisdiction over the project shall be provided to the Zoning Administrator prior to commencement of operations at the facility.

1.28. Owner/applicant shall comply with all applicable federal, state, and local laws. The issuance of this development plan permit shall not constitute a waiver of the requirements of any federal, state or local law, including the requirements of the California Building Standards Code.

1.29. As noted in Mitigation Measure BIO-1, No more than 14 days prior to initial ground disturbance and vegetation/tree removal during the nesting season (February 1 to August 31), the project applicant shall retain a qualified biologist to perform preconstruction breeding bird surveys. If any nests are found, they shall be flagged and protected with a suitable buffer. Buffer distance will vary based on species and conditions at the site, but it is usually at least 50 feet, and up to 250 feet for raptors.

1.30. The project shall comply with Mitigation Measures CUL-1, 3 and 4 and as required to comply with applicable laws and regulations, during all grading, trenching or excavation activities, a professional archaeologist shall be present to observe the work and should archeological materials be uncovered during grading, trenching or excavation activities, all work shall be stopped until a professional archaeologist has had an opportunity to evaluate the significance of the material and develop appropriate measures. Recommendations made by the professional archeologist, as approved by the Planning Division, shall be implemented.

1.31. The applicant shall comply with applicable laws and regulations and the project’s MMRP. Prior to issuance of grading, or building permits the project applicant shall submit to the Contra Costa Fire Protection District and the City the Phase I and II environmental site assessment report (2015 ESA prepared by ENGEO) for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. The project shall comply with the recommendations.

1.32. The owner/applicant shall defend, at its sole cost and expense, indemnify, protect, release and hold harmless the City of Pleasant Hill and any agency or instrumentality thereof, including any of its agents, commissions, boards, officers, and employees (“indemnitees”) from any and all claims, actions, or proceedings in accordance with that certain Indemnification Agreement between the City and the Applicant (dated as of July 17, 2017).
1.33. Campers, trailers, motorhomes, or any other similar vehicles are not allowed on the construction site except when needed as sleeping quarters for a security guard.

1.34. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.

1.35. The project shall comply with all Engineering Division conditions of approval as noted in Attachment Engineering COA.

1.36. The project shall comply with all required mitigation measures in the Environmental Impact Report as noted in the associated Mitigation Monitoring Reporting Program (MMRP).

2.0 Approval Time Limit

2.1 Architectural Review permit shall expire two (2) years from the effective approval date unless: a building permit is issued, substantial money is expended, and construction diligently pursued, or an occupancy permit is issued, or the Architectural Review Commission renews the approval. A renewal may be granted only if a written request is submitted by the applicant to the Zoning Administrator prior to expiration of the Architectural Review permit.

3.0 Related Conditions of Approval

3.1. Compliance with all conditions of approval of Conditional Use Permit and Development Plan Permit and with the Planned Unit Development District/Concept Plan, PLN 16-0027 shall be completed, otherwise approval of this Architectural Review Permit shall be null and void.

4.0 Building Design

4.1 Specific paint, siding, wall or roofing materials, finish textures, and windows or doors shall be in substantial compliance with Architectural Review Commission approved plans and conditions. Manufacturer specifications and samples of final color and materials selections may be required by the Zoning Administrator prior to issuance of building permits to verify compliance.

4.2 All building drainage gutters, down spouts, vents, and similar elements located on the exterior walls shall be shown on final building elevation drawings prior to building permit issuance and shall be completely concealed from view or shall be architecturally compatible with the exterior building design and color.

5.0 Landscaping

5.1. Stormwater water retention facilities shall be minimized to the greatest extent feasible to preserve existing mature trees at the eastern edge of the property.
5.2. Prior to building permit issuance, detailed plans shall be submitted to the Planning Division for review and approval.

5.3. All ground installed mechanical equipment shall be screened from views with methods to the approval of the Zoning Administrator.

5.4. The proposed landscaping shall comply with the City of Pleasant Hill Water-Efficient Landscape Ordinance. Compliance shall be documented prior to installation of any irrigation or landscaping and as noted in the ordinance (including funding for the peer review to ensure compliance).

5.5. The property owner shall enter into a Landscape Maintenance Agreement (LMA) with the City that provides for a requirement for an annual report certifying that the project site is being maintained in compliance with the approved landscape plan. The report shall be prepared by a landscape professional and submitted annually to the Zoning Administrator commencing 12 months after initial building occupancy approval. The City will prepare the LMA upon request by the applicant. Lastly, upon review and approval by the City, the property owner shall record the LMA at the Contra Costa County Recorder’s office and provide a copy of the recorded LMA to the Zoning Administrator prior to issuance of a Final Certificate of Occupancy or final building inspection, whichever is applicable.

5.6. The site shall be subject to annual compliance reviews by the Zoning Administrator with respect to landscaping from the approval date of Architectural Review Permit PLN 16-0027. Any trees/shrubs that are determined to be dead or dying by the City shall be replaced to the satisfaction of the Zoning Administrator by April 1 of each year.

5.7. Prior to issuance of building permits, detailed final landscape and irrigation plans shall be submitted to the Zoning Administrator for review and approval in accordance with direction from the Architectural Review Commission and consistent with the approved project plans. Such plans shall be prepared and stamped by a California licensed landscape architect or other equally educated and experienced professional qualified to the satisfaction of the Zoning Administrator.

5.8. Landscape plans shall be scaled to a minimum of 1" = 20' and shall specify the following:

a. The location and size of all plant materials and shall include a plant legend specifying species type (botanical and common name), container size, and quantity of all plant materials;

b. Spacing for all trees shrubs, and ground covers;

5.9. Locations of all pavements and hardscape (vehicular and pedestrian), walls, fencing, buildings, roof overhangs and other structures, utility equipment (air conditioners, transformers, backflow prevention valves, etc.), property lines, and other pertinent site plan features.
5.10. All landscaping shall be installed in accordance with the plan approved by the Architectural Review Commission. Plant materials shall comply with the following:

a. Plant materials shall consist of a mix of evergreen and deciduous trees, shrubs and ground covers to provide design interest and serve as a protective measure against disease and insect infestation. Low maintenance plants are encouraged;

b. Only live ground cover is allowed in high visibility and pedestrian areas. Exceptions may be approved by the zoning administrator to include, but not be limited to, decorative gravel beds, decomposed granite paths or pedestrian spaces and areas to be accented with shrubs;

c. All landscape planting areas shall be mulched or covered with bark chips or other similar material, unless growth of live ground covers would be impeded. Exposed soil is prohibited;

d. Drought tolerant species suitable for the Pleasant Hill area are encouraged;

e. Plant material selections must consider the climatic conditions of the Pleasant Hill area. Species particularly susceptible to, or potentially damaged by, disease, insects, winter freeze, summer heat, wind, and other climatic conditions are discouraged. Species exhibiting particular problems in the Pleasant Hill area may not be permitted and, as such, plant substitutions may be required by the Zoning Administrator.

5.11. Plant material size and spacing shall comply with the following:

a. Minimum tree size shall be a 50% mix of 24" box and 15 gallon. Minimum shrub size shall be 5 gallon. Smaller sized containers may be utilized for ground covers;

b. Where plant materials are placed in two (2) or more rows, planting rows shall be staggered;

c. Evergreen trees required for screening purposes shall not be less than six (6) feet in height at time of planting;

d. Large shrubs required for screening purposes shall not be less than thirty (30) inches in height at time of planting. Spacing shall be between four (4) and six (6) feet on-center, as determined by the zoning administrator.

e. Ground covers shall be spaced such that full coverage is achieved at the end of eighteen (18) months.

5.12. Planting and staking details shall comply with the following:

a. Final landscape plans shall include planting and staking details in text and/or drawing form to insure proper installation and establishment of proposed plant materials;

b. Soils shall be tested to identify existing soil conditions and necessary amendments. All planting pits shall be twice the diameter of the diameter of the root container;

c. All trees shall be double-staked, except that twenty-four (24) inch or larger box trees may require guy wires or triple-staking as determined by the zoning administrator. Guy wires are prohibited within pedestrian traffic areas. Trees shall be protected from
contact with any wire used in staking;

d. Provide root deflectors for all trees planted within 8 feet of paved surfaces;

e. All planters in areas which have been compacted, such as adjacent to buildings and in parking lots, shall be de-compacted to the following depths: planters less than 3' wide shall have compaction relieved to a minimum depth of 24" below subgrade; planters 3' to 10' wide shall have compaction relieved to a minimum depth of 18" below subgrade; planters more than 10' wide shall have compaction relieved to a minimum depth of 12" below subgrade;

f. Planters 10' or less in width in locations that will not allow normal percolation of 24 to 36 hours maximum (such as adjacent to buildings) shall have drain pipes connected to the storm drain system or shall have dry wells installed as determined necessary by the zoning administrator;

g. The finished grade of planter islands or wells shall have a crown with a 2% slope down to surrounding grade or top of curb. Planters adjacent to buildings where a crown can not be installed will require subdrains if adequate surface drainage will not be provided;

5.13. All landscaped areas shall be serviced by an automatic irrigation system. Irrigation plans shall comply with the following standards:

a. Valves and circuits shall be separate based on water use;

b. Drip or bubbler irrigation systems are required for trees;

c. Sprinkler heads must have matched precipitation rates within each control valve circuit;

d. Serviceable check valves are required where elevation differential may cause low head drainage;

e. Sprinkler head spacing shall be designed for head-to-head coverage. The system should be designed to minimum runoff and overspraying onto non-irrigated areas;

f. All irrigation systems shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple-cycle start capacity and a flexible calendar program;

g. Plans shall include a water budget including:

i. Estimated annual water use (in gallons) and the area (in square feet) irrigated.

   ii. Precipitation rates for each valve circuit.

5.14. Screening of all mechanical equipment, valves, transformers, air conditioning and heating units, or similar appurtenances shall be indicated on revised plans.

5.15. All parking lot landscape areas shall be protected from automobiles with a 6 inch high, poured in place, vertical concrete curb.

5.16. Berms shall be illustrated according to slope, width, height above surrounding grade, and landscaping. Landscape berms shall be coordinated for consistency with the grading plan.

5.17. All landscape areas shall be maintained in a healthy, thriving condition, free from weeds,
CarMax Auto Superstore (PLN 16-0027)
Conditions of Approval
Page 16

trash, and debris.

5.18. During installation of landscaping and irrigation, and prior to the issuance of an occupancy permit, the landscape architect or design professional responsible for preparing the final landscaping plans, or his/her designee, shall monitor installation and visit the site prior to completion of the landscape work. He or she will thereafter submit to the zoning administrator a written statement confirming: compliance with approved plans and conditions, and that the number of plants, their size and species installed on-site is in conformance with the plans.

6.0 Parking and Access

6.1 Any security gates or fences shall require details submitted to the Police Department, Contra Costa Fire Protection District, and Zoning Administrator for approval prior to issuance of building permits.
1.0 Plans

1.1. Approval is based on and shall be in accord with the plans contained in the project file, dated, “Approved July 17, 2017” except as they may be modified by these conditions.

1.2. The following provisions shall be modified/included in the Planned Unit Development District Concept Plan, related to signage:
   a. Directional sign allowances shall be up to six feet in height and up to nine square feet, as proposed in the PUD.
   b. Directional signs shall not include any advertising.
   c. Small sign allowances shall be up to three square feet.
   d. One movable sign is allowed, that is up to five feet in height, with two square feet of sign area.
   e. Temporary sign display shall be in accordance with City zoning ordinance provisions for temporary signs.
   f. Constructions signs shall comply with City zoning ordinance provisions for construction signs.

1.3. Prior to permit issuance or sign installation, the following shall be completed and shown on building permit plans:
   a. Signs “E” and “F” shall be combined into one sign (rather than two) if feasible.
   b. The monument sign shall have a base that matches the building architecture of the CarMax building.
   c. The “marker” signs shall be incorporated onto the auto display area lot poles.

1.4. The sign illumination shall allow for the adjustment of light intensity. Final illumination levels are subject to review and approval by the Zoning Administrator.

1.5. The “Carmax” name shall be removed from all directional signs.

1.6. The building wall signs that face residential uses shall be turned off during non-operational hours.

1.7. Prior to building permit issuance, a landscape plan shall be provided that incorporates complementary landscaping around the base of the sign, subject to review and approval by the Zoning Administrator.
1.8. Any significant changes proposed to the exterior elevations prior to, or after issuance of a building permit shall be submitted to the Zoning Administrator prior to building permit issuance or prior to building permit final.

1.9. All construction plans, such as, but not limited to, the site plan, building elevations, landscaping and irrigation plans, grading plan, mechanical drawings, street improvement plans, and detailed drawings submitted to the Building Division for permits shall be coordinated for consistency by the applicant prior to issuance of any permits. Any change or modification to one particular plan shall require the corresponding revisions on all other applicable plans. The applicant shall be responsible for correcting any inconsistency that may occur through error or omission during plan preparation or construction.

1.10. Approval of this project shall not waive required compliance with all applicable sections of the Pleasant Hill Municipal Code, General Plan, and applicable policy plans.

1.11. Prior to building permit final, the applicant/developer shall comply with the requirements of the City of Pleasant Hill Construction and Demolition Debris Ordinance (Chapter 14.40). Prior to building permit final a waste management plan shall be submitted and approved by the Building Division.

1.12. When submitting final revised plans for issuance of a building permit for any aspect of the project, the applicant must provide to the Zoning Administrator a copy of these conditions of project approval with a cover letter specifying how the plans address and comply with each of these conditions.

1.13. Prior to issuance of a building permit final (certificate of occupancy), the applicant shall submit to the Zoning Administrator an annotated list of outstanding conditions demonstrating proof of compliance with a cover letter specifying how the project has addressed and complied with each of these conditions.

1.14. The owner/applicant shall comply with the applicable requirements of all other agencies having jurisdiction over this project. This shall include, but not be limited to the Contra Costa County Fire Protection District, PG&E, Contra Costa Health Department, Central Contra Costa County Sanitation District, Contra Costa County Airport Land Use Commission (ALUC) Contra Costa County Flood Control District and Contra Costa Water District. Proof of approval from other agencies with jurisdiction over the project shall be provided to the Zoning Administrator prior to commencement of operations at the facility.

1.15. The owner/applicant shall comply with all applicable federal, state, and local laws. The issuance of this development plan permit shall not constitute a waiver of the requirements of any federal, state or local law, including the requirements of the California Building Standards Code.
1.16. The project shall comply with Mitigation Measures CUL-1, 3 and 4 and as required to comply with applicable laws and regulations, during all grading, trenching or excavation activities, a professional archaeologist shall be present to observe the work and should archeological materials be uncovered during grading, trenching or excavation activities, all work shall be stopped until a professional archaeologist has had an opportunity to evaluate the significance of the material and develop appropriate measures. Recommendations made by the professional archeologist, as approved by the Planning Division, shall be implemented.

1.17. The owner/applicant shall defend, at its sole cost and expense, indemnify, protect, release and hold harmless the City of Pleasant Hill and any agency or instrumentality thereof, including any of its agents, commissions, boards, officers, and employees (“indemnitees”) from any and all claims, actions, or proceedings in accordance with that certain Indemnification Agreement between the City and the Applicant (dated as of July 17, 2017).

1.18. The project shall comply with all required City provision, including Building and Engineering Division requirements.

2.0 Approval Time Limit

2.1 The Sign Permit shall lapse two years after its date of approval unless one of the following has occurred:

   a. A building permit has been issued, substantial money has been expended, and construction diligently pursued; or
   b. Final building inspection approval has been issued; or
   c. The sign is established; or
   d. The Sign Permit is extended by the City Council.

3.0 Related Conditions of Approval

3.1. The project shall comply with all conditions of approval as identified in the approved Development Plan Permit, Use Permit & Architectural Review Permit and with the Planned Unit Development District/Concept Plan (PLN 16-0027).

4.0 Sign Design

4.1 Specific paint, materials, finish textures shall be in substantial compliance with approved plans, conditions of approval. Manufacturer specifications and samples of final color and materials selections may be required by the Zoning Administrator prior to issuance of building permits to verify compliance.
1. **Engineering Conditions.** The following are conditions of approval from the Engineering Division:

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<th>NO.</th>
<th>CONDITIONS OF APPROVAL</th>
<th>Department</th>
<th>Submittal Required, Prior to:</th>
<th>Task Completion</th>
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<td><strong>PUBLIC WORKS – PROJECT SPECIFIC CONDITIONS</strong></td>
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<td>A</td>
<td><strong>Off-Site Improvements:</strong> The following off-site improvements shall be constructed in conjunction with the development:</td>
<td>PW/ENG</td>
<td>Prior to Approval of Improvement Plans</td>
<td>Prior To Occupancy</td>
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<tr>
<td>i.</td>
<td>Applicant shall modify the existing 40’-wide drive to a new location along south side of Chilpancingo Parkway and modify the existing median to allow a Cottrell C-12 Car Hauler to be able to make a left-turn into the new modified driveway. The minimum length of the Left-turn pocket shall be the length of the car carrier (72’) plus the length of one additional car (20”) for a total of 92’. Remove and replace the existing landscaping within the median, including the existing irrigation control boxes, irrigation meter, etc., and adjust them to the new finish grade.</td>
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<td>ii.</td>
<td>Modify and bring out the existing median west of the Left-Turn pocket so it is clear that this Left-Turn pocket is only for the access to the CarMax Lot and it does not continue to the Old Quarry Road intersection.</td>
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<td>iii.</td>
<td>Remove the existing AC pathway along the project frontage on Chilpancingo Parkway and replace it with a new 10’ wide sidewalk.</td>
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<td>iv.</td>
<td>Install new Ped lights on Chilpancingo Parkway spaced to match the Ped lights on Old Quarry Road.</td>
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<td>v.</td>
<td>Remove and replace the existing curb and gutter and landscaping along the project frontage on Chilpancingo Parkway. Adjust all existing utility boxes to the new finish grade.</td>
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<td>vi.</td>
<td>Close the existing driveway east of the new modified driveway on Chilpancingo Parkway with new curb and gutter and sidewalk.</td>
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### CONDITIONS OF APPROVAL

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<th>Description</th>
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<td>vii.</td>
<td>Provide a new driveway apron for the existing Flood Control Access Road per the District’s requirements.</td>
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<td>viii.</td>
<td><strong>Chilpancingo Parkway and Old Quarry improvements.</strong> Any new improvements along Chilpancingo Parkway and Old Quarry Road caused by applicant along the right of way shall be repaired by applicant to the satisfaction of the City Engineer prior to Certificate of Occupancy. A moratorium along Old Quarry Road will be in effect for 5 years once the City’s Roadway and Improvements project is complete (anticipated for late 2017). Therefore no roadway utility trenching or damage to new improvements will be allowed without special permit considerations. New driveways “cuts” proposed by applicant along Old Quarry Road should be submitted to City as soon as possible for implementation/coordinations with new roadway improvements (currently underway).</td>
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<td>ix.</td>
<td><strong>Pavement Section and Restoration.</strong> Contractor shall match the existing pavement sections on Chilpancingo Parkway and Old Quarry Road as part of pavement restorations.</td>
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### B. Special Flood Hazard Area.

- Portion of the site (parking lot) at Cottonwood Drive existing bridge is within the Special Flood Hazard Area designated as AE (EL26 to 29), FIRM Map Number 06013C0277F. The Applicant shall comply with mitigation measures HYD3 and HYD 4 to ensure no significant flooding to the adjacent parcels.

- **Department:** PW/ENG
- **Submittal Required, Prior to:** Prior to Approval of Improvement Plans
- **Task Completion:** Prior To Occupancy

### C. ACCESS AND SIGN EASEMENT AGREEMENT.

- Applicant, CarMax Auto Superstores California, LLC, a Virginia limited liability Company (CarMax) as the ground lessee of the Car Dealership Parcel shall enter into an Access and Monument Sign Easement Agreement with the Owner of the Shopping Center Parcel, MGP X DVC, LLC, a Delaware limited liability company.

- **Department:** PW/ENG
- **Submittal Required, Prior to:** Prior to Approval of Improvement Plans
- **Task Completion:** Prior To Occupancy

### D. Pedestrian walkways/cross walks:

- Applicant shall provide pedestrian crossing and curb ramp shall meet the current ADA/Title 24 standards within the project limits as directed by the City Engineer.

- **Department:** PW/ENG
- **Submittal Required, Prior to:** Prior to Approval of Improvement Plans
- **Task Completion:** Prior To Occupancy

### E. Site Distance Exhibit:

- Applicant shall provide site distance exhibit showing adequate driver visibility at

- **Department:** PW/ENG
- **Submittal Required, Prior to:** Prior to Approval of Improvement Plans
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<td>any location where surface improvements are anticipated to exceed 30” high.</td>
<td>PW/ENG</td>
<td>Prior to Approval of Improvement Plans</td>
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<td>F</td>
<td><strong>Geotechnical Report:</strong> Geotechnical engineer to provide input as to the minimum setback for the bio-retention areas from building foundations and other site improvements or if protective linings and / or cut-off walls are necessary, consistent with the approved plans.</td>
<td>PW/ENG</td>
<td>Prior to Approval of Improvement Plans</td>
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<td>G</td>
<td><strong>Driveway:</strong> Running slope on individual driveways shall not exceed 11% max.</td>
<td>PW/ENG</td>
<td>Prior to Approval of Improvement Plans</td>
<td>Prior To Occupancy</td>
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<td>H</td>
<td><strong>Maintenance:</strong> All graded and stabilized areas including open space areas shall be maintained by the Applicant as outlined in the final geotechnical report and per City Planner/Engineer's direction.</td>
<td>PW/ENG</td>
<td>Prior to Approval of Improvement Plans</td>
<td>Prior To Occupancy</td>
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<td>I</td>
<td><strong>Net-Zero Runoff:</strong> Applicant shall submit drainage calculations (25 year storm event, 6 hour duration, zero net runoff) and storm water control plan per Municipal Regional Permit Provision C.3.</td>
<td>PW/ENG</td>
<td>Prior to Approval of Improvement Plans</td>
<td>Prior To Occupancy</td>
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<td>J</td>
<td><strong>Public Improvements.</strong> All required public improvements as specified in the project approvals shall conform to the applicable City of Pleasant Hill Standard Plans and design requirements and as approved by the City Engineer.</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Prior To Occupancy</td>
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<td>K</td>
<td><strong>Grading Plan.</strong> The Grading Plan shall be in conformance with the recommendations of the Geotechnical Report and the applicable City design standards &amp; ordinances. In case of conflict between the soil engineer’s recommendations and City ordinances, the City Engineer shall determine which shall apply.</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
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<td>L</td>
<td><strong>Site Plan.</strong> On-site improvements shall be designed in accordance with the approved project plans.</td>
<td>PW/ENG</td>
<td>Prior to Approval of Improvement Plans</td>
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<td>M</td>
<td><strong>Accessible Path of Travel.</strong> All walkways from the public and private sidewalks to the site shall be as shown on the approved plans, and shall be in conformance with current California Building Code and ADA requirements for accessibility.</td>
<td>PW/ENG</td>
<td>Improvement Plans and Through Completion of Improvements</td>
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<tr>
<td>N</td>
<td><strong>Site Accessibility Requirements/Driveways.</strong> All parking spaces for the disabled, and other physical site improvements, including the proposed driveway at the project entrance shall comply with current California Building Code and ADA requirements for accessibility, in the event and to the extent required for this project under applicable laws.</td>
<td>PW/ENG</td>
<td>Improvement Plans and Through Completion of Improvements</td>
<td>Public Works</td>
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<td><strong>Parking.</strong> All on-site and off-site vehicle parking spaces shall conform to the following:</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
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<td>a) All parking spaces shall be double striped using 4” white lines set 2 feet apart.</td>
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<td>b) Where wheel stops are shown, individual 6' long wheel stops shall be provided within each parking space in accordance with City Standards.</td>
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<td>c) A minimum 3’ radius shall be provided at curb returns and curb intersections where applicable.</td>
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<td>P.</td>
<td><strong>Bicycle Parking.</strong> Bicycle parking shall be provided in accordance with applicable California Green Building Standards. Location of the bicycle parking shall be subject to the review and approval of the City Engineer/Planner.</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
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<td>Q.</td>
<td><strong>Striping Plan.</strong> A Striping Plan showing all proposed striping within public and private streets shall be submitted for review and approval by the City Engineer.</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
</tr>
<tr>
<td>R.</td>
<td><strong>Street Signs.</strong> Applicant/Developer shall furnish and install street name signs, traffic signs &amp; traffic pavement markings within on-site streets as required by the City Engineer.</td>
<td>PW/ENG</td>
<td>Improvement Plans and Occupancy</td>
<td>Public Works</td>
</tr>
<tr>
<td>S.</td>
<td><strong>Pavement Markings.</strong> The Applicant/Developer shall be responsible for the following on-site traffic signs and pavement markings:</td>
<td>PW/ENG</td>
<td>Improvement Plans and Occupancy</td>
<td>Public Works</td>
</tr>
<tr>
<td></td>
<td>a) “No Dumping-Drains to Bay” storm drain medallions shall be placed on all public and private storm drain inlets.</td>
<td></td>
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<tr>
<td></td>
<td>b) Applicant shall install “No Stopping Fire Lane” sign and Red Curb/stencil as directed by the City Engineer.</td>
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<tr>
<td>T.</td>
<td><strong>Project signs.</strong> All proposed project monument signs shall be placed on private property. The signs should ideally be located outside any public easement areas, but exceptions can be made by the City Engineer. Any signage located in a public easement (for which an exception has not been granted by the City Engineer) is subject to removal and replacement at the expense of the Applicant/property owner if needed by the easement holder.</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
</tr>
<tr>
<td>U.</td>
<td><strong>Underground Utilities.</strong> All new public utilities located on-site or on the street frontage directly adjacent to the project site shall be located underground and provided within public utility easements and sized to meet utility company standards. Applicant shall not be required to underground any utilities that are not on-site or on the street frontage directly adjacent to the project site.</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
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</table>
### CONDITIONS OF APPROVAL

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>V.</td>
<td><strong>Trench Cut Street Restoration.</strong> When one (1) or more longitudinal or three (3) or more transverse trench cuts are required in a public street, the Developer shall perform a slurry seal over the street to the satisfaction of the City Engineer and in accordance with the approved utility plan (which reflects the anticipated trench cuts). Limits of the slurry seal or microsurface to be performed will be determined by the City Engineer based on the location and impacts of trench cuts to roadway surface.</td>
<td>PW/ENG</td>
<td>Acceptance of Improvements</td>
<td>Public Works</td>
</tr>
<tr>
<td>W.</td>
<td><strong>Utility Vaults.</strong> To the maximum extent practicable, all new utility vaults, boxes and structures on-site or on the street frontage directly adjacent to the project site shall be underground and placed in landscape areas and screened from public view. All new utility vaults, boxes and structures shall be shown on landscape plans and approved by the City Engineer and City Planner prior to construction.</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
</tr>
<tr>
<td>X.</td>
<td><strong>Underground Obstructions.</strong> Prior to demolition, excavation and grading on any portion of the project site, any underground obstructions (i.e. debris, septic tanks, fuel tanks, barrels, chemical waste) shall be identified and removed pursuant to applicable Federal, State and local regulations and subject to the review and approval by the City. Excavations shall be properly backfilled using structural fill, subject to the review and approval of the City Engineer.</td>
<td>PW/ENG</td>
<td>Grading/ Sitework Permit</td>
<td>Public Works</td>
</tr>
<tr>
<td>Y.</td>
<td><strong>Trash Capture.</strong> The project shall incorporate full trash capture measures such as inlet filters or hydrodynamic separators to address the requirements of Provision C.10 of the current Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP) to the satisfaction of the City Engineer.</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
</tr>
<tr>
<td>Z.</td>
<td><strong>Stormwater Treatment Measures Maintenance Agreement.</strong> Applicant shall enter into an Agreement with the City of Pleasant Hill that guarantees the Owner’s perpetual maintenance obligation for all trash capture measures installed as part of the project. The Agreement shall be recorded against the project site and shall run with the land.</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
</tr>
<tr>
<td>AA.</td>
<td><strong>Hydrology and Hydraulic Calculations.</strong> Hydrology and Hydraulic Calculations shall be provided for the design of the on-site and off-site storm drain system.</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
</tr>
<tr>
<td>BB.</td>
<td><strong>Geotechnical Report and Recommendations:</strong> The Applicant/Developer shall provide a site specific geotechnical report prepared by a geotechnical engineer</td>
<td>PW/ENG</td>
<td>Improvement Plans</td>
<td>Public Works</td>
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<td>pursuant to project EIR Mitigation Measure GEO-1. The geotechnical engineer shall certify that the project design conforms to the report recommendations prior to the approval of the Improvement Plans. All report recommendations shall be followed during the course of grading and construction.</td>
<td></td>
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<tr>
<td>CC</td>
<td><strong>Erosion Control During Construction.</strong> Applicant/Developer shall include an Erosion and Sediment Control Plan with the Grading and Improvement plans for review and approval by the City Engineer. Said plan shall be designed, implemented, and consistently maintained pursuant to the City’s NPDES permit between October 1st and April 15th or beyond these dates if dictated by rainy weather, or as otherwise directed by the City Engineer.</td>
<td>PW/ENG</td>
<td>Improvement Plans and Through Completion of Improvements</td>
<td>Public Works</td>
</tr>
<tr>
<td>DD</td>
<td><strong>Construction Noise Management Plan.</strong> Applicant/Developer shall prepare a Construction Noise Management Plan, to be approved by the City Engineer and Community Development Director, which reflects the identified measures to be taken to minimize construction noise on surrounding developed properties, as feasible. The Plan shall include hours of construction operation, use of mufflers on construction equipment, speed limit for construction traffic, haul routes and identify a noise monitor. Specific noise management measures shall be included in the project plans and specifications, and shall be consistent with any mitigation measures identified in the project’s MMRP.</td>
<td>PW/ENG</td>
<td>During Construction and Grading Activities</td>
<td>Public Works</td>
</tr>
<tr>
<td>EE</td>
<td><strong>Construction Hours.</strong> The Applicant’s contractor shall limit development activities as follows: (1) general construction activities shall only occur between the hours of 7:30 a.m. to 7:00 p.m. Monday through Friday, except that heavy equipment activities for mass site grading and improvements shall be further limited to 9 a.m. to 4 p.m. Monday thru Friday only, and shall be prohibited on all weekend days and City holidays. Construction activity, limited to interior work, is permitted on Saturdays between the hours of 9 a.m. and 6 p.m. only. All Grading/Construction activities (to include interior work) are prohibited on Sundays and on City recognized holidays. Lane closures within the public streets shall be limited to Monday – Friday between 9 a.m. and 4 p.m. and major resurfacing of Public Streets shall be done on the weekends between 9:00 a.m. 6 p.m. or per direction of</td>
<td>PW/ENG</td>
<td>During Construction</td>
<td>Public Works</td>
</tr>
<tr>
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<td></td>
<td>City Engineer. Overtime inspection rates will apply for all Saturday and/or holiday work. A staging plan for construction trucks and hauling route shall be submitted for review and approval. No staging of construction trucks or equipment are allowed on Old Quarry Road or Chilpancingo Parkway intersection.</td>
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</tr>
<tr>
<td>FF.</td>
<td><strong>Temporary Fencing.</strong> Temporary Construction fencing shall be installed along perimeter of all work under construction to separate the construction operation from the public and shall be done in conformance with the project’s MMRP. All construction activities shall be confined to within the fenced area. Construction materials and/or equipment shall not be operated or stored outside of the fenced area or within the public right-of-way unless approved in advance by the City Engineer.</td>
<td>PW/ENG</td>
<td>Through Completion of Improvements</td>
<td>Public Works</td>
</tr>
<tr>
<td>GG.</td>
<td><strong>Damage/Repairs.</strong> The Applicant/Developer shall be responsible for the repair of any damaged pavement, curb &amp; gutter, sidewalk, or other public street facility resulting from construction activities associated with the development of the project.</td>
<td>PW/ENG</td>
<td>Occupancy</td>
<td>Public Works</td>
</tr>
<tr>
<td>HH.</td>
<td><strong>Root Barriers and Tree Staking.</strong> The landscape plans shall provide details showing root barriers and tree staking meeting current City specifications.</td>
<td>PW/ENG</td>
<td>Approval of Landscape Plan</td>
<td>Planning</td>
</tr>
<tr>
<td>II.</td>
<td><strong>Easements.</strong> In the event and to the extent required under applicable laws, the Applicant/Developer shall acquire any easements, and/or obtain rights-of-entry from the adjacent property owners for any improvements on their property. Any such easements and/or rights-of-entry shall be in writing and copies shall be furnished to the City Engineer. Ingress and egress easements, emergency vehicle access easements, storm drain easements, water line easements, sanitary sewer easements and joint use parking easements will be required as and to the extent needed, between parcels. The easements shall be subject to the approval of the City Engineer.</td>
<td>PW/ENG</td>
<td>Grading/ Sitework Permit</td>
<td>Public Works</td>
</tr>
<tr>
<td>JJ.</td>
<td><strong>Occupancy Permit Requirements.</strong> Prior to issuance of an Occupancy Permit, the physical condition of the project site shall meet minimum health and safety standards including, but not limited to the following:</td>
<td>PW/ENG</td>
<td>Occupancy</td>
<td>Public Works</td>
</tr>
<tr>
<td></td>
<td>a) Lighting for the building and parking lot shall be adequate for safety and security. Exterior lighting shall be provided for building entrances/exits and pedestrian walkways. Security lighting shall be provided as required.</td>
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**CONDITIONS OF APPROVAL**

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<tbody>
<tr>
<td></td>
<td>b) All construction equipment, materials, or ongoing work shall be separated from the public by use of fencing, barricades, caution ribbon, or other means reasonably approved by the City Engineer.</td>
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</tr>
<tr>
<td></td>
<td>c) All fire hydrants for the buildings shall be operable and easily accessible. All site features designed to serve the accessible parking stalls, accessible walkways; signage for the buildings shall be installed and fully functional.</td>
<td></td>
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</tbody>
</table>

**EASEMENTS**

| KK. | The Developer shall obtain abandonment from all applicable public agencies of existing easements and right-of-ways that will no longer be used, if any.                                      | PW/ENG    | Approval of Final Parcel Map    | Standard Condition |
ENGINEERING DIVISION
STANDARD CONDITIONS OF APPROVAL

<table>
<thead>
<tr>
<th></th>
<th>General</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>The Project shall comply with all applicable requirements of the Municipal Code.</td>
<td>1.02.030</td>
</tr>
<tr>
<td>1.2</td>
<td>Grading/Drainage Permits: Grading/Drainage permit(s) shall be obtained from the Public Works and Community Development Department for proposed earthwork that exceeds 200 cubic yards in volume, 3 feet in depth, or 2:1 slope.</td>
<td>15.10.030C15</td>
</tr>
<tr>
<td>1.3</td>
<td>Encroachment Permit: An encroachment permit shall be obtained from the Public Works and Community Development Department for all work in the public right-of-way.</td>
<td>11.05.020</td>
</tr>
<tr>
<td>1.4</td>
<td>The Applicant shall pay all applicable City fees as established by City Council resolution and City ordinances in accordance with the project’s conditions of approval.</td>
<td>Various</td>
</tr>
<tr>
<td>1.5</td>
<td>Street and site design shall be in substantial conformance with the applicable City of Pleasant Hill Public Works and Community Development Department Standards in accordance with the project approvals.</td>
<td>Reso 87-00</td>
</tr>
<tr>
<td>2.1</td>
<td>The Applicant shall pay encroachment permit processing and inspection fees prior to the issuance of the encroachment permit, if required.</td>
<td>11.05.050</td>
</tr>
<tr>
<td>2.2</td>
<td>The Applicant shall pay a $10,000 deposit for the grading and improvement plan review at the time of plan submittal. The total fee (full cost recovery) shall be paid prior to issuance of the grading permit.</td>
<td>15.10.080, 17.35.050, 17.20.070, Reso 18-07</td>
</tr>
<tr>
<td>2.3</td>
<td>The Applicant shall pay a $7,500 deposit for the grading inspection prior to issuance of the grading permit. The total fee (full cost recovery) shall be paid prior to issuance of a certificate of completion.</td>
<td>15.10.190</td>
</tr>
<tr>
<td>2.5</td>
<td>The Applicant shall pay a $1,500 deposit for the stormwater quality and erosion control inspection prior to issuance of the grading permit. The total fee (full cost recovery) shall be paid prior to issuance of the certificate of occupancy.</td>
<td>Reso 18-07</td>
</tr>
<tr>
<td>2.7</td>
<td>The Applicant shall pay third party review fees (cost plus 10%) upon submittal of the plans or reports for review.</td>
<td>15.10.080</td>
</tr>
<tr>
<td>2.8</td>
<td>The Applicant shall pay the Drainage Area fee established by the Contra Costa County Flood Control and Water Conservation District in accordance with regulations establishing the Drainage Area prior to issuance of a building permit.</td>
<td>Reso 53-97, Reso 124-00</td>
</tr>
<tr>
<td>3.1</td>
<td>Bond amounts shall be based upon a Construction Estimate developed by the Applicant’s Civil Engineer or Contractor as reviewed and approved by the City.</td>
<td>11.05.090, 15.10.170, 17.35.070</td>
</tr>
<tr>
<td>3.2</td>
<td>The Bond underwriter shall be licensed to do business in the State of California.</td>
<td>17.35.070C1</td>
</tr>
<tr>
<td>3.3</td>
<td>A Cash Bond or Letter of Credit from a Financial Institution approved by the City Attorney may be submitted in-lieu of a Bond.</td>
<td>17.35.070C3</td>
</tr>
<tr>
<td>3.4</td>
<td>A Performance Bond shall be submitted to the City prior to issuance of a grading permit as required by the City Engineer. The bond amount will account for all costs to</td>
<td>15.10.170</td>
</tr>
</tbody>
</table>
construct the approved grading and drainage plan, to install and maintain erosion and sediment controls, and to implement pollution prevention best management practices during the course of construction.

| 3.5 | A Performance Bond and Payment Bond shall be submitted to the City prior to issuance of an encroachment permit as required by the City Engineer. The bond amount shall be for the amount to restore the right-of-way to its former condition, and shall also include costs of work zone traffic control and restoring the pavement delineation. | 11.05.090 |
| 3.6 | A Cash or Corporate Surety Bond in the amount of 50% of the estimated total grading work shall be submitted to the City prior to issuance of a grading permit. | 11.05.090, 15.10.170 |
| 3.7 | The Applicant shall repair, at its expense, any existing facility damaged by their construction activities. Work shall be completed prior to the issuance of a certificate of occupancy. | PW Std |

### 4 Grading

| 4.1 | Recommendations cited in the final City approved geologic and geotechnical report and peer review shall be implemented in the project design and construction in accordance with Mitigation Measure GEO-I. The Applicant shall mitigate all issues revealed in the report and by the City or peer review, subject to the City Engineer’s confirmation of same. | 15.10.070 |
| 4.2 | The Soils Reports shall include an evaluation of geological hazards (landslides, liquefaction, ground faulting, underground aquifers, etc.), and stability of the proposed development site including surrounding properties. The report shall include recommendations to correct identified hazards and to mitigate impacts of the development, as described more fully in the project’s identified mitigation measures in the EIR and MMRP. | 15.10.070 |
| 4.3 | The Applicant’s Civil Engineer shall submit on-site improvement plans, grading plans, and public improvement plans, utility plans and landscape plans for review and approval by the Public Works and Community Development Department prior to issuance of a grading permit. The plans must conform to the City’s "Public Works and Community Development Standards for Public Improvements." The plans shall include, but not be limited to: drainage, frontage improvements, utilities, and earthwork. | 15.10.070 |
| 4.4 | The Applicant’s Civil Engineer shall submit an erosion control plan, including cost estimate, for review and approval by the Public Works and Community Development Department. | 15.10.070 |
| 4.5 | The Applicant’s contractor shall provide adequate dust control measures during grading, as described more fully in the project’s identified mitigation measures in the EIR and MMRP. | 15.10.280 |
| 4.6 | The Applicant’s contractor shall implement erosion control measures as per the erosion control plan and incorporate guidelines and measures from the most current RWQCB/ABAG manual for erosion and sediment control if grading work is not completed by October 15 as described in the EIR and MMRP. | 15.10.280 |
| 4.7 | The Applicant’s Soils Engineer shall inspect and certify that grading work was performed in conformance with the approved grading plan and geotechnical investigation report. | 15.10.110 |
| 4.8 | The Applicant’s Civil Engineer shall certify that the actual pad elevation for each lot is in conformance with the approved grading plan. | 15.10.110 |
| 4.9 | Subdrains shall be shown on the grading plans. | PW Std |
4.10 Mylar as-built grading plans signed by the soils engineer shall be submitted to the Public Works and Community Development Department prior to the issuance of a Certificate of Occupancy.  

5 Drainage

5.1 Any stormwater facilities proposed to be accepted as public improvements by the City shall be designed to accommodate reasonable access and maintenance by the City. Stormwater facility design shall be consistent with applicable requirements (including with the location of the facilities shown on the approved Site Development Plans) and subject to approval by the Public Works and Community Development Department prior to the issuance of Grading Permits.

5.2 The Applicant shall prepare a drainage analysis prior to issuance of Grading Permits to determine rainfall runoff quantities and on-site storm drain flow. The analysis shall consider the 25 year 6 hour storm and shall account for upstream offsite tributary quantities. The analysis shall provide evidence of achieving “zero net runoff” for the 25 year storm event, to the maximum extent practicable, subject to the approval of the City Engineer.

5.3 The Applicant shall design and install improvements, including off site improvements such as flap gates and head walls to minimize the occurrence of localized flooding. Improvements shall meet with the approval of the City Engineer.

5.4 Stormwater shall be discharged by gravity flow to an approved (city owned and maintained) storm drain system.

5.5 Storm drains carrying public runoff shall be routed only in roadway right-of-way unless otherwise approved by the City Engineer.

5.6 Stormwater runoff shall be calculated by Rational Method for the 25 year-6 hour and 100 year - 6 hour events.

5.7 Culverts shall be designed to convey 25 year - 6 hour event.

5.8 Minimum culvert size for pipes within the public right of way is 18 inches.

5.9 Enclosing (culverting) of natural drains, creeks or rivers is not permitted.

5.10 Minimum drainage easement width shall be 10 feet.

5.11 All drainage facilities shall be designed with “positive drainage”.

6 Utilities

6.1 Applicant shall obtain those permits required by other agencies having jurisdiction within the construction area, to the extent required under applicable laws.

6.2 Applicant shall provide proof of service agreements and approved utility facility plans to the Public Works and Community Development Department prior to the approval of the improvement plans.

6.3 Underground utility connections shall be made by open trench (no bore/jack methods are anticipated for this project). Plans shall include details of receiving pits.

6.4 All new utility facilities located on-site or on the street frontage directly adjacent to the project site shall be placed underground. No other facilities shall be required to be undergrounded.

6.5 All utility facilities (including but not limited to, storm drains, water mains, sewer mains, gas, electric, telephone, cable TV) shall be located in utility easements.

7 Stormwater Pollution Prevention
### 7.1 If the project disturbs 1 acre or more of land, then the Applicant shall obtain a Notice of Intent (NOI) to comply with State of California General Construction NPDES Permit. A copy of this NOI shall be submitted to the Engineering Division prior to issuance of a Grading Permit.

**RWQCB Reg**

### 7.2 The Applicant shall implement a water conservation irrigation system, appropriate landscape design, and proper operation and maintenance methods to reduce excess irrigation runoff, promote surface filtration, and minimize use of fertilizers, herbicides, and pesticides in accordance with applicable laws and approved landscape plans.

**NPDES Permit Mandate**

### 7.3 Drainage from impervious surfaces shall be routed through grassy swales, buffer strips, sand filters or other similar treatment BMP prior to discharge into the storm drainage system, to the maximum extent practicable, in accordance with applicable laws and approved site plans.

**NPDES Permit Mandate**

### 7.4 Site and landscape design details shall incorporate concepts and techniques described in the “Start at the Source” site design guidance manual to the maximum extent practicable.

**NPDES Permit Mandate**

### 7.5 The booklet "Blueprint for a Clean Bay" shall be included in project plans and specifications prior to issuance of a Grading Permit. Project plans shall include a sheet entitled "Pollution Prevention, its Part of the Plan."

**NPDES Permit Mandate**

### 7.6 The Applicant shall install “No Dumping - Drains to Bay” green and blue stainless steel markers (Almatek, or approved equivalent), on all existing and proposed storm drain inlets.

**NPDES Permit Mandate**

### 7.7 The Applicant shall submit a Stormwater Pollution Prevention (SWPPP) for approval by the City Engineer, prior to approval of the improvement plans. The SWPPP will define Best Management Practices and site management processes (including, but not limited to, litter control, motor vehicle washing and maintenance, and storage of hazardous materials) to assure that pollutant discharges will not occur. The Applicant shall implement the approved plan during construction.

**PW Std. C6C**

### 7.8 The Applicant shall submit a Stormwater Control Plan (SCP) for approval by the City Engineer, prior to issuance of a certificate of occupancy. The SCP shall meet the criteria set forth in the latest version of the Stormwater C.3 Guidebook and demonstrate that the project incorporates BMPs that minimize the effect of post-development runoff to the maximum extent practicable.

**15.05.050**

### 7.9 Stormwater treatment facilities shall be made accessible to the City and other public agencies, including, but not limited to, Central Contra Costa Sanitary District, Contra Costa Mosquito and Vector Control District, and Contra Costa County Fire Protection District.

**15.05.050**

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### 8 Peer Review

#### 8.1 Third party peer reviews of technical reports specified in this COA 8.1 may be required as determined by the City Engineer for the purpose of documenting conformance with these conditions. The review shall be performed at the Applicant's expense and may include the review of the final soils report, grading, hydrology, lot closure calculations, improvement plans, erosion control plans, post construction pollution prevention plans, and/or field inspections of permitted work. Applicant shall submit a deposit to the City prior to any third party review required under this COA 8.1.

**17.030.070, 15.10.080**
### Traffic

| 9.1 | Applicant shall install on and off-site traffic mitigation improvements as recommended and accepted by the City Engineer and in accordance with the mitigation measures identified in the EIR and MMRP | 17.25.040 |

### Streets

| 10.1 | Street layouts shall comply with Table 1 and Table 2 of the PW Std. | PW Std C3 |
| 10.2 | Concrete curbs and gutters shall be installed on all new streets within the project site. | PW Std C3 |
| 10.3 | ADA accessibility shall be provided in compliance with Title 24. | PW Std C3 |
| 10.4 | Concrete sidewalks shall be installed on both sides of street within the project site. | PW Std C3 |
| 10.5 | Street trees shall be provided every 30 feet (in right of way or on private property). | PW Std C3 |
| 10.6 | Streetlights shall be designed in conformance with Table 3 of the PW Std. | PW Std C3 |
| 10.7 | | |
| 10.8 | Traffic control during construction shall be provided in compliance with Caltrans Stds | PW Std C3 |
| 10.9 | Fences or sound walls along common property lines shall be installed on dual frontage streets. | PW Std C5 |
| 10.10 | Fences or sound walls in Public Right-Of-Way shall conform to applicable development standards, color and material shall be approved by the City Council pursuant to the ARC permit. | PW Std C5 |

### Miscellaneous

| 11.1 | All projects requiring subdivision or development plan approval shall enter into a lighting and landscape district (if applicable) to assure long term funding and maintenance of landscaped improvements. For this project, on-site lighting and landscaping will be operated, funded and maintained by the applicant/operator and therefore no lighting and landscape district shall be necessary. | PW Dept Recommend |
| 11.2 | Trash/Recycling enclosures shall be designed with a cover and screening (if applicable). | PW Dept Recommend |
| 11.3 | The Applicant shall submit a Waste Management Plan (WMP) as part of a building, demolition or encroachment permit for approval by the Chief Building Official. The WMP shall acknowledge that 50% of all construction and demolition debris shall be diverted, and shall include the applicable performance security. | 14.40.050 |