

**RESOLUTION NO. 2-08**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR THE PROJECT IDENTIFIED AS CANYON OAKS II. (CU-1102306): A CONDITIONAL USE PERMIT FOR CONSISTENCY WITH THE CITY'S HILLSIDE PHYSICAL CONSTRAINT AREA FOR 36 RESIDENTIAL HOMES PROPOSED FOR THE PROPERTY LOCATED AT THE INTERSECTION OF SAN PABLO DAM ROAD AND CASTRO RANCH ROAD

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**WHEREAS**, the applicant, John Zentner, requested approval from the City of Richmond (the "City") for a Conditional Use Permit, hereinafter called "Request for Approval of a Conditional Use Permit," for the purpose of showing how the project is consistent with the City's Hillside Physical Constraint Area, in Richmond, California, under the provisions of the City's Zoning Ordinance, Section 15.04.510.030 (D);

**WHEREAS**, the City's adopted policies require that all development projects within the Hillside Physical Constraint Area have more restrictive development regulations on hillside areas of fifteen percent or greater slope to comply with the intent of the City of Richmond Hillside Ordinance;

**WHEREAS**, on August 2, 2007, the Planning Commission of the City of Richmond, California (the "Commission"), opened a public hearing to review and consider the Request for Approval of a Conditional Use Permit, the activities contemplated by the Request for Approval, applicable sections of the Hillside Physical Constraint Area of the Zoning Ordinance, Section 15.04.510.030 (D) of the City of Richmond Municipal Code, and any related information presented to the Commission;

**WHEREAS**, at the close of the public hearing on August 2, 2007, the Commission directed staff to prepare a resolution for adoption by the Commission for approval of a Conditional Use Permit, and return with the resolution at a subsequent Planning Commission meeting;

**WHEREAS**, on November 1, 2007, staff requested the Commission consider and review Resolution 07-12 for approval of a Conditional Use Permit for consistency with the provisions of the Zoning Ordinance pertaining to hillside development within the City of Richmond's Resource Management Overlay District, Hillside Physical Constraint Area {Section 15.04.510 (D) of the Richmond Municipal Code};

**WHEREAS**, after all factual presentations were presented to the Commission and testimony was received from those who chose to speak, the Commission voted to approve Resolution 07-12, subject to additional conditions, by a 3 to 2 vote in favor of approval;

**WHEREAS**, on November 7, 2007, Herk Schusteff appealed the decision of the Commission stating wherein the Commission erred in their decision in granting the Request for a Conditional Use Permit for the Project;

**WHEREAS**, on December 11, 2007, the City Council of the City of Richmond, California held a duly noticed public hearing to consider the merits of the Conditional Use Permit and appeal, and hear testimony in favor of, and in opposition to, the Project;

**NOW, THEREFORE, BE IT RESOLVED** following the public hearing, and based upon all oral and written information presented at the hearing, that the City Council has reviewed and considered the Request for Approval of the Conditional Use Permit, applicable sections of the Zoning and Subdivision Ordinances of the City of Richmond, and all such other related information as was presented to the City Council, and accordingly finds, determines, and certifies as follows that the Planning Commission's decision was upheld, and approval of the Conditional Use Permit is based on the following:

Conditional Use Permit Findings. The City Council finds and determines as follows:

1. **The location of the proposed conditional use is in accordance with the policies of the General Plan of the City of Richmond.**

Statement: *Criterion satisfied.* The Richmond General Plan designation for the project site is 942/Very Low Single Family Residential, which allows development of up to 5 residential units per net acre. The project site is 329 net acres and the project proposes 36 single-family residences, which conforms to the density provisions of the General Plan.

2. **The location, size, design and operating characteristics of the proposed use will be compatible with and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the proposed conditional use and the surrounding.**

Statement: *Criterion satisfied.* The General Plan designation of Very Low Single Family Residential is compatible with adjacent residential developments in the El Sobrante hillside area, including the adjacent Canyon Oaks I project.

3. **The proposed conditional use complies with all applicable provisions of the Zoning Ordinance.**

Statement: *Criterion conditionally satisfied.* The project site has been rezoned to a Low Density Single Family Residential District category which conforms with the zoning district of the adjacent Canyon Oaks I subdivision.

4. **The site of the proposed use is adequately served by highways, streets and other public service facilities.**

Statement: *Criterion Conditionally Satisfied.* The subject site is presently served by all requisite public facilities and services such as gas, water and electricity. Development of the proposed residential subdivision will not interfere with direct access onto a public-right-of-way, the local street grids, and the regional system of highways in the El Sobrante area. Primary access to the project will be through a new roadway connection to San Pablo Dam Road at the signalized intersection with Castro Ranch Road. This new intersection was designed in consultation with adjoining homeowners and City staff as it would enable Canyon Oaks II residents to access San Pablo Dam Road at a controlled intersection, thereby improving the safety of left turns onto San Pablo Dam Road, (Condition # 96 of the Tentative Map Conditions of Approval).

The proposed street layout for Canyon Oaks II follows the existing slopes, except for the new connection with San Pablo Dam Road as noted above. This provides for half of the street to be hidden from downslope view by existing and proposed homes. The natural hillside appearance has also been maintained by using steeper street slopes at the street's entrance to the site (maximum of 15%) to conform to the natural slopes and limiting the depths of cut. The applicant has proposed a narrower street width than typical in standard subdivisions. Within the 50-ft R.O.W. is a 28-ft paved width (2 lanes and one parking lane) and a 4 ft-wide A/C sidewalk, a significant reduction from the more typical 34-ft face-of-curb to face-of-curb adjoined by 5-ft monolithic sidewalks. Final driveway slopes shall be reviewed and approved by the City Engineer. Parking is provided in driveways and along one side of the street. The project proposes an adequate number of parking spaces.

5. **The project is consistent with the City's hillside development regulations and design criteria.**

Statement: *Criterion Conditionally Satisfied.* The Hillside Use Physical Constraint Area of the Zoning Ordinance requires that development within the hillside area be designed with sensitivity to the area's unique features. This section of the Zoning Ordinance also requires the Planning Commission to consider specific potential impacts of development within the area before granting or denying a conditional use permit. In evaluating the Project's consistency with the hillside area, staff considered the entire Project site, including the approximately 329 acres contained in the proposed Land Bank. Staff considered many factors in reaching a recommendation regarding the project's consistency with the Hillside Ordinance, including the existing topography, preservation of existing natural features, tree preservation and removal, use

of retaining walls, and the requirements associated with creation of a four-way intersection at San Pablo Dam Road. However, for this reason and others, as proposed the project minimizes grading by preserving almost 329 of the project site's 372 acres, a little over 88% of the total site. This will preserve some of the significant natural features of the El Sobrante Valley.

Primarily, the project is not completely consistent with this criterion. All retaining walls for the project site have been designed by a registered engineer and for the most part kept at or below 4 feet in height, with the majority of these walls at 3 feet or less (Exhibit C "Height of Retaining Walls"). However, several walls reach 5 feet to assure that the proposed pads conform to the topography. The upslope behind Lots 11 through 13 includes two walls with a combined height ranging from 10 ft. (Lot 11), to 5.5 ft. (north side of Lot 12), to 12 ft. (south side of Lot 12) to 8.5 ft (Lot 13) with a minimum of 5 ft. of separation. Accordingly, the combined wall heights in several cases do not meet the recommendation of 8 ft. but these heights are necessary to protect the knob upslope and its attendant native trees. One retaining wall is proposed along a portion of the access road to the estate lots with a proposed height of 4 feet.

6. **Any grading to be performed within the project boundaries takes into account the existing natural features of the property, including but not limited to mature trees, significant or unique vegetation groupings, prominent geological features, and natural drainage courses, and is designed in keeping with the best engineering practices as determined by the City Engineer to avoid erosion, slides or flooding, in order to minimize effects on that environment.**

Statement: *Criterion Satisfied.* Several geologic analyses of the site have been completed by Berlogar Geotechnical Consultants (2000, 2002, February 2005 and an updated Investigation dated January 18, 2006) and peer-reviewed as part of the EIR process. Analyses found several areas of unstable soils, mapped on the development plan in the DEIR in Figure 3-4. These are concentrated in the upper slopes of the development site and have been avoided by the applicant. The remediation plan, explained in the EIR Mitigation Measures SOILS/HYDRO-2a though f, would reduce impacts from unstable soils to a less-than-significant level.

7. **Adequate fire safety measures have been incorporated into the design of the project.**

Statement: *Criterion Conditionally Satisfied.* The site is located within a High Risk Fire Area. The project includes several fire suppression elements, such as the vegetation management plans and the maintenance of existing fire access roads to the Conservation Bank. Additionally, Mitigation Measures INFRA/SER-1 in the FEIR ensures that, should adequate flow and pressure not be available, each home will have individual sprinkler systems.

**NOW THEREFORE BE IT FURTHER RESOLVED** the Conditional Use Permit, CU 1102306 is hereby approved, subject to the following Conditions of Approval:

1. Retaining walls shall be in compliance with the plan prepared by Zentner and Zentner, Land Planning and Restoration Inc., entitled, "Final Submittal Retaining Walls Height Map," dated: July 17, 2007, City of Richmond date stamped received August 2, 2007, on file in the City of Richmond Planning Department.
2. In accordance with Richmond Municipal Code ("RMC") Sections 15.04.510.D.3.a (2) (a) & (e); D.3a (3) (b) & (f); D.3a (4)(a),(b) & (c); D.4.b (1); D.4.b.(1) (a) (iii) & (iv); D.4.b(1)(c), (i) & (j) of the Hillside Ordinance which limits grading on slopes in excess of 26% and requires retention of natural land forms and heavily forested site portions, front-yard setbacks shall not exceed 20' on Lots 3 through 14 and grading on those lots shall be limited to the preparation of stepped or pole building foundations, retaining walls, backyards and driveway access. Final grading and building plans showing conformance with this standard shall be submitted to and approved by the Director of Planning and Building Services prior to issuance of grading permits.
3. Prior to the issuance of a final building permit, the applicant shall ensure that the proposed road (central spine road) shall allow for effective traffic circulation. The new road shall be paved and landscaped with bioswales and bio retention areas to minimize and reduce impervious surfaces.

4. The Project Applicant shall ensure that the significant features of the site, including 1,600 native trees and three unnamed creeks, have been retained by preserving the Land Conservation Bank (330 acres) of the project site. This will also include preserving the unique vegetation communities, including native grasslands and woodlands, and other native species.
5. The Project Applicant shall ensure that the project conforms to RMC Section 15.04.510.D.4 (b) for the unique vegetation in the area by allowing the terraces on slopes behind Lots 22 through 27 do not exceed a 48 foot in height differential from the pads on the lots fronting Trailside Drive and Canyon Oaks I. Final grading plans demonstrating conformance with this condition shall be submitted to and approved by the Director of Planning and Building Services, or his or her designee, prior to issuance of grading permits.
6. The project Applicant shall ensure that a landscaping and irrigation plan shall be submitted for review and approval of the Planning and Building Director, or his designee, at least 30 days prior to recordation of the Final Map.
7. The Project Applicant shall ensure that all property owners within 300 feet of the project boundary are notified at least 2 weeks prior to the start of construction activities. The Applicant shall install a sign with a telephone number for receiving questions or complaints during construction and shall develop procedures for responding to callers.
8. The Project Applicant shall create a Homeowners Association for the 36-lot development that shall maintain the landscaping, fences and retaining walls along the perimeter of the subdivision and along common areas of the development. The language of the By-laws, Articles of Association, and Covenants, Conditions and Restrictions shall be made to the satisfaction of the Planning Director and City Attorney. The Covenants, Conditions and Restrictions shall be recorded prior to the sale of the first residence.
9. As part of the development agreement between the City of Richmond and the developer, the developer shall be required to install streetscape improvements located between the curb and the property line. These improvements will extend the length of the developer's property line. In case the streetscape improvements extend beyond the existing property line, dedication of right-of-way is required. Following installation of the streetscape improvements, the developer is required to pay a fair share of the recommended improvements toward improving and upgrading specific intersections in the redevelopment area.
10. The applicant shall revise submitted plans to show signage at the entrance of the site for review by the City of Richmond Fire Marshall, or his or her designee, prior to the issuance of building permits. All fire apparatus roadways shall have a minimum unobstructed width of 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches (INCLUDING TREES). Streets under 36 feet wide shall be posted with signs and red curbs painted with labels on one side and under 28 feet wide on both sides of the street as follows: "NO STOPPING FIRE LANE." The applicant must provide a paved roadway at the designated "emergency vehicle access" areas on the revised site and landscaping plans.
11. The Project Applicant shall submit at least 30 days prior to filing the Final Map for the project or issuance of grading permit, whichever comes first, a report on compliance with the conditions of approval with this project for review and approval by the Planning and Building Director, or his or her designee.
12. The applicant shall pay the City of Richmond's Fire Department development plan fees. The fee schedule may be obtained from the City of Richmond Fire Department's public counter or by calling the Fire Department at (510) 307-8031.
13. All proposed buildings shall have an approved automatic fire extinguishing sprinkler system installed in each dwelling prior to the issuance of an occupancy permit, unless the Fire Marshall provides a written waiver of this Condition 13, stating the reason for the

waiver.

14. The developer shall submit a detailed Lighting Plan for the project site to the Design Review Board. The plan shall address lighting of the streets, front facades of the individual homes, and landscape lighting and shall be made to the satisfaction of the Planning Director or his or her designee prior to the issuance of the residential building permit(s).
15. All storm water catch basins shall be provided with oil traps and/or other filtering device in conformance with the Department of Public Services specifications prior to the issuance of a building permit.
16. The applicant shall implement water quality control measures that are consistent with the City of Richmond Municipal Code and Regional Water Quality Control Board's Storm Water Management Plan that uses Best Management Practices (BMPs) to protect and treat stormwater runoff.
17. The applicant shall obtain written approval from the Richmond Sanitary service of the proposed refuse collection plan prior to issuance of a building permit for the site.
18. The applicant shall install all landscaping on site prior to the issuance of the last certificate of occupancy for the buildings herein approved as shown on the landscape plan date stamped received June 27, 2005, on file in the City of Richmond Planning Department.
19. Prior to the issuance of a building permit, the Fire Marshal or his or her designee shall approve a Hydrant Plan for the project.
20. All roads and hydrants for each construction phase shall be installed and in service, per approved plans, prior to the start of building framing for that phase.
21. All roof material shall have a minimum 30 year guarantee and the colors, type and material shall be reviewed, and if found acceptable, approved by the Planning Director or his or her designee prior to issuance of a building permit.
22. The applicant shall pay an in-lieu fee towards the City's low-and very-low income affordable housing program. The in-lieu fee shall be charged on a percentage basis of the projected construction costs of Non-inclusionary dwelling units, in conformance with the City of Richmond's Inclusionary Housing Requirements. The value of the proposed in lieu housing fee shall be determined by the Redevelopment Department and Building Permits Division of the City of Richmond. The fee shall be paid prior to the issuance of the project's first residential building permit.
23. All architectural details and landscaping plans, street and open space furniture detailing, color boards and samples that specify the colors, usage and trim details for the design of the proposed project shall be submitted to the Design Review Board for review and approval after entitlements are granted by the Planning Commission and before issuance of the first building permit.
24. Common area landscaping and front yard landscaping shall be installed by the Developer prior to occupancy of each residence. The Project Applicant shall provide for the formation of a Homeowners' Association, which will maintain all front yard landscape, project sound walls, and landscaping along the right-of-ways and emergency access trails abutting the project site.
25. The Mitigation Monitoring and Reporting Program as contained in EID 1101026 shall be included as project conditions to insure that all mitigation measures are implemented.
26. To the fullest extent permissible by law, applicant shall indemnify and save the City, its agents, officers and employees harmless from and against any and all liability, claims, suits, actions, damages, penalties and/or cause of action arising from the approval of this Conditional Use Permit or out of any personal injury, bodily injury, loss of life or

damage to property, violation of any Federal, State or municipal law or ordinance or other cause in connection with the activities of Applicant, contractors, subcontractors, agents and employees under this Conditional Use Permit approval or on account of the performance or character of the work; unforeseen difficulties, accidents, occurrences or other causes and from and against all costs, counsel fees, expenses incurred in obtaining expert testimony and the attendance of witnesses, expenses and liability incurred in and about any such claim, the investigation thereof or the defense of any action or proceedings brought thereon; and from and against any orders, judgments or decrees which may be entered therein unless arising out of the sole negligence or willful misconduct of the City.

27. The project developer shall pay any applicable school impact fees. School impact fees shall be payable at the time of building permit issuance. The developer must contact the West Contra Costa County Unified School District to determine the required fees.

**PUBLIC SERVICES CONDITIONS OF APPROVAL:**

28. **GENERAL** – All public improvements shall be made in accordance with the latest adopted City Standard Drawings and Specifications. All work shall conform to the applicable City ordinances. Good housekeeping practices shall be observed at all times during the course of construction. Adjacent public right-of-way shall be kept clear at the end of each day of all job related dirt and debris. Dirt and debris shall not be washed into storm sewers. The storing of goods and materials on the sidewalk and/or street will not be allowed unless a special permit is issued for this purpose. The owner's representative in charge shall be at the job site during all working hours. After working hours, a sign shall be posted on site displaying contact information for the project sponsor, to include names, 24 hour telephone numbers, and addresses in case of an emergency on the construction site or violations of the conditions of approval.
29. **INSPECTIONS** – The applicant shall notify the Department of Public Services' Inspection Division at least twenty-four (24) hours prior to starting any work pertaining to on-site drainage facilities, grading, or paving; and all work in the City's right-of-way. Failure to do so will result in rejection of work that proceeded without inspection.
30. **RESTORATION OF PUBLIC IMPROVEMENTS** - The applicant shall repair or replace all existing improvements not designed for removal which are damaged or removed as a result of his operations. Improvements such as, but not limited to, curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, or signs shall be repair and replaced to a condition equal to or better than the original condition. Existing improvements to be repaired or replaced shall be at the direction of the Public Services inspector. Applicant shall request a walk-through with the Public Works inspector prior to the start of construction to verify existing conditions.
31. **UNDERGROUND UTILITIES:** The applicant shall install all utility services, including telephone, electric power, cable and other communication lines underground in accordance with City of Richmond policy.
32. **DRAINAGE** – All storm drainage runoff shall be directed to the public street with a minimum grade of two (2) percent over landscaped areas and one-half (1/2) per cent over paved areas. Where necessary, sidewalk drains per City Standard Drawing 5-AA-1059 shall be provided to direct the water under the sidewalk and through the curb. In addition, discharge must conform to any non-point source permit issued by the Regional Water Quality Control Board.
33. **STORM WATER DISCHARGE PERMIT** – For all storm water discharges associated with construction activity which involved land disturbance of one or more acres, including clearing, grading, or excavation, a project applicant shall submit a Notice of Intent (NOI) form with the applicable fees. A Storm Water Master Plan must also be submitted.
34. **GRADING** - Any grading work done between the months of September 1st and April

15<sup>th</sup> require an erosion control plan.

35. GRADING - Any graded areas that will be left incomplete or not landscaped by September 1st will require an erosion control plan which must be submitted for review and approval by the Chief Building Official.
36. GRADING - All exposed slopes shall be re-vegetated for erosion and sediment control, refer to A.B.A.G. "Manual of Standards for Erosion and Sediment Control Measures."
37. SIDEWALK REPAIR – The applicant shall repair and replace to existing City standards, any sidewalk that is damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design. Limits of sidewalk repair will be determined by the Public Works Construction Inspector during the construction phase.
38. CURB AND GUTTER – The applicant shall remove and replace to existing City standards any curb and gutter that are damaged now or during construction of this project. Limits of curb and gutter repair will be determined by the Public Services Construction Inspector during the construction phase.
39. IMPERVIOUS SURFACES - Existing driveway approaches that are to be abandoned shall be removed and replaced with curb, gutter, and sidewalk. Any existing commercial driveway approaches not equipped with curb ramps at the returns shall be modified to match current standards.
40. STREET LIGHT(S) – The applicant shall install Acorn Globe designed street lamps mounted on a standard black aluminum pole and base as reflected on the preliminary landscape plans prepared by RMR, date stamped July 25, 2007 by the Richmond Planning Department, and shall contribute to the City a set fee to be determined per street light service point to cover PG&E hook-up charge.
41. SEWERS – The Project Applicant shall ensure that all private sewer mains and laterals comply with the specifications set forth in RMC Chapter 12.17 and with the project sanitary sewer plan approved by the City Engineer.
43. CONSTRUCTION ACTIVITIES – The following provision to control traffic congestion, noise, and dust shall be followed during site excavation and grading construction:
  - a) Construction activities are restricted to the week day between 7:00 a.m. and 7:00 p.m. These hours may be extended to Saturdays and Sundays between 9:00 a.m. and 6:00 p.m., excluding holidays. Earth haul and materials delivery to and from the site will be prohibited between the hours of 7:30 – 8:30 a.m. and 4:00 – 5:30 p.m. Signs posting these restrictions shall be posed at conspicuous locations on the project site.
  - b) These allowed hours of construction may be waived or modified for limited periods by prior authorization of the City for the following reasons:
    - (i) The applicant may apply for waiver of working hours to accommodate design or engineering requirements, such as a large concrete pour. Such a need would be determined by the project's design engineer and require acceptance by the City. The waiver application must be submitted to the City Building Inspector with a copy to the Public Works Inspector 10 working days prior to requested date.
    - (ii) An emergency situation that threatens the public safety or welfare. The City is to be contacted immediately if this situation occurs. Final determination if an emergency does exist and that work must continue outside the stated hours will be made by the City.
  - c) Under no circumstances may work be conducted in violation of the City of Richmond's Municipal Code.
  - d) All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.

- e) Newly disturbed soil surfaces shall be watered down regularly by a water truck(s) or by other approved method maintained on site during all grading operations. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems will not be allowed.
44. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.
45. All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle code during transit to and from the site.
46. In authorizing activities under this Permit, the City has relied on the information and data which permittee has provided in connection with this permit application. If such information and data prove to be false, incomplete or inaccurate the activity may be disqualified from this permit and City may, in addition, institute appropriate legal proceedings.
47. **CONSTRUCTION WORKER PARKING** – The applicant shall provide a construction parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be provided. Said plan shall be subject to the review and approval by the City Engineer prior to issuance of City permits and shall be enforced during construction. Failure to comply with the parking plan may result in suspension of the City permits. In addition, no overnight parking of construction vehicles shall be allowed on City and County streets. Construction vehicles are only allowed in a designated staging area on the project site.
48. **STREET MARKINGS** – The applicant shall install necessary street markings of a material and design approved by the City and replace any which are damaged during construction. These include but are not limited to all pavement markings, painted curbs and handicap markings. All permanent pavement markings shall be thermoplastic. Color and location of painted curbs shall be shown on the plans and subject to approval by the City Engineer. Any existing painted curb or pavement markings no longer required shall be removed by grinding if thermoplastic, sand blasting if in paint.
49. **CHARGES FOR PUBLIC WORKS SERVICES** – Prior to plan checking, the applicant shall deposit with the City, funds to pay for, at the adopted rate, all engineering, inspection and survey services that may be required during plan check and construction of project. The amount of the deposit shall be determined by the City based on the amount of work estimated. The applicant shall be required to increase the deposit or be billed monthly at the discretion of the City for any costs in excess of the deposit. If billed monthly, invoices shall not become delinquent (must be paid within 30 days of receipt). Prior to final occupancy, the bill shall be paid in full. The City will refund any portion of the deposit not utilized.
50. **PERMITS REQUIRED BY OTHER AGENCIES** – The applicant is hereby informed that permits may be required by one (1) or more of the following: Corps of Engineers, Bay Conservation and Development Commission, Fish and Game, Contra Costa County Flood Control District, Environmental Protection Agency, County Health Department, and/or the State Lands Commission. If project is within the jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to the Public Services Department prior to issuance of any required City permits. If the City is required to be a party to the permit applicant and a fee is required, the applicant shall reimburse the City for its cost.
51. **STREET IMPROVEMENTS** – The applicant shall have street improvement plans prepared for all work in the public right-of-way by a licensed civil engineer and obtain Department of Public Services written approval prior to the issuance of the encroachment permit.

52. STREET BEAUTIFICATION – The applicant shall improve his street frontage to match the City street beautification program in effect at the time of construction. The applicant shall have beautification plans prepared and obtain Public Services Department approval prior to issuance of an encroachment permit.
53. ADDRESS PLAN – The applicant shall submit to the Public Works Department a proposed address plan. Said plan shall include the proposed address of each building and its relative location to other buildings; location of all streets, public or private and their names. Said submittal shall be approved by Building Department, Police Department and Fire Department prior to issuance of any building permit for the project.
54. SUBDIVISION MAP – The applicant shall have a subdivision map, prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changes in lot lines. The Final Subdivision Map shall be approved by the Department of Public Services and recorded by the County prior to the issuance of the Site Grading Permit or the first building permit. It is the applicant's responsibility to check with their title company and the County to determine the time necessary to have the map recorded after City approval.
55. ENCROACHMENT PERMITS, BONDS, AND INSURANCE – Applicant shall obtain an encroachment permit, posting the required bonds and insurance, for all work to be done in the City's right-of-way. This encroachment permit shall be obtained prior to any work being done in the City's right-of-way.
56. GRADING PERMIT – Applicant shall submit a site grading and drainage plan with all supporting data, including hydraulic calculations, in accordance with requirements of the City's Hillside Ordinance and Subdivision Ordinance. No overloading of downstream drainage facilities will be allowed. A non-refundable fee and deposit in accordance with the City's most current fee schedule is required. Plan checking and inspection time will be charged to the above deposit. The applicant shall be required to increase the deposit or be billed monthly at the discretion of the City for any costs in excess of the deposit. If billed monthly, invoices shall not become delinquent (must be paid within 30 days of receipt). Prior to final occupancy, the bill shall be paid in full. The City will refund any portion of the deposit not utilized. Plan checking cannot proceed until fees and deposit are paid. A Permit shall not be issued until plans are approved. The plan shall be prepared by a registered Civil Engineer and be approved by the Department of Public Services prior to the issuance of any City permits.
57. GRADING - All grading and earth work performed under this permit shall be in accordance with the approved plans and soils report and shall be under the continuous supervision of Soils Engineer. Upon completion of the work, applicant shall submit a letter to the City, from its soils engineer, describing the work that had taken place and that the work authorized by this permit was performed in accordance with the approved plans and soils report recommendations.
58. GRADING - Upon completion of the grading and excavation, applicant shall submit a letter to the City, from its soils engineer, verifying the adequacy of the foundation excavations along with describing the work that had taken place and that the work authorized by this permit was performed in accordance with the approved plans and soils report recommendations.
59. MATERIAL HAULING – The applicant shall submit a proposed material hauling route, disposal areas, stockpile sites and schedule. Said submittal shall be approved by the Department of Public Works prior to issuance of a Building or Grading Permit. All material hauling activities including but not limited to, adherence to approved route, hours of operation, dust control and street maintenance shall be the responsibility of the Developer. Tracking of dirt onto City streets and walks will not be allowed. The applicant shall provide an approved method of cleaning tires and trimming loads on-site. Any job-related dirt and/or debris deposited upon the public right-of-way shall be removed immediately. All material hauling activities shall be done in accordance with applicable City ordinances and conditions of approval. Violation of such may be cause for suspension of work and/or fine.

60. AS-BUILT DRAWINGS – All design plans and final as-builts must be submitted in both hard copy version and electronic format. Electronic format should be on standard compact disk (CD-R/CD-R/W) and provided in one of the following acceptable formats:
- (1) Acceptable formats include:
    - (i) CAD (.dxf – preferred; .dwg – OK)
    - (ii) shapefile (.shp)
    - (iii) coverage
    - (iv) geodatabase (.mdb)
  - (2) For all the above, attributes need to be stored as database fields and not simply as annotation.
  - (3) Geographic Parameters:
    - (i) Precision: Up to 10 digits
    - (ii) Coordinate system: State Plane Coordinate System (SPCS), Zone 3
    - (iii) Unit of measurement: Feet
    - (iv) Projection system: Lambert conformal conic
    - (v) Horizontal Datum: NAD83
    - (vi) Vertical Datum: NAVD1988
61. SUBDIVISION AGREEMENT – The subdivider shall enter into a subdivision agreement with the City to guarantee the construction and installation of public and private improvements as required by Chapter 15.08.420 of the Municipal Code. Performance of the subdivision agreements shall be guaranteed by securities as specified in Chapter 5 of the Subdivision Map Act.
62. CULTURAL MATERIALS – If any cultural materials are unearthed on the property, work within 30 yards of the encounter shall be halted and applicant, owner and/or contractor shall follow the approved mitigation measures of the approved Mitigated Negative Declaration for this project. In addition to the adopted mitigations the owner, applicant and/or contractor shall contact representative from the American Indian Council of San Pablo to evaluate the finds and make recommendations.
63. SEWER - The West County Wastewater District shall approve the sewer layout prior to the issuance of grading permits.
64. PARKS - The City’s Parks Department shall approve the landscaping on the public road frontages.
65. ENCROACHMENT PERMITS – The applicant shall secure an encroachment agreement from the Public Services Department prior to performance of any work in the public right-of-way.
66. ROOF - All roof downspouts shall be piped to the gutter under sidewalk through curb.
67. FENCING - Retaining wall design shall be approved by the Building Department prior to the issuance of building permits:
- a) Fencing materials for shared fencing between residents shall be of a good design and approved by the Director of Planning and Building or his or her designee prior to the issuance of a building permit.
  - b) Fencing materials for shared fencing between residents shall be maintained by the residents and if not the HOA may maintain the fencing and charge the

residents for the upkeep of the fencing.

68. DRAINAGE - The applicant shall submit drainage calculations to the Public Services Department to demonstrate whether a catch-basin is needed near lots 1 and 32.
69. SUBDIVISION – The applicant shall strategically position the subdivisions’ street lights in a manner that is made to the satisfaction of the City Engineer.

**FIRE DEPARTMENT CONDITIONS OF APPROVAL:**

70. Fire apparatus roadways shall have a minimum unobstructed width of 20ft. (6m) and unobstructed vertical clearance of not less than 13ft. 6inches (4m). Vertical clearances may be increased when in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access. (UFC, 2001, Sec. 902.2.2.1)
71. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. (UFC, 2001, Sec. 902.2.2.2)
72. (Dead-ends) Fire apparatus access roads in excess of 150ft. in length shall be provided with approved provisions for the turning around of fire apparatus. (UFC, 2001, Sec. 902.2.2.4)
73. (During Construction) When approved, temporary access roads of a width, vertical clearance and surface which provide access for fire department apparatus are allowed to be used until permanent roads are installed. (UFC, 2001, Sec. 8704.2 – exception)
74. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. (UFC, 2001, Sec. 901.4.4)

**FIRE PROTECTION:**

75. Fire extinguishers shall be provided for buildings under construction when required by the chief. The number and type of extinguishers shall be as required by the chief, and the type of extinguisher shall be suitable for the type of fire associated with the hazards present. (UFC, 2001, Sec. 8704.4.2)
76. Water mains and hydrants shall be installed and operational during periods of construction. A temporary water supply, when approved, for fire protection is allowed to be used until permanent fire –protection systems are installed. (UFC, 2001, Sec. 8704.3)
77. The minimum fire flow and flow duration requirements for one – and two-family dwellings having a fire area which does not exceed 3600 sq. ft., shall be 1000 gallons per minute (3785.4 L/min.). Fire flow for dwellings in excess of 3600 sq. ft., shall not be less than that specified in Table A-III-A-1. (UFC, 2001 Appendix III-A, Contact RFD for excess flows)
78. Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. The chief may be guided by appendix III-A in determining the requirements for fire flow. (UFC, 2001, Sec. 903.3)
79. In new construction, required smoke detectors shall receive their power from the building wiring. Smoke detectors may be solely battery operated when installed in existing buildings or those with no commercial power source. (CBC, 1998, Sec. 310.9.1.3)
80. When required, an approved manual, automatic or manual and automatic fire alarm system shall be required. (UFC, 2001, Sec. 1006.2.1.1) (contact RFD Fire Prevention for details)

**MISCELLANEOUS:**

81. Very High Fire Hazard Severity Zones (RMC, 2001, 8.16.080) (Contact RFD Fire Prevention for details.)
82. (VHFHSZ) All new structures, and every existing structure, when 50% or more of the total roof area is re-roofed within VHFHSZ designated by CDF and Fire Protection or RFD Fire Prevention Bureau, shall have at least a Class A roof covering. (CBC, 1998, Sec. 1503.1) (Contact RFD Fire Prevention for details / exceptions.)
83. Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators by the Mechanical Code. (UFC, 2001, Sec. 1109.7)

**CLOSING STATEMENT: NOTHING IN THESE STANDARD CONDITIONS IS INTENDED TO AUTHORIZE OR APPROVE OF ANY ASPECTS OF THE DESIGN OR INSTALLATION WHICH DO NOT STRICTLY COMPLY WITH ALL APPLICABLE CODES AND STANDARDS. THE RICHMOND FIRE DEPARTMENT FIRE PREVENTION BUREAU IS NOT RESPONSIBLE FOR INADVERTENT ERRORS OR OMISSIONS PERTAINING TO THIS DOCUMENT AND OR SUBSEQUENT FIELD INSPECTION(S) I.E., ADDITIONAL COMMENTS MAY BE ADDED DURING SUBSEQUENT DRAWING OR FIELD INSPECTION. PLEASE CALL (510) 307-8031 IF THERE ARE ANY QUESTIONS OR CONCERNS.**

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I CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Richmond, California at a regular meeting held on January 8, 2008, by the following vote:

AYES: Councilmembers Bates, Marquez, Rogers, Sandhu, and Viramontes  
 NOES: Councilmember Butt and Mayor McLaughlin  
 ABSTENTIONS: Councilmember Lopez  
 ABSENT: Councilmember Thurmond

DIANE HOLMES  
 Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE McLAUGHLIN  
 MAYOR

Approved as to Form:

LOUISE RENNE, Interim  
 City Attorney

State of California            }  
 County of Contra Costa       : ss.  
 City of Richmond             }

I certify that the foregoing is a true copy of Resolution No. 2-08, finally passed and adopted by the Council of the City of Richmond at a meeting held on January 8, 2008.