



FILE COPY

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

APPROVED PERMIT

APPLICANT: Elizabeth Schmidt
1366 W 9th Street
Upland, CA 91786

APPLICATION NO.: LP18-2016

ASSESSOR'S PARCEL NO.: 192-081-003

PROJECT LOCATION: 3188 Danville Blvd.
Alamo, CA

OWNER: Humburg Investments, LLC
34 Alamo Square, Suite 200
Alamo, CA 94507

ZONING DISTRICT: R-B/S-2

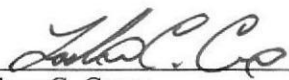
APPROVED DATE: November 19, 2018

EFFECTIVE DATE: November 30, 2018

This matter having not been appealed within the period of time prescribed by law, a LAND USE PERMIT to allow approximately 146 square-feet of new fuel pump valance and pricing information signage at an existing Shell service station where a maximum of 50 square-feet is allowed and a variance to allow fuel pump valance signage that faces away from the street frontage in the Alamo area is hereby APPROVED, subject to the attached conditions of approval.

Aruna M. Bhat
County Zoning Administrator

By: _____


Lashun C. Cross
Deputy Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE (1) YEAR from the effective date if the action allowed by this permit is not undertaken within that time.

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

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #LP18-2016;
ELIZABETH SCHMIDT (APPLICANT) & HUMBURG INVESTMENTS LLC (OWNER) AS
APPROVED BY THE ZONING ADMINISTRATOR ON NOVEMBER 19, 2018**

I. FINDINGS

A. Growth Management Performance Standards

1. Traffic: The project is to add accessory signage to an existing Shell service station. Policy 4-c under the Growth Management Program (GMP) requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The proposed signage will replace existing approved signage and will not include any additional structures which increase business to the site. Therefore, the project will not increase traffic to and from the project site and a traffic impact analysis is not required.
2. Water: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. The subject property currently receives water service from the East Bay Municipal Utility District (EBMUD). EBMUD has reviewed the project, and the project is not anticipated to significantly increase the demand for water service in the area.
3. Sanitary Sewer: The GMP requires that new development demonstrate that adequate sanitary sewer quantity and quality can be provided. The subject property currently receives sanitary sewer service from the Central Contra Costa Sanitary District. The project is not anticipated to increase the demand for sanitary sewer service in the area.
4. Fire Protection: The fire protection standards under the GMP require that a fire station be within one and one-half miles of development in urban, suburban and central business district areas, or requires that automatic fire sprinkler systems be installed to satisfy this standard. The project site is within the San Ramon Valley Fire Protection District jurisdiction. In a message from the Fire Protection staff dated June 21, 2018, the Fire Department stated they have no comments regarding the project.
5. Public Protection: Public protection standards under the GMP require that a Sheriff Facility standard of 155 square feet of station area and support facilities per 1,000 in population shall be maintained within the unincorporated area of the County. The project is for new signage at an existing Shell service station and will not increase the demand for police service facilities as the project will not increase the population.

6. Parks & Recreation: Parks and recreation standards under the GMP require three acres of neighborhood park area per 1,000 in population. The project will not increase the demand for parks or recreation facilities, as the project will not increase the housing stock in the County.
7. Flood Control & Drainage: No portion of the subject property is located within a 100-year flood area as determined by the Federal Emergency Management Agency. In addition, the project does not involve the removal, construction, or alteration of any dams or levees within the County. Therefore, further analysis in relation to increased flood risks as a result of the project is not required.

B. Land Use Permit Findings

1. *The proposed project shall not be detrimental to the health, safety and general welfare of the County.*

Project Finding: The new signage will be accessory to an existing Shell service station for the convenience and advertisement of a commercial activity that serves the local community. There are no new structures proposed to be constructed with this project and the new canopy fascia will replace a cracking and deteriorating existing wood canopy fascia. The project will not add any significant demands on the neighborhood resources, nor be detrimental to the health, safety, and general welfare of the County.

2. *The proposed project shall not adversely affect the orderly development within the County or the community.*

Project Finding: The proposed project will be located within an established retail-business zoning district and not encourage any additional business from outside of the community. The proposed project will not affect the development potential of the adjacent properties nor conflict with the specified commercial guidelines of the Alamo-Diablo-Blackhawk specific area.

3. *The proposed project shall not adversely affect the preservation of property values and the protection of the tax base within the County.*

Project Finding: The new signage will not alter the use or business conducted on the subject property. The signage will not change the overall height of the existing buildings and structures nor add unnecessary visual clutter to the site or surrounding area. The signage will serve as advertisement to the services of the Shell service station as a community business and will not adversely affect the preservation of property values.

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

Project Finding: The subject property is located within a Commercial (CO) General Plan land use designation. The proposed signage will not increase the overall site coverage of the lot or increase the height of the existing buildings and structures. In addition, the project will serve the needs of the existing Shell service station and promote the continued commercial growth within the specified area of the Alamo-Diablo-Blackhawk specific geographic area. The project does not diminish the ability to develop adjacent properties or the surrounding neighborhood for retail-business purposes.

5. *The proposed project shall not create a nuisance and/or enforcement problem within the neighborhood or community.*

Project Finding: The proposed signage will replace existing approved signage and will not include any signs that are strictly prohibited. There are no structures or buildings proposed with this project which would increase the population in the area and thus will not create a nuisance or enforcement problem with the neighborhood.

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

Project Finding: The signage will be located on a lot that has operated as a Shell service station for over 50 years. The adjacent parcels have also been developed to the standards of the Commercial land use designation and the Alamo-Diablo-Blackhawk specific area of the General Plan and the Retail-Business and Sign Control combining zoning districts. Because the project will be accessory to the existing use of the lot and the adjacent area has already been almost completely developed, the project does not encourage marginal development within the neighborhood.

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

Project Finding: The subject property is located on a corner lot serving two major thoroughfares in the area. The subject property and the adjacent properties are all developed with retail-business uses that utilize accessory signage to advertise and draw business in from the local community. The subject property is in an area that is designated as a specific commercial area for the Alamo community as

established in the General Plan. Thus the unique characteristics of the subject property and its location are established.

C. Variance Findings

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

Project Finding: The subject property is a Shell service station that has 9 fueling stalls that are double-sided, totaling 18 fueling pump stations on the property. The Shell service station serves both Danville Boulevard as well as Stone Valley Road and the service pumps are oriented to facilitate automobile traffic in and out of the site onto these thoroughfares.

Other properties that do not require a variance to the S2 Sign Control combining district in the immediate area are not service stations with fueling pumps and thus the business on the subject lot is unique with respect to the adjacent properties.

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

Project Finding: The subject property is located in the Alamo area of the County in a Retail-Business zoned area that is also an S2 combining district. Because the lot requires specific structures for fueling as a service of the business on the subject properties, the existing structures cannot be oriented in such a way so that the graphical signage attached to the pumps will conform to the S2 Sign Control combining district guidelines. Because of the location and the requirements of a fueling station, the subject property is deprived of the rights enjoyed by other properties in the vicinity with the R-B and S2 land use districts.

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

Project Finding: The graphical valance signage on the fueling pumps that does

not face the street frontage will be identical to the same signage on the opposite side of the fueling pump stations that do face the street frontage. The signage is not intended to add clutter or draw business away from adjacent parcels. Thus the variance for the valance signage substantially meets the intent and purpose of the S2 Sign Control combining district in addition to the requirements of the Retail-Business zoning district.

D. S2 Sign Control Findings

- 1. Required Finding: The sign is compatible with the character and design of the exterior architecture of the property and area where it is located.***

Project Finding: The signage does not alter the architecture or design of the existing food mart, car wash and fueling canopy. The signage will utilize the same colors and copy of the existing Shell signage on the subject property. In addition the signage will not conflict with the character and uses of the surrounding properties in the area where the fueling station is located.

- 2. Required Finding: The location of the sign will not impair the use of the property or conflict with the visibility, location or arrangement of existing adjacent signs.***

Project Finding: The signage will be located on the fueling pumps under the existing canopy as well as affixed to the pricing signage structures adjacent to the street frontages. The project signage will not conflict with the visibility, location or arrangement of the existing signage on the subject property.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #LP18-2016:

Project Approval

1. Development is approved as generally described in the application materials received by the Department of Conservation and Development, Community Development Division (CDD) on June 6, 2018, additional plans received September 12, 2018 and is subject to the conditions listed below.

General Provisions

2. Any deviation from or expansion beyond the limits of this permit approved under this application may require the review and approval of CDD and may require the filing of an application for modification of the Land Use Permit.

3. The wood fueling canopy fascia shall be replaced with a new "Timber Series: Walnut" ACM fascia as shown in the approved plans and designed to mimic the existing wood fascia.
4. The existing pricing signs are to be refaced without any LED illumination.
5. No additional pricing signs shall be allowed on the subject property without prior approval of the CDD.
6. No temporary signage shall be allowed on the subject property without prior approval of the CDD.
7. No more than 2 pricing signs permitted, one (1) on Danville and one (1) on Stone Valley Road as shown on the revised plans dated September 12, 2018.
8. The project proponent must remove all signs and advertising on the two street frontages (Danville Blvd. and Stone Valley road). Proof of removal must be demonstrated or provided to Department of Conservation and Development prior to the issuance of any building permits.
9. All buildings (i.e. car wash, mini mart) must be freshly painted or repaired to be updated to match the upgrades of the signage and colors proposed within this permit. The project proponent must demonstrate within 6 months that the work approved under this permit is complete.

Payment of Fees

10. This application is subject to an initial application deposit of \$4000.00, 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 costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first. 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.

Construction Period Restrictions and Requirements

11. The applicant shall comply with the following restrictions and requirements:
 - A. 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 information on the calendar dates that these holidays occur, please visit the following websites:

Federal Holidays:

http://www.opm.gov/Operating_Status_Schedules/fedhol/2018.asp

California Holidays:

<http://www.sos.ca.gov/holidays.htm>

- B. Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
- C. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows.
- D. All internal combustion engines shall be fitted with mufflers that are in good condition and stationary noise-generating equipment such as air compressors shall be located as far away from existing residences as possible.
- E. Construction equipment and materials shall be stored onsite.
- F. The construction site shall be maintained in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be disposed of as necessary.

- G. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.

ADVISORY NOTES

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

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

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

- B. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:

- Contra Costa County Building Inspection Division
- Contra Costa County Environmental Health Division
- East Bay Municipal Utility District
- Central Contra Costa Sanitary District
- San Ramon Valley Fire Protection District

- C. The owner of the service station will need to repair any damaged or broken curbs on the subject property.