

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #LP09-2026. AS APPROVED BY THE COUNTY PLANNING COMMISSION ZONING ADMINISTRATOR ON JULY/AUGUST 23/11, 2011. ATI ARCHITECTS (APPLICANT) AND SAN RAMON VALLEY FIRE PROTECTION DISTRICT (OWNER). FIRE STATION #32

A. LAND USE PERMIT FINDINGS

- 1) *The proposed conditional land use shall not be detrimental to the health, safety and general welfare of the county;*

Project Finding: The San Ramon Valley Fire Protection District's new Fire Station #32 is being built as an upgrade to the existing Fire Station #32 which is located approximately 0.4-miles west on Stone Valley Road. The construction of a new station will provide the district with an efficient, reliable, and self sustaining emergency response facility that will serve the needs of the residents of Alamo for the foreseeable future. Based on the information provided with the application and based on the Final Mitigated Negative Declaration prepared for the project, the new Fire Station will not be detrimental to the health, safety and general welfare of the County, but will instead benefit the County.

- 2) *The proposed conditional land use shall not adversely affect the orderly development of property within the county;*

Project Finding: The fire station will be located on a 1.1-acre parcel located at the corner of Stone Valley Road and Miranda Avenue in a residential neighborhood. The fire station will be a 9,400 square foot single story building that incorporates many residential design features meant to maintain consistency with the character of the surrounding neighborhood. The fire station is consistent with the setback, side yard and height requirements of the R-20 Zoning District in which it is located.

- 3) *The proposed conditional land use shall not adversely affect the preservation of property values and the protection of the tax base within the county;*

Project Finding: The fire station is designed in a manner that is consistent with the character of the surrounding single family residential neighborhood. The building and accessory structures will meet all of the development standards of the R-20 zoning district in which the property is located. Fire stations are commonly found in single family residential neighborhoods and generally do not adversely affect surrounding property values.

- 4) *The proposed conditional land use shall not adversely affect the policy and goals as set by the general plan;*

Project Finding: Based on the submitted building and site plans, the attached conditions of approval and the mitigation monitoring program prepared for the project, the fire station will not adversely affect the policy and goals as set by the County General Plan.

The fire station application was processed according to the provisions of the County General Plan and was reviewed for consistency with all relevant General Plan goals and policies.

- 5) *The proposed conditional land use shall not create a nuisance and/or enforcement problem within the neighborhood or community;*

Project Finding: The fire station will not create a nuisance or enforcement problem within the neighborhood or community. The fire station will house six firefighters and will provide the neighborhood and community with a new, safe, and updated emergency response facility. A mitigated negative declaration was prepared for the fire station and information in the MND indicates that the fire station will not result in any noise or traffic impacts or nuisances.

- 6) *The proposed conditional land use shall not encourage marginal development within the neighborhood;*

Project Finding: The fire station will be located on the corner of Stone Valley Road and Miranda Avenue in a residential neighborhood. The fire station incorporates many residential design features and will be compatible with the character of the neighborhood. The fire station complies with the development standards of the R-20 Zoning District in which it is located including all height, setback and sideyard requirements. A fire station is a use that is not uncommonly found in residential neighborhoods throughout the County and is not considered a marginal use.

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

Project Finding: The subject 1.1-acre site is located at the intersection of Stone Valley Road and Miranda Avenue in the Alamo area. The intersection is signalized which is one of the main reasons that the Fire District selected this location since they would have the ability to control traffic at the intersection with signal pre-emption. The site's location on Stone Valley Road, which is one of the main thoroughfares in the Alamo area, will also provide the Fire District with easy quick and easy access to any emergencies within the station's service area.

B. GROWTH MANAGEMENT PERFORMANCE STANDARDS

- 1) **Traffic:** The fire station will house six firefighters who will work three day shifts. The only traffic generated by the fire station will be during shift changes and when going on emergency calls. According to the Fire District, the average amount of call for the fire station will be 1.5 per day.
- 2) **Water:** The fire station will not result in a significant increase in demand for municipal water.

- 3) **Sanitary Sewer**: The fire station will not result in a significant increase in sanitary services.
- 4) **Fire Protection**: Relocation of Fire Station #32 will not increase the need for fire protection services in the area.
- 5) **Public Protection**: Relocation of Fire Station #32 will not result in an increased need for police services or protection.
- 6) **Parks & Recreation**: Relocation of Fire Station #32 will not result in an increased need for recreational facilities.
- 7) **Flood Control & Drainage**: A portion of the subject property is located within the 100-year flood zone but none of the new building will be located within the flood zone. The runoff generated by the fire station will be collected, cleaned and then conveyed into the existing storm drain facilities located within Miranda Avenue.

C. **TREE PERMIT REMOVAL FINDINGS**

- A. **Required Factor for Granting Tree Permit**: The County Zoning Administrator is satisfied that the following factor as provided by County Code Section 816-6.8010 for granting a tree permit has been satisfied:

Project Factor: 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.

D. **EXCEPTION TO TITLE 9 (SUBDIVISION ORDINANCE) FINDINGS**

- 1) *There are unusual circumstances or conditions affecting the property.*

Project Finding: The creek structure setback line as calculated using the formula in the Rights-of-Way and Setbacks Chapter (Chapter 914-14) of the County Subdivision Ordinance (Title 9) rendered a large portion of the subject property unbuildable and unusable.

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

Project Finding: In order for the Fire District to utilize the property in a reasonable manner, an exception to the creek structure setback is required. The District is not requesting that the creek structure setback requirement be eliminated just that the line be moved beyond the footprint of the proposed fire station. The Fire District has provided evidence in the form of a Geotechnical Exploration Study prepared by ENGEO, dated December 9, 2009 and Creek Setback Recommendations Report prepared by ENGEO dated January 13, 2011 providing evidence and support for granting the exception to the setback.

- 3) *The granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is located.*

Project Finding: The Geotechnical Exploration Study prepared for the site indicates that the creek bank is stable; therefore allowing an exception to the creek structure setback will not be materially detrimental to the public welfare or injurious to other property owners in the area. The exception will only allow the creek structure setback line to be moved, at a maximum 10-feet north from its calculated location.

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1. ____ Development is approved as shown on revised plans received by the Department of Conservation and Development on January 20, 2010; January 25, 2010; and the landscaping plan received on February 4, 2010; subject to final review and approval by the County Zoning Administrator prior to the issuance of a building permit, and subject to the conditions listed below.
2. ____ This application is subject to an initial application deposit of \$2,700.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. Any additional fee due must be paid prior to the issuance of permits. The fees include costs through permit issuance plus five working days for file preparation. The applicant may obtain current costs by contacting the project planner. If the applicant owes additional fees, a bill will be sent to the applicant shortly after permit issuance.

Operational Conditions

3. ____ Noise generating testing of vehicles or equipment that could be heard from abutting residential properties shall not occur prior to 8 A.M. on weekdays and 9 A.M. on weekends.

Back-Up Noise

- xx. At least 30 days prior to the submittal of building plans to the Department of Conservation and Development for building permit approval for the fire station, the applicant shall submit to the Zoning Administrator for review and approval, an emergency vehicle back-up warning signal noise mitigation plan identifying measures to be taken by the Fire District to mitigate or eliminate back-up warning signal noise. Any decision by the County Zoning Administrator relating to the back-up noise plan can be appealed to the County Planning Commission.

Visual Mitigation

- xx. At least 30 days prior to requesting building permit review by the Department of Conservation and Development for the fire station, the applicant shall submit to the Zoning Administrator a visual mitigation study comparing and contrasting the screening effectiveness and aesthetic impacts of the installation of the proposed "green screens" or 7-foot or higher solid wood fence behind the fire station. Based on this study, the Zoning Administrator shall determine which form of screening shall be installed. The Zoning Administrator's determination shall be provided in writing to

the applicant and the screening shall be installed PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT FOR THE FIRE STATION.

Intersection Improvements

xx. If the County Public Works Department deems that upgrades or improvements to the intersection of Stone Valley Road and Miranda Avenue are required as a result of the operation or construction of Fire Station #32, the San Ramon Valley Fire Protection District shall agree to pay for such upgrades or improvements to the intersection.

Plan Changes

4. _____ Any changes to the design of the proposed fire station shall be subject to review by the County Zoning Administrator and may be subject to review by the Alamo Municipal Advisory Council, as determined by the Zoning Administrator.

Exterior Design

5. _____ At least 30-days prior to submitting building plans the Building Inspection Division for review,, the applicant shall provide evidence that the landscaping plan has been submitted to the Alamo MAC for review and comment.

6. _____ At least 30 days prior to submitting building plans to the Building Inspection Division for review, the applicant shall prepare for review of the Zoning Administrator, a report that analyzes and evaluates the possibility of reducing the tower height anywhere from 1 to 5 feet. If it is determined that lowering of the tower is feasible, or at the request of the Zoning Administrator, the applicant shall lower the tower height 1 to 5 feet.

7. _____ At least 30 days prior to submitting building plans to the Building Inspection Division for review, the applicant shall provide a building exterior color palette for review and approval of the Zoning Administrator. The color palette shall specifically identify neutral coloring for the bay doors. Prior to submittal of the color palette, the applicant shall provide evidence that the proposed exterior color plan has been submitted to the Alamo Municipal Advisory Council for review and comment.

8. _____ At lease 30 days prior to submitting building plans to the Building Inspection Division for review, the applicant shall provide evidence for review and approval of the Zoning Administrator, that the windows at the back of the fire station, specifically the “day room” windows, have been designed in a manner that will protect the privace of the adjacent property owners to the north. This may include moving the windows up closer to the ceiling or installing opaque windows.

Parking

9. _____ Applicant shall ensure that there is adequate parking on the subject property for employees and guest of the fire station at all times. Firehouse parking on Megan Court is prohibited; notice of this restriction shall be posted within the fire station.

Signs

10. _____ No variance for signage is approved. One sign is allowed with this permit for purposes of identification, having a maximum area of 6-square feet and height of not more than 3-feet. The sign shall be of a monument style. All signage for the Fire Station shall comply with the provisions of the County Outdoor Advertising Ordinance (Chapter 86-6) or shall require review and approval of a modification to this land use permit.

Walls

11. _____ At least 30 days prior to issuance of building permits for the Fire Station, a sample section and color of the proposed masonry wall(s) along Stone Valley Road and Miranda Avenue shall be submitted for the review and approval of the Zoning Administrator.

Tree Permit

12. _____ A tree permit to allow the removal of five (5) trees (tree #48, 49, 50, 51 and 52) and to allow work within the dripline of nine (9) trees is approved based on the following documents:

- Tree Survey, 2100 Stone Valley Road, prepared by Timothy C. Ghirardelli, dated September 15, 2009

13. _____ Security for Possible Damage to Trees Intended for Preservation: Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that construction activity damages trees that are to be preserved, the applicant shall provide the County with a security to allow for replacement of trees that are significantly damaged or destroyed by construction activity. **Prior to issuance of grading permits or building permits, whichever occurs first**, the applicant shall provide a security that is acceptable to the Zoning Administrator.

A. Amount of Security: The security shall be an amount sufficient to cover:

- Preparation of a tree planting and irrigation plan by a licensed landscape architect, arborist, or landscape contractor. The plan shall provide for the planting and irrigation of up to 32 trees, minimum 15 gallons in size, or as determined appropriate by the Zoning Administrator. The plan shall comply with the Water Conservation Landscaping Ordinance (County Code Chapter 82-26).

- The estimated materials and labor costs to complete the improvements shown on the approved planting and irrigation plan (accounting for supply, delivery, and installation of trees and irrigation).
- An *additional 20%* above the costs described in Sections 4.A to account for inflation potential.
- This security is calculated, and held independently of the security described in condition #3 above.

B. Initial Deposit for Processing of Security: The County ordinance requires that the applicant pay fees to cover all staff time and material costs for processing the required security. At the time of submittal of the security, the applicant shall pay an initial deposit of \$100.

C. Duration of Security: After the final building inspection has been completed, the applicant shall submit a letter to the Department of Conservation and Development, Community Development Division, composed by the consulting arborist, describing any construction impacts to trees intended for preservation. The security shall be retained by the County for up to 24 months beyond the date of receipt of this letter. At approximately 18 months from the date of the final building inspection, the applicant shall arrange for the consulting arborist to inspect the trees and to prepare a report on the trees' health. The report shall be submitted for the review of the Zoning Administrator and it shall include any additional measures necessary for preserving the health of the trees. These measures shall be implemented by the applicant. In the event that the Zoning Administrator determines that trees intended for preservation have been damaged by development activity, and that the applicant has not been diligent in providing reasonable restitution of the damaged trees, then the Zoning Administrator may require that all or part of the security be used to provide for mitigation of the tree(s) damaged, including replacement of any trees that have died.

14. _____ All preserved trees shall have tree protection fencing installed prior to any construction and throughout the construction process to minimize damage to root systems of preserved trees. Tree Protection fencing will consist of 4-foot high orange plastic fencing set on metal stakes placed at 6-foot centers. No equipment, storage, dumping, grading or excavation should be permitted within the designated tree protection fencing area without the prior written approval of the consulting arborist. If excavation must occur within the tree protection fencing the consulting arborist should determine where tunneling, hand work, and root pruning is required (root pruning should be completed prior to grading activity).

15. _____ The subject trees shall be inspected by the consulting arborist three months following the construction of the proposed structure's foundation, and any additional recommendations necessary to ensure preservation of the trees shall be followed.

16. _____ The subject trees shall be inspected by the consulting arborist following final the final inspection for the residence, and any additional recommendations necessary to ensure preservation of the trees shall be followed.
17. _____ The Tree and Root Zone Protection Guidelines specified in the arborist report prepared for the project by Timothy C. Ghirardelli Consulting Arborist Services (September 2009) shall be implemented during construction. **(Mitigation Measure IV-8)**
18. _____ The applicant shall be responsible for all arborist expenses related to the work authorized by this permit.

Landscaping Conditions

19. _____ Prior to issuance of building permits for the Fire Station, a Landscape Plan similar to the plan submitted with the application (Sheet L1.0) shall be submitted for the review and approval of the Zoning Administrator and shall be in compliance with the State Water Efficient Landscape Ordinance, unless an alternative Ordinance is adopted by the County, and shall be installed prior to issuance of the occupancy permit for the Fire Station at parcel. The plan shall include landscape/irrigation plans that are full sized, in color, shall include plant types, and retaining walls designs if any.

Work Restrictions

20. _____ Construction Restrictions: The applicant shall comply with the following restrictions and requirements, which shall be stated on the face of all construction drawings:

- A. At least two weeks prior to commencement of grading or construction, the applicant shall post the site and mail to the owners and occupants of properties within 500 feet of the exterior boundary of the project site, and anyone else who requests to be notified, 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 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, tree protection, construction traffic and vehicles, erosion control, and the 24-hour emergency number, shall be expressly identified in the notice. The notice shall be re-issued with each phase of major grading and construction activity.

A copy of the notice shall be concurrently transmitted to the project planner with the Community Development Division. The notice shall be accompanied by a list of the names and addresses of the property owners and occupants noticed, and a map identifying the area noticed.

- B. No more than two weeks prior to commencing construction of the fire station, the San Ramon Valley Fire Protection District shall mail to all**

property owners within 300-feet of the subject property a project description and a copy of the approved conditions of approval along with a letter providing recipients with information on who to contact at the County if the conditions are not being met. The Department of Conservation and Development shall be provided with a copy of the letter.

- CB. Requiring posting, in a publicly visible location on-site, the contact information of the person responsible for noise control.
- DE. A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
- ED. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows.
- FE. Transporting of heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holidays.
- GF. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
- HG. All construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

- New Year's Day (State and Federal)
- Birthday of Martin Luther King, Jr. (State and Federal)
- Washington's Birthday (Federal)
- Lincoln's Birthday (State)
- President's Day (State and Federal)
- 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)

For specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal Holidays: www.opm.gov/operating_status_Schedules/fedhol/2010.asp
California Holidays www.dpa.ca.gov/personnel-policies/holidays.htm

I.H. The applicant shall immediately notify the Department of Conservation and Development, Community Development Division of any damage that occurs to any tree during the construction process. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of construction or grading shall be replaced with a tree or trees of equivalent size and of a species as approved by the Deputy Director, Community Development Division to be reasonably appropriate for the particular situation.

I.J. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.

K.J. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities are indicated on the improvement plans approved by the County and addressed in the arborist reports. If any of the activities listed above occur within the drip line of a tree to be preserved, an arborist may be required to be present. The arborist shall have the authority to require implementation of measures to protect the trees.

L.K. All construction equipment shall be equipped with properly operating mufflers of a type recommended by the manufacturer and all impact tools shall be shielded per the manufacturer's specifications. **(Mitigation Measures XII-1)**

21. _____ Prior to submittal of plans to the Building Inspection Division, the San Ramon Valley Fire Protection District shall ensure that building construction plans show exterior lighting and window treatments on the fire station building and associated parking areas that are designed to minimize glare and light spillover to adjacent properties.

The County Department of Conservation and Development (DCD) staff shall ensure that final design plans include light fixtures that are downcasting and low mounted to reduce light trespass onto adjacent properties. The final design plans shall also include glazing window treatments to minimize the intensity of daylight glare produced by the fire station. **(Mitigation Measure I-1)**

22. _____ The final lighting plan shall demonstrate that the project-related spillover of light does not substantially increase light levels within the adjacent creek zone over current levels. This may be accomplished through features such as downcasting, motion detectors, or other appropriate methods. **(Mitigation Measure IV-7)**

23. _____ The BAAQMD CEQA Guidelines construction control measures listed below shall be implemented during project construction:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install windbreaks, or plant trees/vegetative windbreaks at the windward side(s) of construction areas.
- Suspend excavation and grading activity when sustained winds exceed 25 mph.
- Limit the area subject to excavation, grading, and other construction activity at any one time. **(Mitigation Measure III-1)**

24. _____ The construction plans shall clearly indicate the following requirements for all vehicles: Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to three minutes. Clear signage shall be provided for construction workers at all access points. **(Mitigation Measure III-2)**

25. _____ Prior to the commencement of construction activities, temporary exclusion fencing shall be installed between the construction zone and the top of bank of Stone Valley Creek. The fencing shall be made of a fine-meshed material that does not allow the species to pass or to become entangled in the fencing. The bottom of the fencing shall be buried to a minimum depth of two inches such that animals do not pass under the fencing. **(Mitigation Measure IV-1)**

Biology Conditions

26. _____ A qualified biologist shall survey the project site for California red-legged frog (and other sensitive wildlife species) immediately preceding the commencement of construction activities. If California red-legged frogs are found, the biologist shall contact the USFWS and the project shall be halted until the USFWS provides guidance on how to proceed. If other wildlife species are observed, they may be moved from the construction area to the riparian zone by biologists in possession of a valid scientific collecting permit. **(Mitigation Measure IV-2)**
27. _____ A California red-legged frog sensitivity training shall be conducted for all onsite construction personnel. Training components shall include training on appropriate avoidance methods including species identification, daily preconstruction surveys, and protocols for contacting the biologist and USFWS in the event of a sighting. The training shall also address the importance of staying out of the riparian zone. Handouts shall be prepared and provided to all construction personnel including color photographs for species identification, protocols, and contact phone numbers. **(Mitigation Measure IV-3)**
28. _____ During project construction activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas. **(Mitigation Measure IV-4)**
29. _____ If construction activities would commence anytime during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region), a pre-construction survey for nesting birds shall be conducted within one week of the commencement of construction activities. **(Mitigation Measure IV-5)**

The survey area shall include the project site and accessible/visible areas within 500 feet of the site. If active nests are found in areas that could be directly affected, or in areas that would be subject to prolonged construction-related noise, a no-disturbance buffer zone should be created around the nest during the breeding season, or until a qualified biologist determines that all young have fledged, or that the proposed activity would not affect the nesting success. The size of the buffer zone and types of activities restricted within them shall be determined through consultation with the CDFG, taking into account factors such as the following:

- Noise and human disturbance levels at the project site at the time of the survey and the noise and disturbance levels expected during construction activities;
- Distance and amount of vegetation or other screening between areas where construction activities would occur and the nest; and

- Sensitivity of individual nesting species and behaviors of the nesting birds.

30. _____ A focused survey shall be conducted by a qualified bat biologist to determine if an active bat roost of a special-status species is present in the onsite house. The survey shall be conducted during the breeding season of native bat species in California (generally from April 1 through August 31). Should an active maternity roost of a special-status bat species be identified, the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. Once all young have fledged, then the structure may be demolished. If a roost of non-breeding bats is identified, then the bats shall be passively excluded using CDFG-approved methods. Additionally, if an active maternity roost is identified, or if a roost of non-breeding bats is identified, then replacement roosting habitat shall be provided, such as bat boxes. The replacement roosting habitat to be provided shall be species appropriate and subject to the approval of the CDFG. **(Mitigation Measure IV-6)**

Archeological Conditions

31. _____ In the event that buried archaeological resources are encountered, the Contra Costa County Department of Conservation and Development (DCD) shall ensure that construction, excavation, and/or grading activities within 100 feet of the find are temporarily halted until a qualified archaeologist, hired by the applicant, can assess the significance of the find and provide proper management recommendations to be incorporated into the project. Prehistoric cultural materials include, but are not limited to, shell midden deposits, hearth remains, stone and/or shell artifacts, and/or burials.

Historic materials, including but not limited to, whole or fragmentary ceramic, glass or metal objects, wood, nails, brick, or other materials may occur on the project site in deposits such as old privies or dumps. If the site is found to contain significant archaeological resources (as determined by the CEQA Guidelines) by a qualified archaeologist, funding shall be provided by the applicant to identify, record, report, evaluate, and recover the resources as necessary. Construction within the area of the find shall not recommence until impacts to the archaeological resource are mitigated. Additionally, as required by Public Resources Code Section 5097.993, the project applicant must inform project personnel that collection of any Native American artifact is prohibited by law. **(Mitigation Measure V-1)**

32. _____ In the event that buried paleontological resources are encountered during project grading, site preparation, and/or construction; construction and/or grading activities within 100 feet of the find shall be temporarily halted until a qualified paleontologist can assess the significance of the find and provide proper management recommendations. Paleontological resources include, but are not limited to, fossils and material remains. **(Mitigation Measure V-2)**

33. _____ If human remains are encountered during ground-disturbing activities within the project area, the County Health Services Department shall require that work within 25 feet of the discovery shall be stopped and the project contractor shall immediately notify the Contra Costa County Coroner. At the same time, a qualified archaeologist meeting federal criteria under 36 CFR 61 shall be contacted by the County Health Services Department to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods.

Upon completion of the assessment, the qualified archaeologist shall prepare a report documenting the background to the finds, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the County Department of Conservation and Development, County Health Services Department, and the Northwest Information Center. Once the report is reviewed and approved by the agencies identified above, and any appropriate treatment completed, project construction activity within the area of the find may resume. **(Mitigation Measure V-3)**

34. _____ Prior to the issuance of grading permits, the County Department of Conservation and Development shall require that the County Health Services Department and project contractor provide documentation that all construction crews that will work on the project have undergone a training session to inform them of the presence and nature of federal or state-eligible cultural resources and the potential for previously undiscovered archaeological resources and human remains within the project area, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work. **(Mitigation Measure V-4)**

35. _____ The seismic safety recommendations of the Geotechnical Report are included in the construction plans **(Mitigation Measure VI-1)**

36. _____ Prior to the issuance of building permits, the applicant shall provide evidence that building plans maintain a minimum 50-foot setback from the centerline of the creek. **(Mitigation Measure VI-2)**

37. _____ Prior to the issuance of a building permit, the applicant shall provide evidence that the building permit plans have been reviewed for consistency with the geotechnical recommendations found in the Geotechnical Report (ENGEO,

2009) to ensure that the construction recommendations for expansive soils contained in the project specific geotechnical report are included in construction plans and designs. **(Mitigation Measure VI-3)**

Hazardous Materials

38. _____ Prior to the issuance of building permits, the applicant shall submit for review and approval of the County Zoning Administrator, the Aboveground Storage Tank (AST) Spill Prevention Control and Countermeasure (SPCC) plan prepared by the project applicant in accordance with California Health and Safety Code Chapter 6.67. **(Mitigation Measure VIII-1)**

39. _____ Prior to the issuance of building permits, the the applicant shall submit for approval of the County Zoning Administrator, a Hazardous Materials Business Plan and submit it to the Hazardous Materials Program of Contra Costa Health Services. The Hazardous Materials Business Plan shall describe proper handling, storage, and disposal techniques in compliance with applicable federal, state, county, regulations including the Department of Toxic Substances Control (DTSC) regulations pertaining to hazardous waste. The hazardous waste plan shall be prepared pursuant to CUPA guidelines. **(Mitigation Measure VIII-2)**

40. _____ The project applicant shall ensure that OSHA regulations and measures designed to protect workers (i.e., training, respiratory protection, personal protective equipment) are implemented during the demolition and removal of the sheetrock wall and ceiling systems within the residence. **(Mitigation Measure VIII-3)**

41. _____ The San Ramon Valley Fire Protection District shall document the stormwater management design in the Final Stormwater Control Plan, which will be developed in conjunction with construction documents. In addition to the stormwater management facilities that treat stormwater runoff to remove pollutants (permanent post-construction treatment BMPs), the Final Stormwater Control Plan will document source control measures (BMPs for vehicle and equipment cleaning, as well as to minimize the discharge of other stormwater pollutants) that will be incorporated into the project design to minimize impacts to water quality. The San Ramon Valley Fire Protection District will also develop a Stormwater Control Operation and Maintenance Plan, which shall document the procedures for the operation and maintenance of the stormwater management facilities. The Final Stormwater Control Plan and the Stormwater Control Operation and Maintenance Plan shall be subject to review by Contra Costa County to ensure that the project minimizes impacts to water quality in accordance with the requirements of the County's National Pollutant Discharge Elimination System Permit. Implementation of source control measures, as well as operation and maintenance of stormwater management facilities, shall be the responsibility of the San Ramon Valley Fire Protection District for the life of the project. **(Mitigation Measure IX-1)**

42. _____ Prior to the issuance of occupancy permits, the applicant shall provide evidence that other emergency service providers, including the Contra Costa County Sheriff's Office, have the ability to open the automatic gates at the ingress on Stone Valley Road and the bypass lane to the south of the apparatus bay. (Mitigation Measure XVI-1)

**PUBLIC WORKS RECOMMENDED CONDITIONS OF
APPROVAL FOR PERMIT LP 09-2026**

**COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO
OBTAINING BUILDING PERMITS OR INITIATION OF USE:**

General Requirements:

43. _____ Improvement plans prepared by a registered Civil Engineer shall be submitted, as necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this land use permit. These plans shall include any necessary traffic signage and striping plans, for review by the Transportation Engineering Division of the Public Works Department.

Frontage Improvements (Stone Valley Road):

44. _____ Applicant shall remove and replace the existing driveway apron located at the southeastern corner of the property and replace it with a street-type driveway entrance constructed to current County standard, as shown on the site plan. The design of the new driveway shall ensure that the existing sidewalk grades and dimensions are maintained or redesigned to meet ADA standards.

Any cracked, deteriorated, or displaced curb, gutter, or sidewalk shall be removed and replaced along the project frontage of Stone Valley Road. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained.

Frontage Improvements (Miranda Avenue):

45. _____ Applicant shall construct new 4.5-foot wide concrete sidewalk, curb and gutter, necessary longitudinal and transverse drainage, street lighting (as necessary), pavement widening and transitions along the frontage of Miranda Avenue. Applicant shall construct face of curb 10-feet from the ultimate right of way, which includes the offer of dedication. The finished frontage shall feature a road half-width that includes a minimum 12-foot wide travel lane and an 8-foot wide paved shoulder along the project frontage.

Applicant shall construct a new curb ramp to current County Standards at the intersection of Miranda Avenue and Stone Valley Road.

Traffic Signal:

46. _____ Applicant shall submit a Traffic Signal Modification Plan for the review and approval of the Public Works Department. The Traffic Signal Modification Plan shall identify any modifications, relocation, or new connections proposed for the existing Traffic Signal (and associated equipment) located at the intersection of Miranda Avenue and Stone Valley Road.

Access to Adjoining Property:

Proof of Access

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

Encroachment Permit

48. _____ Applicant shall obtain an encroachment permit from the County's Application and Permit Center for the construction of any improvements within the Miranda Avenue and Stone Valley Road rights of way.

Sight Distance:

49. _____ Applicant shall provide sight distance at the proposed driveway(s) along Miranda Avenue for a design speed of 35 miles per hour, and a 45 mile per hour design speed for the new driveway on Stone Valley Road. The applicant shall trim vegetation, as necessary, to provide sight distance at the driveways. Any new landscaping, fencing, retaining walls, or other obstructions proposed at the driveways shall be setback to ensure that the sight lines are clear.

Right of Way Dedication:

50. _____ Applicant shall convey to the County, by Offer of Dedication, at least 5 feet of additional right of way along the Miranda Avenue frontage for an ultimate road right of way of 60 feet (30 foot wide half-width).

Underground Utilities:

51. _____ All new utility distribution facilities shall be installed underground. The existing overhead utility poles located along Miranda Avenue shall be relocated to accommodate frontage improvements.

Drainage Improvements:

Collect and Convey

52. _____ Applicant shall collect and convey all storm water entering and/or originating on this property without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having a definable bed and banks, or to an existing adequate public storm drainage system which conveys the storm waters to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code.

Miscellaneous Drainage Requirements:

53. _____ Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Design Standards.

Applicant shall prevent storm drainage from draining across driveway(s) in a concentrated manner.

To reduce the impact of additional storm water runoff from this development on San Ramon Creek, one cubic yard of channel excavation material shall be removed from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the developer at their own cost. The site selection, land rights, and construction staking will be performed by the Contra Costa County Flood Control and Water Conservation District.

OR, upon written request by the applicant;

Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at the rate of \$0.10 per square foot of new impervious surface area created by the development. The Flood Control District will use these funds to work on San Ramon Creek annually.

54. _____ Applicant shall obtain a Drainage Permit from the Contra Costa County Flood Control and Water Conservation District prior to commencing any work within the creek banks.

Area of Benefit Ordinance

55. _____ Applicant shall comply with the Bridge/Thoroughfare Fee Ordinance requirements for the Alamo, SCC Regional, and Tri-Valley Transportation Areas of Benefit, as adopted by the Board of Supervisors. These fees must be paid prior to issuance of building permits.

Creek Structure Setback:

56. _____ Applicant shall relinquish "development rights" over that portion of the site that is within the structure setback area of the creek based on the criteria outlined in Chapter 914-14, "Rights of Way and Setbacks," of the Subdivision Ordinance. "Development rights" shall be conveyed to the County by grant deed.

The applicant may reduce the structure setback area provided technical studies (produced by licensed professionals) are submitted verifying the reduced setback for the proposed structure would be adequate, even in the event of creek bank erosion.

National Pollutant Discharge Elimination System (NPDES):

57. _____ The applicant shall comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination Systems (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board and the San Francisco Bay Regional Water Quality Control Board.

Compliance shall include developing long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate, wherever feasible, the following long-term BMP's in accordance with the Contra Costa County Clean Water Program for the site's storm water drainage:

- Minimize the amount of directly connected impervious surface area.
- Place approved markers ("No Dumping, Drains to Bay/Creek") on all storm drains.
- Construct concrete driveway weakened plane joints at angles to assist in directing runoff to landscaped/pervious areas prior to entering the street curb and gutter.
- Shallow roadside and on-site grassy swales.
- The owner shall sweep the paved portion of the site quarterly, at least once a year a vacuum type sweeper. Verification (invoices, etc.) of the sweeping shall be provided to the County Clean Water Program Administrative Assistant at 255 Glacier Drive, Martinez CA 94553 (925) 313-2238
- Trash bins shall be sealed to prevent leakage, OR, shall be located within a covered enclosure.
- Incorporate the use of pavers and/or pervious pavement on-site to reduce the amount of directly connected impervious surface area, if feasible.

- Other alternatives, equivalent to the above, as approved by the Public Works Department.

Advisory Notes

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 Community Development Division within 90 days of the approval date of this permit.

- Although the Stormwater Control Plan has been determined to be preliminarily complete, it remains subject to future revision, as necessary, during preparation of improvement plans in order to bring it into full compliance with C.3 storm water requirements. Failure to update the SWCP to match any revisions made in the improvement plans may result in a substantial change to the County approval, and the project may be subject to additional public hearings. Revisions to California Environmental Quality Act (CEQA) documents may also be required. This may significantly increase the time and applicant's costs associated with approval of the application.
- Portions of the subject site are located in a Special Flood Hazard Area, as designated on the Federal Flood Insurance Rate Maps. The applicant should be aware of the requirements of the Federal Flood Insurance Program and the County Floodplain Management Ordinance (Ordinance No. 2000-33) as they pertain to future construction of any structures on this property.
- Comply with the requirements of the Building Inspection Department.
- This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

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