



**ALAMEDA COUNTY COMMUNITY
DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO: WEST COUNTY BOARD OF ZONING ADJUSTMENTS

HEARING DATE: JANUARY 9, 2012

GENERAL INFORMATION

APPLICATION

TYPE AND

NUMBER: PLN2012-00103, Conditional Use Permit

OWNER/

APPLICANT: Tiburcio Vasquez Health Center//Sherwood, Clifford

PROPOSAL: To allow the construction and operation of a health care facility

ADDRESS AND

SIZE OF PARCEL: 16110 East 14th Street, east side, 150 feet north of 162nd Avenue, Ashland area of unincorporated Alameda County, with County Assessor's Parcel Number: 080-0057-040-00. The parcel is approximately 55,500 square feet (1.27 acres) in area.

ZONING: TA (Transit Access) District according to the *Ashland and Cherryland Business District Specific Plan*, allowing special or support retail, workplace commercial, office or higher density residential as the primary use.

EDEN AREA

GENERAL PLAN

DESIGNATION: *Eden Area General Plan* of Alameda County designates this property as GC, (General Commercial). The General Commercial designation allows for a wide range of commercial uses that encompass small offices, local and regional retail establishments and automobile-oriented uses to meet the needs of Eden Area residents, employees and pass-through travelers. Offices are particularly encouraged in commercially designated areas to enhance the employment base of the area. Commercial parcels have a maximum FAR of 1.0.

ENVIRONMENTAL

REVIEW:

This project requires an Initial Study (IS) be drafted as required under the California Environmental Quality Act (CEQA) per the CEQA Guidelines §15063. The Initial Study, which is a study conducted to determine potential effects to the environment resulting from a project, has been drafted for the proposed health care facility. The Initial Study has resulted in a Mitigated Negative Declaration with *Less Than Significant Impacts with Mitigation*, and was available for public review for 30 days from November 19, 2012, through

December 19, 2012.

RECOMMENDATION

The recommendation to the West County Board of Zoning Adjustments is to determine that this is an appropriate land use at this location, make the findings for the *Ashland and Cherryland Business District Specific Plan*, TA (Transit Access) land use designation, and findings for the Conditional Use Permit, adopt the Mitigated Negative Declaration as described in the Initial Study, and approve this application, PLN2012-00103, with the attached Conditions of Approval.

PARCEL ZONING HISTORY

In 1954, the first zoning regulations were applied to the areas in the northwest Eden Township. The 49th Zoning Unit designated a C-2 (General Commercial) District for this area.

1956 The history for permits issued includes a building permit for an addition to an existing building as a furniture use. However, there were no permits found for that original building. Which likely means that it was constructed prior to the date that County permitting was established, 1946. The site is currently vacant.

July 18, 1957, Zoning Unit ZU-133 established the original Zoning Districts for this area. This property was included as a C-1 (Retail Business) District designation.

January 4, 1979, Zoning Unit ZU-1317 established the *Bayfair Area Specific Plan*, which rezoned the subject property from “C-1” to “PD” zoning district.

In 1995, the Board of Supervisors adopted the *Ashland and Cherryland Business District Specific Plan* for the commercial districts of the Ashland and Cherryland communities. The *Specific Plan* promotes transit oriented development as well as development that takes advantage of existing highway and freeway access. There are six identified business districts which include mixed-use development along East 14th Street/Mission Boulevard and Lewelling/East Lewelling Boulevard between Fairmont Drive and Grove Way.

December 17, 2007, Site Development Review S-2120 approved construction of 48 residential condominiums and 3 commercial condominiums. This project was never implemented.

SITE AND CONTEXT DESCRIPTION

Physical features: This is a rectangular shaped site with 150 feet of frontage on East 14th Street (State Highway 185) and 371.16 feet of depth. The property is currently vacant; however, it has a history of structures on it. The only access to the property is the frontage on East 14th Street, which is a Caltrans Right-of-Way. Curb gutter, sidewalks and recently installed street trees exist within the Right-of-Way.

Adjacent area: The property is located on the East side of East 14th Street, along a mixed use commercial and residential arterial corridor in the Ashland area of unincorporated Alameda County, approximately 6/10ths of a mile south of the city limits of San Leandro. The Thrift Town store is on the adjacent corner property to the south, but generally it is surrounded by mixed commercial uses on the east 14th Street corridor. The vicinity behind the site consists of residential uses on standard size lots. There are higher density, multi-family residential uses in the area.

PROJECT DESCRIPTION

The project proposal is to allow the construction and operation of an out-patient health care facility in a 20,500 square foot building, with onsite parking, located at 16110 East 14th Street, in the unincorporated Ashland area. The building would contain a variety of medical health care related services, offices, clinics, and laboratories.

REFERRAL RESPONSES

Alameda County Building Department: Responded on August 3, 2012. The Building Department has no objection to the applicant proceeding in the Conditional Use Permit process. A Building Permit will be required for site work associated with the proposed use. General Conditions for Building Permit applications will apply to the permits that are required for the operation, and compliance shall be maintained with the Codes.

Conditions for the Building Permit Application:

1. Comply with California building codes in effective and submittal requirements at time of submitting for building permit.
2. Building permit submittal shall include plumbing, mechanical, and electrical plans.
3. A California licensed architect or engineer shall be designated as the design professional in responsible charge for the project submittal.
4. Soils report and/or geological study will be required.
5. This project is subject to Alameda County Green Building and C&D Ord. It has also to meet CalGreen Code requirements.
6. New addresses may be required for the building site and suites.
7. New trash enclosure shall be covered and comply with Alameda County clean water requirements AC 15.08.190.
8. A site permit will be required for onsite stormwater system, underground utilities, parking lot lighting, and accessible path of travel.

Alameda County Land Development: Responded on December 31, 2012. Staff reviewed the referral and attachments and stated that its office has no comment at this time with regard to this application based on what they could determine from the plans submitted at the time. The outstanding issues are more on the detailed engineering design of the storm drainage system and the water quality treatment measures, which for all intents and purposes will have to be addressed in the final improvement plan review stage and not something that should prevent the public hearing date from moving forward.

Public Works Agency, Traffic: Responded on October 2, 2012: Traffic Engineering has reviewed the project and provided comments for consideration including; location of the proposed driveway, number of accessible parking spaces; transit services, and impacts of employee parking. These issues have been addressed by the applicant and explained later in this report.

Alameda County Sheriff's Office: Responded on September 13, 2012: No comment, provided the Health Care facility abides by the following: maintain the proper licenses required by the State and County which fall under the California Health & Safety Codes; the Sheriff's Office would like to see that all the employees of the Facility comply with all applicable Health Care laws and regulations.

Alameda County Grading Department: Responded on September 21, 2012. The Grading Department will require a permit application that will need to address the liquefaction hazards for the site, identified

“undocumented fill”, respond to the issues identified in the Geotechnical Report, and the comments made by the Geotechnical Engineer.

Alameda County Environmental Health Department: Responded on November 7, 2012. Prior to the issuance of a building permit, the applicant shall prepare a hazardous medical waste plan that identifies disposal methods in compliance with applicable federal, state, and county regulations, including the Department of Toxic Substances Control (DTSC) regulations pertaining to hazardous medical waste.

Oro Loma Sanitary District: Responded on July 26, 2012. The applicant shall submit a complete sanitary sewer plan for all on-site and off-site improvements prepared by a Registered Civil Engineer for review and approval of the District Engineer. The plan shall respond to the list provided to the applicant on August 24, 2012.

Zoning Enforcement: Has responded on July 27, 2012. Staff reviewed the referral and attachments and stated that its office has no comment at this time.

State of California Department of Planning & Research, Clearing House: Responded on December 21, 2012. The referral provided was received and distributed to the departments for review. The Clearing House received no comments back from the departments regarding the referral.

State of California Department of Transportation (Caltrans): Responded on August 13, 2012. A referral response that was received was sent to the applicant on August 15, 2012. That list of comments was sent by the applicant to the consulting project Traffic Engineer to review. Caltrans concerns with the impacts to the State Highway System include: The number of trips generated during the peak hours, and the requirement of an Encroachment permit application for work to be done in the State ROW.

California Highway Patrol: Has not responded as of this writing.

Alameda County Fire Department: Responded on August 8, 2012. Correspondence from the Fire Department stated that the Applicant must meet a list of seven (7) conditions prior to the issuance of a Building Permit and Fire Clearance for occupancy. The list to be addressed includes the following items:

- Approval needed for Fire Sprinkler System
- Approval needed for a Fire Alarm System
- Approval needed for a hydrant that is within 250 feet of the driveway.
- A Knox Box
- Electric Gate
- Elevator Car
- A Pedestrian Gate to the public way will need to be provided with panic hardware.

Ashland Area Community Association: Has not responded as of this writing.

City of San Leandro Planning: Has responded on August 6, 2012. Staff reviewed the referral and attachments and stated that its office has no comment at this time.

STAFF ANALYSIS/PROJECT ANALYSIS

The Tiburcio Vasquez Health Center (TVHC), the applicant, is applying for the Conditional Use permit (CUP). The project proposed is construction of the new 20,500 sq ft out-patient health center with related parking infrastructure and landscaping. The facility will be found appropriate based on the General Plan (*Eden Area General Plan*) and Specific Plan (*Ashland Cherryland Specific Plan*) designations. Site

specific development elements will take into consideration the requirements and policies of a number of State and local departments and agencies. The project requires review pursuant to the California Environmental Quality Act (CEQA). An Initial Study and Mitigated Negative Declaration are proposed to be adopted along with the CUP and Conditions of Approval. The Draft Initial Study was circulated for a 30 day public review period. The 30 day public review for the Mitigated Negative Declaration and the Draft Initial Study, along with mitigation measures, received no comments. Findings will be required to be made for both the CUP and the proposed projects' relationship to the Specific Plan.

TVHC's business plan is to operate this out-patient clinic Monday-Friday from 7:30am to 5:30pm with some services also available on Saturday depending on demand. Services will include primary family care, obstetrics/gynecology, pediatrics, dentistry, lab, pharmacy, mental health and counseling services. TVHC anticipates that staffing will be approximately 81 people. TVHC and its development team are currently working to design the interior layout of the space to accommodate these uses and the necessary registration, lobby, IT, medical records and other functions in the building. Specific design details of the building interior will be part of the building permit phase.

Services Provided

The health center would be 2-stories in height (41 feet) and would provide services in addition to the medical services such as registration, lobby, internet technology, and medical records. Again, the medical services would include: primary family care, obstetrics / gynecology, pediatrics, dentistry, lab, pharmacy, mental health, and counseling services.

The Site

Site improvements would include surface parking for 90 vehicles, an area for bicycle racks/parking for bicycle commuters, parking lot lighting, landscape retaining walls, a trash enclosure, and utility connections (stormwater, sewer, water, gas, etc.). For clean energy, roof mounted photovoltaic panels would be utilized for solar power to be supplied to the facility. Also included are bicycle parking, 7,026 sq ft of sidewalks and walkways, and 10,460 sq ft of landscaping. Vehicular access to the Tiburcio Vasquez Health Center would be provided from E. 14th Street, in the northwest corner of the site. The pedestrian entrance to the health center would be on the northern side of the building adjacent to the parking lot. There would be systems installed to address storm water runoff and compliance to the C-3 regulations. New landscape material to be included will be reviewed for compliance the Water Efficient Landscape Ordinance (WELo). This plant material, approved and installed to WELo standards, is low maintenance, and requires less water. The elevations for the proposed project show the "south elevation" to provide the pedestrian access from the East 14th Street frontage. That frontage will also provide the vehicle access to the on-site parking area. Relocating the current curb-cut and removing one to the street trees, currently in place, will require encroachment permits from Caltrans for work to be done in its ROW. The building wall and portal facade would provide privacy for the site.

The Building

The exterior of the two-story building would be tilt-up concrete construction and developed with a contemporary façade that would include a mixture of stucco, stone, and plaster. The conceptual elevations of the health center building show the building to be located front of the site near the East 14th Street frontage.

Community Data

The applicant has proposed and designed the project to serve the Ashland and Cherryland Community and provided statistics and information in support of the health center at this location. According to the Alameda Public Health Department, this area has the highest teen birth rate in the county and some of the lowest rates of early prenatal care. Further, (per information provided by the applicant) for Ashland and Cherryland the 2000 census shows a high ratio of physicians per patient for these two communities

compared to the surrounding communities: one primary care physician for each 2,751 residents; one dentist for each 1,005 residents; one psychiatrist for each 20,907 residents. These numbers provide some accounting for public need the community requires for the type of service that would be provided by the proposed facility. Currently, a limited number of these physicians within the community accept Medi-Cal. The proposed project would provide local community access to medical professionals where access to Medi-Cal professionals is currently limited.

Vulnerable patients in the community have a variety of challenges when seeking medical attention: income, insurance, language, and access to transportation; all form barriers to treatment. Residents are highly isolated and organizations outside the area are generally not accessible to these families. Issues such as lack of access to health insurance enrollment/member services, and lack of specialty services and referrals are exacerbated by the fact that transportation in southern Alameda County is limited, rendering health care services in neighboring cities difficult to access by the target population.

Reason for the Conditional Use Permit Process

The Conditional Use Permit public hearing process to allow less restrictive development standards relating to ground floor retail, floor area ratio, and parking requirements within the Transit Access (TA) land use district, was developed in the 2012 Ordinance amending to the *Ashland-Cherryland Business Specific Plan*. This amendment established findings to be made, in addition to the standard Conditional Use Permit findings, prior to those exceptions being granted. Those findings will be included in this report.

Parking

Parking proposed for the project is in excess of the maximum required by the specific plan. The intent of the specific plan TA district is to encourage the use of alternative transportation methods along the East 14th Street corridor. This is a property that fits the intent to focus on transportation methods that require less area of a land use dedicated to automobile parking. Providing shuttle service and bicycle parking areas would be part of this proposal. Therefore, proposing parking in excess of the requirement is contrary to the intent of the TA district and the amendment to the specific plan. There is also the option for clients to use street parking on both sides of East 14th Street in this area.

A total of 90 surface parking spaces are proposed. The applicant is requesting a parking exception because the ACBD TA zone would normally require a maximum of 70 parking spaces for the proposed use (Parking in the TA zone is not to exceed 3.5 spaces per 1,000 net lease-able sq ft). The additional twenty-eight (20) parking spaces are requested because of the nature of the facility as a health center serving people who may be sick or injured, and the circumstance that the health clinic's proposed location would improve access to health care in the most underserved area of Alameda County.

Stormwater Treatment

The development of the project site must fully comply with Provision C.3 of the Municipal Regional Stormwater Permit. An on-site storm drainage system must integrate post-construction stormwater control measures into the design so that storm runoff will be treated first before flowing to a downstream detention storage which then discharges into public flood control facilities further downstream. The Bay Area Hydrologic Model (BAHM) program would be used to size the on-site detention storage to mitigate hydromodification effects due to the change in storm runoff characteristics from a watershed caused by a change in the relationship of its pervious and impervious areas due to development. BAHM is a tool that generates flow duration curves for the pre- and post-project condition and then sizes a flow duration control 'basin' or 'vault' and outlet structure to match the pre-project curve.

The design of both the stormwater control measures and the on-site detention storage will have to be reviewed and approved by the Alameda County Public Works Agency and should be subject to a District

stormwater permit prior to construction.

THE LIST and LOCATION of OTHER TIBURCIO VASQUEZ HEALTH CENTERS/CLINICS

22331 Mission Boulevard, Hayward, Tiburcio Vasquez Health Center
29800 Mission Boulevard, Hayward, Tiburcio Vasquez Health Center
33255 9th Street, Union City, Tiburcio Vasquez Health Center

All of these existing facilities will remain in operation if this proposed facility is approved. These facilities provide levels of care not otherwise offered in the community, as well as cost reduction and deduced demands on area emergency rooms; and no one is refused care that is required.

Conformance with the General Plan

Eden Area General Plan. General Goals, Policies and Actions: This section provides general goals, policies, and actions that apply to the Eden Area as a whole. “Goal LU-6, 3. Corridor” defines corridors as linear areas with a mix of uses along major roadways that provide a variety of needs for surrounding Neighborhoods. This section provides guidance about the County’s plan for the Corridors in the Eden Area.

3. Land Use Element

A. Background Information: This section provides a look of key issues in the Eden Area relating to existing land uses, economic development, visual quality, and cultural and historic resources. This background information provides the prospective for the rest of the Land Use Element.

A.1. Commercial: Commercial land uses include parcels that contain a number of business types including retail, office, and medical facilities. Commercial development is predominantly located along arterial roadways such as East 14th Street/Mission Boulevard, Hesperian Boulevard, Foothill Boulevard and Lewelling Boulevard, and at key intersections of collector streets. Commercial development in the Eden Area consists of a mixture of strip and stand-alone commercial buildings, often set back from the street and having limited relationship to one another or adjacent land uses.

D.1. General Goals, Policies and Actions: This section provides general goals, policies, and actions that apply to the Eden Area as a whole. D.3. Corridors: Corridors are linear areas with a mix of uses along major roadways that provide a variety of needs for surrounding neighborhoods. This section provides guidance about the County’s plan for the Corridors in the Eden Area. East 14th Street/Mission Boulevard is one of five Corridors identified in the Plan.

The proposed health center could be a compatible use when guided by the *Eden area General Plan*. The proposed structure would be a welcomed addition to the neighborhood vicinity. Generally, the location of the property, and existing site and context, make the proposed use a match with this property. The *General Plan* states that: “special attention should be given to the types of uses and design of this area to ensure that development is visually attractive.” This proposal does include physical and landscape improvements to the site. The proposed improvements rise to level of “visually attractive” for the East 14th Street/Mission Boulevard Corridor. Also, the subject property is located within the East 14th Street corridor, part of the *Eden Area General Plan*. For the East 14th Street/Mission Boulevard corridor, the Eden General Plan promotes a “variety of uses”, which includes the health center type use.

Following are excerpts from the *Eden Area General Plan* that guide and inform the review and consideration of this application for Conditional Use Permit. Compatibility with existing neighborhood character is a consistent theme reflected in the land use policies.

Eden Area General Plan (2010)

Goal LU-1	Establish a clearly defined urban form and structure to the Eden Area in order to enhance the area’s identity and livability.
Goal LU-4	Preserve the quality and character of existing Neighborhoods in the Eden Area.
Policy 4:	Permit applications for alterations, additions and infill development shall be reviewed to ensure that they enhance the character and quality of neighborhoods.
Policy 7	When a property is redeveloped, the new use shall be required to conform to the land use designations in this General Plan.
Goal LU-7	Create attractive Corridors with a mix of uses throughout the Eden Area.
Policy 1:	The redevelopment of corridors shall be a priority for the County as it is a key to revitalizing the Eden Area.
Policy 7:	The County shall utilize its Design Guidelines as an implementation tool to require higher quality and more appropriately scaled development in the Eden Area.

This request for a health care facility does comply with the “goals and policies” concept to enhance the character and the livability of the Eden Area.

This request preserves the character and quality of existing neighborhoods in the Eden Area with the upgrade and significant improvements to the subject property. The character of the surrounding neighborhood will therefore be maintained aesthetically. A business that is able to adapt to current market demand would also enhance the quality of the surrounding neighborhood due to improvement to services offered to the local community.

Design Guidelines include basic urban design framework and principles that should be used in the future development of the Eden Area. The proposal would involve improvements in accessibility to needed services via pedestrian, bicycle, and public transportation. The proposal brings economic development, and the design brings improved visual quality. The project, with the proposed elements, would be conforming to the guidelines.

Conformance with the Specific Plan

This site is within the *Ashland Cherryland Business District Specific Plan* adopted by the Alameda County Board of Supervisors on June 1, 1995. The *Ashland Cherryland Business District Specific Plan* designation of TA (Transit Access) establishes a minimum level of transit-oriented development as a condition of planning approval in the immediate vicinity of transit and bus stops.

The TA *Specific Plan* designation allows special or support retail, workplace commercial, office or higher density residential as the primary use. Workplace commercial land uses along busy streets that have access from freeways are allowed in some Specific Plan land use designations such as the TA land use designation. Illustrative examples of the types of workplace commercial land uses that could benefit from

freeway access and exposure include the following in the TA designation:

- Corporate and independent law, insurance, and real estate offices
- Design professional
- Computer companies
- Public service
- Out-patient health services

The proposed building exterior design meets the design guidelines of the *Ashland Cherryland Business District Specific Plan*, which calls for street-facing and street-adjacent buildings, parking lots beside or behind buildings, landscaping in parking lots, similarity in height of new structures to surrounding context, and use of quality and durable materials for building exteriors. This project maintains existing conditions that comply with these site design guidelines, and the minor exterior modifications comply with the building design guidelines.

TA District Conditional Use Permit Findings

The TA District Conditional Use Permit Findings are a required per the recent amendment to the ACBD Specific Plan to allow review of projects that do not otherwise comply with the following development standards: 1) minimum Floor Area Ratio (FAR) of 0.75 to 1 for new non-residential development; 2) maximum parking ratios of 3.5 on-site parking spaces per 1,000 net leasable square feet of commercial space; and 3) minimum ratio of 50% of ground floor space for support and specialty retail uses.

The findings are meant to compare the project to the intent of the TA land use designation, and specific land use policies within the authority of that designation. The findings would help the West Board of Zoning Adjustments to determine if the project has a net benefit to the community even if it does not meet these three development standards.

TA District Conditional Use Permit Findings:

1. Is the granting of the CUP necessary to allow development to occur?
 - a. Yes. Development of this site as a community health clinic does not meet the ACBD Specific Plan TA zone requirements for parking, FAR and retail uses. A health clinic use is a permitted use and the clinic will improve access to health care in the most underserved area of the County.
2. Does the project result in significant positive Economic Development impacts?
 - a. Yes. The clinic will provide 81 new jobs with wages and benefits bargained for under union contracts. More than 50% of TVHC's employees live within 15 miles of its clinics. TVHC has active contracts with local community colleges and career development agencies which seek to place their students/participants at TVHC. TVHC has hired staff from programs at Eden Area ROP, Merritt College, Chabot College, DeVry Institute, Western Career College, American College of Nursing and other local technical schools.
 - b. The Ashland/Cherryland area has the highest teen birth rate in the County and some of the lowest rates of early prenatal care. It also has some of the highest rates of obesity, diabetes, heart disease and other chronic illness. There is only one clinic within a 14 mile radius and several primary care providers. However, more than 50% of these providers do not accept Medi-Cal and uninsured patients. 80% of these providers do not have the capacity to provide bilingual and bicultural services and they do not provide sliding scale payment. The Federal Statute for primary care providers is a maximum of 3,500

medically underserved patients to one provider. The ratio in Ashland/Cherryland is 4,891 to one provider. The Eden Area Livability Initiative for this community ranked a culturally appropriate health care clinic in Ashland/Cherryland as its number eight priority.

3. Are there project amenities and exceptional design features integrated into the project?
 - a. Yes. The project is proposing a solar array that could provide 85% of its electrical needs. These solar panels will be mounted on the roof and in the parking lot at the rear of the project as shown on the site plans. TVHC is working with Alameda County to find sources to finance this installation. Additionally, the project will provide trees in the parking lot to shade the pavement; provide bike parking at the entry; provide a welcoming pedestrian entry and plaza; provide for future EV plug-in stations; provide car pool spaces; provide shading of windows to reduce heat gain; provide exceptional natural lighting through multiple windows and energy efficient interior lighting; provide HVAC system that is energy efficient; use low VOC paint in the interior. The interior space has not been designed yet, but as the plan is developed there will be additional opportunities to add sustainable elements.

4. Does the project promote the goals of the Eden Area General Plan regarding primary and secondary uses?
 - a. Yes. The Eden Area General Plan designates this site as General Commercial and states that the GC use must be located on the parcel. It encourages offices to enhance the employment base of the area. TVHC's clinic will bring 81 new jobs to the area. This use will be located in an area of high automobile access and a safe pedestrian environment. This project will advance a unified and coherent pattern of development and fill in a gap in the urban environment. It is designed with a minimum setback to create a consistent pedestrian oriented environment. The building has an active street face with windows and a welcoming pedestrian entry and plaza. The street presence is carried across the entire frontage of the site. Parking has been located to the side and rear of the facility further enhancing the street presence and stone accents at the base of the building and columns will set a standard for future developments.

5. Has the project been the subject of adequate environmental analysis?
 - a. Yes. An Initial Study per CEQA with a traffic analysis has been prepared and presented by Brandman Associates.

The California Environmental Quality Act (CEQA) is the authority by which the Initial Study was conducted for the project and resulted in the Mitigation Negative Declaration being prepared

Mitigation Measures to be implemented for the TIBURCIO VASQUEZ HEALTH CENTER, if approved:

MM-AES-1: Prior to submittal of plans to the Building Inspection Division, the project sponsor shall ensure that building construction plans show exterior lighting and window treatments on the medical office building and associated parking lot that are designed to minimize glare and light spillover to adjacent properties.

The County shall ensure that final design plans include light fixtures that are down casting and low mounted to reduce light trespass onto adjacent properties. An exterior lighting and illumination plan will be required to show lumens on the lot and adjacent properties; lighting onsite shall not exceed by more than five (5) percent the Illuminating Engineering Society of North America (IESNA) published standards for the proposed activity. The final design plans shall also include glazing window treatments to minimize

the intensity of daylight glare produced by the medical building.

MM-AIR-1

During construction activities, the following air pollution control measures identified in the BAAQMD CEQA Guidelines shall be implemented:

- 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.

MM BIO-1

Pursuant to the Migratory Bird Treaty Act and California Department of Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside of the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. Construction generally occurs during the dry season in the spring and summer months (during nesting season) to avoid inclement weather. If construction is planned to start during the nesting season (between February and August), the Applicant shall conduct pre-construction presence/absence surveys to determine if any birds are nesting within or adjacent to the project site. A write-up regarding the survey findings shall be submitted to the County for approval prior to construction.

A qualified biologist shall conduct a pre-construction survey for nesting migratory birds within all suitable habitat on the project site, and within 250 feet of the project site. The pre-construction survey shall be conducted within 15-days of the beginning of project related activities if construction starts within the nesting season. If an active nest is discovered during the pre-construction survey, the survey will propose species-specific mitigation measures to be utilized during instruction including but limited to the incorporation of appropriate buffers during construction. No construction activities shall encroach within the identified buffer. If construction activities must occur within the buffer with the active nest, a biological monitor will be required to be onsite during the construction phase to ensure no direct or incidental take of the active nest occurs. If the biological monitor determines that construction activities will result in take of the active nest, then all construction activities must halt within the established buffer for the nest.

MM CUL-1 It is always possible that ground-disturbing activities during construction may uncover previously unknown, buried historic resources. In the event that buried historic resources are discovered during construction, operations shall stop within 50 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The County shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Historic resources could consist of, but are not limited to, stone, wood, or shell artifacts, structural remains, privies, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA criteria.

MM CUL-2 It is always possible that ground-disturbing activities during construction may uncover previously unknown, archaeological resources. In the event that archaeological resources are discovered during construction, operations shall stop within 50 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The County shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to, excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA criteria.

MM CUL-3 In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The County shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.

MM CUL-4 In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code § 5097.94 and § 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the

deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
 - The descendant identified fails to make a recommendation.
 - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

MM-GEO-1 Subject to review and approval by the County Public Works Agency, the following construction treatments are identified to address the potential for liquefaction: In order to increase the rigidity of the foundation, the continuous footings shall be reinforced either with two No. 5 rebars both top and bottom, or with stiffened grade beams with the same reinforcing. Floor slabs shall also be reinforced using No. 4 reinforcing bars 18 inch on center running in both directions with the slab securely connected to perimeter foundations using No. 5 rebars at 24-inch intervals.

MM-GEO-2 The Applicant shall address the related risks of differentials settlement and expansive soils by designing the foundations, structural bearing walls and beams, and underground utility connections to include the appropriate features. Design features include but are not limited to tying isolated column footings to concrete flatwork slabs, compacting subgrade soils to meet appropriate water-content guidelines, use of capillary brems and/or vapor barriers and similar measures. Pavement areas shall be designed to withstand severe seismic disruption, with appropriate compaction, site preparation, grading, drainage, utility trenching, pipe bedding, and concrete work. The contractor shall enable the authors of the geotechnical engineering study to review the final project plans prior to construction and report to the Department of Public Works on the adequacy of the plans.

MM-HAZ-1 Prior to the issuance of building permits, the Applicant shall prepare a hazardous medical waste plan that identifies disposal methods in compliance with applicable federal, state, county, regulations including the Department of Toxic Substances Control (DTSC) regulations pertaining to hazardous medical waste. The hazardous medical waste plan shall be prepared pursuant to CUPA guidelines. Additionally, prior to the issuance or building permits, the Applicant shall prepare a hazardous material transportation program.

MM-LU-1 The applicant shall apply for a Conditional Use Permit (CUP) from the County. The CUP will include a special study to analyze the following findings:

- Is the granting of the Use Permit necessary to allow development to occur?

- Does the project result in significant positive Economic Development impacts such as: increase sales tax and/or property tax revenue; or provide living wage jobs; or provide a needed service or product not available nearby in the corridor; or include local hiring practices and/or apprenticeship program?
- Are there project amenities and exceptional design features integrated into the project to support ACBD Specific Plan sustainability goals?
- Are there project amenities and exceptional design features integrated into the project to support ACBD Specific Plan sustainability goals?
- Does the project promote the goals and land use objections of the Eden Area General Plan regarding primary and secondary uses?
- Has the project been the subject of adequate environmental analysis pursuant to the California Environmental Quality Act?

MM-USS-1 In order to ensure compliance with the Urban Water Management Planning Act the project applicant shall submit building plans to the East Bay Municipal Utility District for review and approval that identify and include the following indoor and outdoor water conservation measures:

- Separate metering of domestic water.
- Low-flow or ultra-low-flow toilets and urinals.
- Faucet aerators or low-flow faucets in bathrooms.
- Plans depicting details of irrigation and plants used for landscaping

PRE-HEARING RECOMMENDATION

Staff recommends that the West County Board of Zoning Adjustments review the proposal, Conditions of Approval, and Mitigation and Monitoring Measures. Staff recommends that the WBZA approve the Conditional Use Permit application based on the attached exhibits and the following Conditions of Approval. Staff further recommends that the WBZA adopt the Initial Study and Mitigated Negative Declaration and the Mitigation and Monitoring Measures.

TENTATIVE FINDINGS BASED ON INFORMATION AVAILABLE PRIOR TO THE PUBLIC HEARING

CONDITIONAL USE PERMIT:

1. Is the use required by the public need?

Yes. This health care facility would provide the needed service for the local community in unincorporated Alameda County. There is a need in the Ashland and Cherryland community for an out-patient clinic which will provide services at levels that are proposed with this application.

2. Will the use be properly related to other land uses and transportation and service facilities in the vicinity?

Yes. The health center is located in a mixed use retail/workplace commercial area on a major thoroughfare where the surrounding public streets and freeway access are adequate and all necessary improvements and services are available. The proximity to multiple transportation methods, improved sidewalks, and bicycle routes makes alternative transportation a viable option.

3. Will the use, if permitted, under all circumstances and conditions of this particular case,

materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood?

No. The health care facility will be properly reviewed, and inspected by specific agencies and department regulations and shall meet all applicable life-safety, and fire code requirements, with proper environmental health standards in place, and no adverse effects are otherwise anticipated.

4. Will the use be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered?

Yes. The health care facility use is compatible with both the *Eden Area General Plan*, and the *Ashland and Cherryland Business District Specific Plan*, which establish the performance standards for this Community.

ATTACHMENTS

Exhibits

Referral Responses

Correspondence

Photographs

Signed Mitigation Monitoring Measures

PREPARED BY: Richard Tarbell, Planner

REVIEWED BY: Rodrigo Orduña, Senior Planner

CONDITIONS OF APPROVAL

TIBURCIO VASQUEZ HEALTH CENTER

General Conditions of Approval

1. This permit authorizes the construction and operation of a health care facility, located at 16110 East 14th Street, east side of the street 150 feet north of 162nd Avenue, Ashland area of unincorporated Alameda County, County Assessor's Parcel Number: 080-0057-040-00.
2. The photovoltaic panels shall be installed as shown on approved plans marked "Exhibit A" prior to final occupancy, and made operational throughout the life of the project.
3. The bicycle parking area shall be installed as shown on approved plans marked "Exhibit A" prior to final occupancy, and made operational throughout the life of the project.
4. The use shall at all times be in compliance with these Conditions of Approval and standards, and drawings marked "Exhibit A", including materials and color boards, or this Conditional Use Permit shall be void. If found to be in violation of the Zoning Ordinance and citation or revocation proceedings may be commenced.
5. Owner or successor shall defend, indemnify, and hold harmless Alameda County or its agents, officers, and employees from any claim, action, or proceeding against Alameda County or its agents, officers or employees to attack, set aside, void, or annul Conditional Use Permit PLN2012-00103 or any subsequent Conditional Use Permit. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by Alameda County in its defense. The County shall promptly notify owner or successor of any such challenge.
6. A maximum of 90 on-site parking spaces shall be provided at all times.
7. Prior to the issuance of building permits, the Applicant shall prepare a hazardous medical waste plan that identifies disposal methods in compliance with applicable federal, state, county, regulations including the Department of Toxic Substances Control (DTSC) regulations pertaining to hazardous medical waste. The hazardous medical waste plan shall be prepared pursuant to CUPA guidelines. Additionally, prior to the issuance or building permits, the Applicant shall prepare a hazardous material transportation program, and provide a copy of the contract to this file.
8. Building Permits shall be issued within one year of approval of this Conditional Use Permit, and construction shall commence within three years of approval of this Conditional Use Permit, or this permit shall be of no force or effect.
9. Prior to issuance of Building Permits, the applicant shall a site to demonstrate compliance with Solar Energy to be proved, submit floor plans, sections, and exterior elevation drawings in compliance with "Exhibit A" to the satisfaction of the Planning Director.
10. Detailed Landscape Plans shall be submitted to the County for compliance the Water Efficient Landscape Ordinance (WELO). The landscaping shall be approved and installed to WELO standards and to the satisfaction of the Planning Director.
11. The following Mitigation Measures shall be implemented for the TIBURCIO VASQUEZ HEALTH CENTER:

MM-AES-1: Prior to submittal of plans to the Building Inspection Division, the project sponsor shall ensure that building construction plans show exterior lighting and window treatments on the medical office building and associated parking lot that are designed to minimize glare and light spillover to adjacent properties.

The County shall ensure that final design plans include light fixtures that are down casting and low mounted to reduce light trespass onto adjacent properties. An exterior lighting and illumination plan will be required to show lumens on the lot and adjacent properties; lighting onsite shall not exceed by more than five (5) percent the Illuminating Engineering Society of North America (IESNA) published standards for the proposed activity. The final design plans shall also include glazing window treatments to minimize the intensity of daylight glare produced by the medical building.

MM-AIR-1 During construction activities, the following air pollution control measures identified in the BAAQMD CEQA Guidelines shall be implemented:

- 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.

MM BIO-1 Pursuant to the Migratory Bird Treaty Act and California Department of Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside of the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. Construction generally occurs during the dry season in the spring and summer months (during nesting season) to avoid inclement weather. If construction is planned to start during the nesting season (between February and August), the Applicant shall conduct pre-construction presence/absence surveys to determine if any birds are nesting within or adjacent to the project site. A write-up regarding the survey findings shall be submitted to the County for approval prior to construction.

A qualified biologist shall conduct a pre-construction survey for nesting migratory birds within all suitable habitat on the project site, and within 250 feet of the project site. The pre-construction survey shall be conducted within 15-days of the beginning of project related activities if construction starts within the nesting season. If an active nest is discovered during the pre-construction survey, the survey will propose species-specific mitigation measures to be utilized during instruction including but limited to the incorporation of appropriate buffers during construction. No construction activities shall encroach within the identified buffer. If construction activities must occur within the buffer with the active nest, a biological monitor will be required to be onsite during the construction phase to ensure no direct or incidental take of the active nest occurs. If the biological monitor determines that construction activities will result in take of the active nest, then all construction activities must halt within the established buffer for the nest.

MM CUL-1 It is always possible that ground-disturbing activities during construction may uncover previously unknown, buried historic resources. In the event that buried historic resources are discovered during construction, operations shall stop within 50 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The County shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Historic resources could consist of, but are not limited to, stone, wood, or shell artifacts, structural remains, privies, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA criteria.

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1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.
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plans prior to construction and report to the Department of Public Works on the adequacy of the plans.

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- Has the project been the subject of adequate environmental analysis pursuant to the California Environmental Quality Act?

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- Separate metering of domestic water.
- Low-flow or ultra-low-flow toilets and urinals.
- Faucet aerators or low-flow faucets in bathrooms.
- Plans depicting details of irrigation and planting used for landscaping

12. All requirements of the following County and State agencies shall be met:

a) Building Inspection Department:

- Comply with California building codes in effective and submittal requirements at time of submitting for building permit.
- Building permit submittal shall include plumbing, mechanical, and electrical plans.
- A California licensed architect or engineer shall be designated as the design professional in responsible charge for the project submittal.
- Soils report and/or geological study will be required.
- This project is subject to Alameda County Green Building and C&D Ord. It has also to meet CalGreen Code requirements.
- New addresses may be required for the building site and suites.
- water requirements AC 15.08.190.

- A site permit will be required for onsite stormwater system, underground utilities, parking lot lighting, and accessible path of travel.
- b) Fire Department:
- Approval needed for Fire Sprinkler System
 - Approval needed for a Fire Alarm System
 - Approval needed for a hydrant that is within 250 feet of the driveway.
 - A Knox Box
 - Electric Gate
 - Elevator Car
 - A Pedestrian Gate to the public way will need to be provided with panic hardware
- c) Public Works Agency:
- Outstanding issues are more on the detailed engineering design of the storm drainage system and the water quality treatment measures, which for all intents and purposes will have to be addressed in the final improvement plan review stage.
- d) Grading Department:
- A grading permit application will be required that will need to address the liquefaction hazards for the site, identified “undocumented fill”, respond to the issues identified in the Geotechnical Report, and the comments made by the Geotechnical Engineer.

13. Prior to Final Inspection, landscape shall be planted and inspected to the satisfaction of the Planning Director.

Preservation of Cultural Resources

14. Precautions shall be taken to insure that no disturbance of any human remains that may be located underneath the site, important in prehistory or history, shall occur during the implementation of the project. These precautions include compliance with the provisions of Section 7050.5 of the California State Health and Safety Code or, if the remains are determined to be Native American, Section 5097.98 of the California State Public Resources Code as per CEQA Section 15064.5(d).
15. A mandatory review shall be conducted at the end of 5 years. As a result of the mandatory review, a permit for renewal and public hearing may be required to review the original conditions of approval to determine compliance with the findings that supported the original permit approval. Any condition of approval modified or added will ensure the activity continues in conformance with the intent and purpose of the zoning ordinance, and shall be of the same force and effect as if originally imposed. Review costs shall be borne by the applicant.

**ALBERT LOPEZ, PLANNING DIRECTOR
SECRETARY TO THE ALAMEDA COUNTY PLANNING COMMISSION**