

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE LP07-2078, AS
APPROVED BY THE SAN RAMON VALLEY REGIONAL PLANNING COMMISSION
ON WEDNESDAY, OCTOBER 22, 2008.**

A. Growth Management Element Performance Standards

- 1) Traffic: The proposed development for driving range netting would not result in additional trips to the subject property. There is no change to the number of peak hour trips to the site. Therefore, preparation of a traffic report pursuant to the Measure C-1988 requirements is not necessary.
- 2) Water: The site is within the service area of East Bay Municipal Utilities District. The District currently provides water service to the site and there is no proposed change in service.
- 3) Sanitary Sewer: The site is within the service area of the Central Sanitary District. The District currently provides sewer service to the site and there is no proposed change in service.
- 4) Fire Protection: The site is within the service area of the San Ramon Valley Fire District.
- 5) Public Protection: The Growth Management standard is 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population. The proposed development will not increase the residential population within the area, and the proposal will not require the construction of additional Sheriff's facilities.
- 6) Parks and Recreation: The project does not include a residential element and therefore would not have any adverse impacts to existing parks and recreational facilities. The existing golf course is a park and recreation facility
- 7) Flood Control and Drainage: The site is located within Flood Zone C, an area with minimal flooding.

A. Land Use Findings:

1. The proposed project as conditioned will not be detrimental to the health, safety and general welfare of the County.

Project Finding: The proposed development is intended to provide additional safety features to the golf course facility in response to the neighbor's complaint to the Country Club of golf balls trespassing onto his

property. The applicants have already implemented measures in the club which would restrict the use of specific clubs at certain positions on the driving range in order to avoid balls from being hit over the existing 20 foot fence, as indicated by the applicant, at the end of the driving range and onto neighboring properties. The proposal will supplement the policies of the Country Club in protecting the private property that borders the driving range area and is proposed based on the calculations made by the applicant's engineer and recommendations made by the netting company.

2. The proposed project as conditioned will not adversely affect the orderly development of the property within the County.

Project Finding: The proposed development for golf course netting is consistent with the use of the Country Club and is complementary to the golf course use that was established under an approved land use permit authorized in 1958. The surrounding residential development was part of the proposed subdivision which included the existing Country Club and 18-hole golf course.

3. The proposed project as conditioned will not adversely affect the preservation of the property values and protection of the tax base within the County.

Project Finding: The proposed golf course netting is intended to provide additional safety measures to an existing facility in an attempt to keep golf balls from the driving range to be confined to the driving range area. The proposed project will not alter what has been existing on the site since 1958, and is responding to the neighbor's complaints and the improved technology of golfing equipment. The use of the driving range and golf course has been consistent and according to the applicant, has not changed in location. This development will provide further protection of the neighbor's property from potential golf balls that may fly onto his property.

4. The proposed project as conditioned will not adversely affect the policy and goals as set by the General Plan.

Project Finding: The General Plan designation for this site is Parks and Recreation (PR) which allows for golf course uses on the site. The proposal for a netting structure will not have any significant adverse impacts to the policies and goals of the General Plan as this proposal involves the addition of safety equipment to an existing use.

5. The proposed project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.

Project Finding: Although, no gold balls were observed flying over the existing 20 foot tall fence by the applicant or staff during a site visit, it is reasonable to accept that there may be golf balls from the driving range that could potentially make it over the existing fence. The proposal is not to modify the location of the golf course facility, but to amend the existing use permit to install a driving range netting structure to the existing facility which exceeds the height and side yard setback standards of the zoning district. The proposed fence will not create a nuisance as the intention of the structure is to provide further protection to the residence that is located at the end of the driving range. The structure in itself will not attract an increased volume of traffic to the area nor will it attract crime or other enforcement issues.

Although it can be generally accepted that living next to a golf course and driving range can be a annoying when the occasional stray ball is hit outside of the driving range onto private property, the proposed use permit is only for the review of the driving range netting proposed and not for the golf course use on the property. The golf course was established on site in 1958 and is a legal use on the property. Staff understands that the neighbors were aware of this use when they purchased the property and were required to sign a disclosure acknowledging their understanding of the situation.

6. The proposed project as conditioned will not encourage marginal development within the neighborhood.

Project Finding: The subject property and surrounding area is fully developed. The proposed project to modify the existing land use permit for the golf course to add driving range netting will not encourage marginal development within the neighborhood.

7. That special conditions or unique characteristics of the subject property and its location or surroundings are established.

Project Finding: There is an existing golf course with driving range which has been established as a part of the Country Club which is located within a residential neighborhood on a site designated Parks and Recreation in the General Plan. The proposed development to construct driving range netting is consistent with the existing golf course use and is intended to contain any balls hit from the driving range from entering the neighboring property. The proposed development is intended to respond to the

neighbor's complaint to the Country Club and to the new technology that has been established in golfing equipment.

B. Findings for Requested Variances to Side Yard and Structure height Zoning Design Standards:

1. **That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.**

Finding: Proposing the driving range netting in a different location to meet the current zoning setback standards or reducing its height to meet zoning height standards will reduce the effectiveness of the proposed netting structure. The granting of this proposal is consistent with similar structures which are constructed on driving ranges or golf courses within the County. Although the subject property is zoned residential, and the surrounding development is residential in nature, the overall proposal is consistent with a residential golf course community and the existing development on the site.

2. **That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.**

Finding: This proposed development was filed in response to complaints from the neighboring property owner at 2349 Royal Oaks Drive that golf balls from the existing driving range are flying over the existing fence onto their property. To remedy this neighbor's complaint, the applicant is proposing the netting structure at the specific location. If the applicants were to relocate the proposed structure to a different location to meet the side setback requirement of 10 feet and reduced its height to meet the maximum height of 35 feet, the netting structure will not be as effective in providing screening from potential golf ball encroachment onto neighboring properties. Although the golf course staff monitors the area and restricts the use of specific clubs on the driving range to avoid balls from flying onto neighboring lots, the Round Hill Country Club is proposing this structure to remedy the situation.

3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

Finding: The proposal and the requested variances from the side setback and height requirement meets the intent and purpose of the General Plan designated land use district of Parks and Recreation. The proposal does not introduce a new land use to the property, rather, it proposes an accessory structure which is incidental to the primary use on the property and to the existing golf course driving range. The variance proposed will allow for the addition of a safety structure to be located on the property so that the any potential golf balls that may fly over the existing structure and shrubs would be screened from the neighboring property. The Single Family Residential Zoning District (R-15 & R-6) allows for a maximum height of 35 feet for a structure as indicated under § 84-4.802 of the Zoning Ordinance.

C. Impacts to Code Protected Trees

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

CONDITIONS OF APPROVAL

Project Approval

1. _____ This permit for the amendment to a land use permit is approved for the construction of driving range netting structure with 55 foot tall poles 55 feet high netting and 172 feet in width with variances to the side yard and height requirements.

This approval is based on the following exhibits and is subject to the conditions contained herein:

- a. Application and plans received by the Community Development Department on November 30, 2007.
- b. As modified by revised plans dated received February 15, 2008.
- c. Golf Ball Trajectory Analysis dated received April 7, 2008.
- d. Requested variance to R-15 zoning district standards are granted as follows:

2-foot side yard (where a minimum of 10 feet is required)

55-foot tall netting structure (where a maximum of 35 feet is permitted)

Trees

2. _____ A tree permit is required for removal or work within the drip line of code protected trees on the site. Prior to removal or work within the drip line of trees not included in this proposal, a tree permit must be first obtained.
3. _____ Prior to the issuance of a building permit for the proposed netting structure, the applicant shall submit updated plans that accurately show the location of the newly planted trees on the site plan. All trees located within the vicinity of the proposed development shall be shown on the plans for building permits, and must identify the size and species of the tree. An extra copy of the updated site plan shall be provided at that time for the file.

Prohibition of Parking

3. _____ No parking or storing vehicles, equipment, machinery or construction materials, construction trailers and no dumping of oils or chemicals shall be permitted within the drip line of code protected trees.

GENERAL CONDITIONS

Construction Requirements and Restrictions

4. _____ At least one week prior to commencement of construction activity, the applicant shall post at the site and mail to the owners of property within 300 feet of the exterior boundary of the project site, notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall also be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of individuals responsible for noise and litter control, construction traffic and vehicles, and the 24-hour emergency number shall be expressly identified on the notice. The notice shall be re-issued with each phase of major grading and construction activity.
5. _____ All construction activities shall be limited to the hours of 7:30 a.m. to 5:00 p.m., Monday through Friday, and shall be prohibited on Saturday, Sunday and the following state and federal holidays:

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

These restrictions shall be stated on the face of all construction drawings. The following websites provide details on the actual days that the state and federal holidays occur:

Federal Holidays: <http://www.opm.gov/fedhol/>
California Holidays: <http://www.edd.ca.gov/eddsthoh.htm>

6. _____ Transporting of trucks and heavy equipment shall be limited to the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday, and shall be prohibited on state and federal holidays, Saturdays and Sundays. These restrictions shall be stated on the face of all construction drawings.
7. _____ No parking or material stockpiling shall be permitted within the drip line of any tree intended for preservation. These restrictions shall be stated on the face of all construction drawings.
8. _____ The applicant shall immediately notify the Community Development Department of any damage that occurs to any tree during the construction process. This requirement shall be stated on the face of all construction drawings.
9. _____ The applicant shall require the contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition. This requirement shall be stated on the face of all construction drawings.
10. _____ Unnecessary idling of internal combustion engines is prohibited. This restriction shall be stated on the face of all construction drawings.
11. _____ The applicant shall make a good faith effort to avoid interference with

existing neighborhood traffic flows. Construction equipment shall be parked onsite. These requirements shall be stated on the face of all construction drawings.

12. _____ The site and surrounding area shall be maintained in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be removed as necessary. Following cessation of construction activity, all construction materials and debris shall be removed. These requirements shall be stated on the face of all construction drawings.
13. _____ The site shall be watered throughout the day in order to minimize the amount of dust and particulates in the air resulting from construction. This requirement shall be stated on the face of all construction drawings.
14. _____ Dump trucks entering and exiting the site shall be covered when hauling loose materials. This requirement shall be stated on the face of all construction drawings.
15. _____ Loose dirt particles tracked onto neighboring properties and public rights-of-way shall be swept and collected as necessary. This requirement shall be stated on the face of all construction drawings.

Archaeology

16. _____ Should archaeological materials be uncovered during grading, trenching or other on-site activity, earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
17. _____ Should human remains be discovered, construction work shall be stopped and the coroner shall be contacted immediately, per Public Resources Code Section 15064.5(e).

Application Fees

18. _____ This application is subject to an initial application fee of \$1,063.00, which was paid with the application submittal, and time and material costs if the application review expenses exceed 100% of the initial fee. Any additional fees due must be paid within 60 days of the permit effective date or prior to use of the permit whichever occurs first. The fees include costs through permit issuance plus five working days for file preparation. You may obtain

current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

ADVISORY NOTES

A. **NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.**

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90)-day period, in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation and Development, Community Development Division within 90 days of the approval date of this permit.

B. Additional requirements may be imposed by the Fire District, the Sanitary District and the Building Inspection Division. It is advisable to check with these agencies prior to requesting a building permit or proceeding with the project.