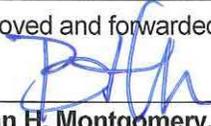




STAFF REPORT

Approved and forwarded to City Council


Bryan H. Montgomery, City Manager

Date: March 10, 2015
To: Bryan H. Montgomery, City Manager
From: Kenneth W. Strelo, Senior Planner
SUBJECT: **Subdivision 9391 at Cypress Grove (TM 02-14)**

Summary

This is a request by Mike Evans of DeNova Homes ("Applicant") requesting approval of a vesting tentative map to subdivide approximately 3.52 acres into 14 single family residential lots, one 0.22 acre landscaped parcel, and associated right of way improvements for the project known as "Subdivision 9391 at Cypress Grove (TM 02-14)" ("Project"). The site is located within the existing [Cypress Grove subdivision](#) north of Ironhouse Elementary School and Delta Vista Middle School (4901 Frank Hengel Way) off of East Cypress Road and Frank Hengel Way. The project site is zoned P-1 (Planned Development) District. Portion of APN 037-192-024.

Staff recommends the City Council adopt the resolution approving TM 02-14, as conditioned.

Background

General Plan and Zoning

The General Plan Land Use Designation for the project site is *Single Family High* ("SH") as depicted in the [Oakley 2020 General Plan](#) Figure 2-2 (Land Use Diagram). The SH designation allows for a maximum density of 5.5 dwelling units per gross acre, per General Plan Table 2-1 (Land Use Designations Densities and Intensities). The site is zoned P-1 (Planned Development) District for the purposes of detached single family residential development.

Surrounding Uses

The uses surrounding the property consist of single family residential homes and the adjacent middle school/elementary school site and its ancillary uses. The Cypress Grove Community Park is located approximately 200 feet north of the project site adjacent to Frank Hengel Way.

Figure 1. Aerial Photo of Project Site



Project Description

Vesting Tentative Map

The proposed Vesting Tentative Map (Subdivision 9391) includes the subdivision of approximately 3.52 acres into 14 single family residential lots, including one street and a landscaped parcel that will carry over to the future development of Subdivision 9080 directly adjacent to the north. The lot sizes range from 6,300 to 8,742 square feet, with an average lot size of approximately 6,731 square feet. Access to the subdivision is proposed to be provided by a future street called out as "A" Circle. This street will act as a loop providing double access onto Picasso Drive for this subdivision and Subdivision 9080. The southern right of way boundary of "A" Circle will be adjacent to the school property. Therefore, no homes are proposed to share property lines with the school property.

Maximum allowable density within the SH designation is 5.5 dwelling units per gross acre. With 14 dwelling units proposed on 3.52 acres, the gross density falls just under 4 dwelling units per gross acre ("du/ac"), which is at the low end of the SH designation density range (3.8 – 5.5 du/ac). Adding these 3.52 acres and 14 lots to the existing residential

development within the Cypress Grove subdivision will result in a total gross density of approximately 3.8 du/ac.¹

Existing Conditions

The original Cypress Grove project included two tentative maps north of Cypress Road, both of which have been fully developed (Subdivisions 8679 and 8680). Subdivision 8679, located on the eastern portion of Cypress Grove, includes 201 single family residential lots ranging from 5,150 – 8,330 square feet with an average lot size of 6,310 square feet. Subdivision 8680, located on the western portion, includes 240 single family residential lots ranging from 5,100 – 9,540 square feet, with an average lot size of 6,870 square feet. Table 1 shows how the proposed lots compare with the existing lots, as well as average lot size without and with the proposed project.

Table 1. Summary of Cypress Grove Lot Sizes

| | Number of Lots | Lot Ranges (SF) | Average Lot Size (SF) |
|------------------|----------------|-----------------|-----------------------|
| Subd. 8679 | 201 | 5,150 – 8,330 | 6,310 |
| Subd. 8680 | 240 | 5,100 – 9,540 | 6,870 |
| Proposed Project | 14 | 6,300 – 8,742 | 6,731 |
| Without Project | | | 6,615 |
| With Project | | | 6,619 |

Environmental Review

The proposed project is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 (Class 32 – Infill Development Projects) of the State CEQA Guidelines. This project can be classified as Class 32 because:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare or threatened species;
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- The site can be adequately served by all required utilities and public services.

¹ Subd. 8679 = 201 units and 50 acres. Subd. 8680 = 240 units and 65 acres. Project = 14 units and 3.52 acres. Total = 455 units and 118.52 acres or apx. 3.8 du/ac.

Required Findings

The vesting tentative map was analyzed in relation to the required findings found in the City's subdivision ordinance (adopted County ordinance by reference), which generally states that the City Council shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law. When approving the tentative map, the decision making body shall make findings as required concerning the fulfillment of construction requirements. The proposed parcels must also comply with the regulations set forth in the applicable zoning district, in this case the P-1 District.

Analysis and Findings

The proposed tentative parcel map represents a subdivision of land that is consistent with the applicable General Plan policies and guidelines in that it results in a gross density of approximately 3.9 du/ac, which is at the low end of the density range for the Single Family High land use designation. Proposed lot sizes and the gross density will mesh well with the existing residential development within the Cypress Grove neighborhood. As a result of the subdivision, street and frontage improvements ("A" Circle) will be constructed, which will provide vehicle access and utilities to all of the proposed homes. Also, Parcel "A" will provide a landscaped parcel between the proposed homes and Frank Hengel Way. This landscaped parcel will act as a greenway between the school property and Community Park. Finally, designing the subdivision with a loop road and integrating it with the undeveloped subdivision to the north will allow for approximately 12-13 homes that will face the open park land on the school property. Having homes, rather than fences and walls face parks, provides for better security and neighborhood watch opportunities associated with the park land.

Findings

Complete draft findings are included in the attached resolution.

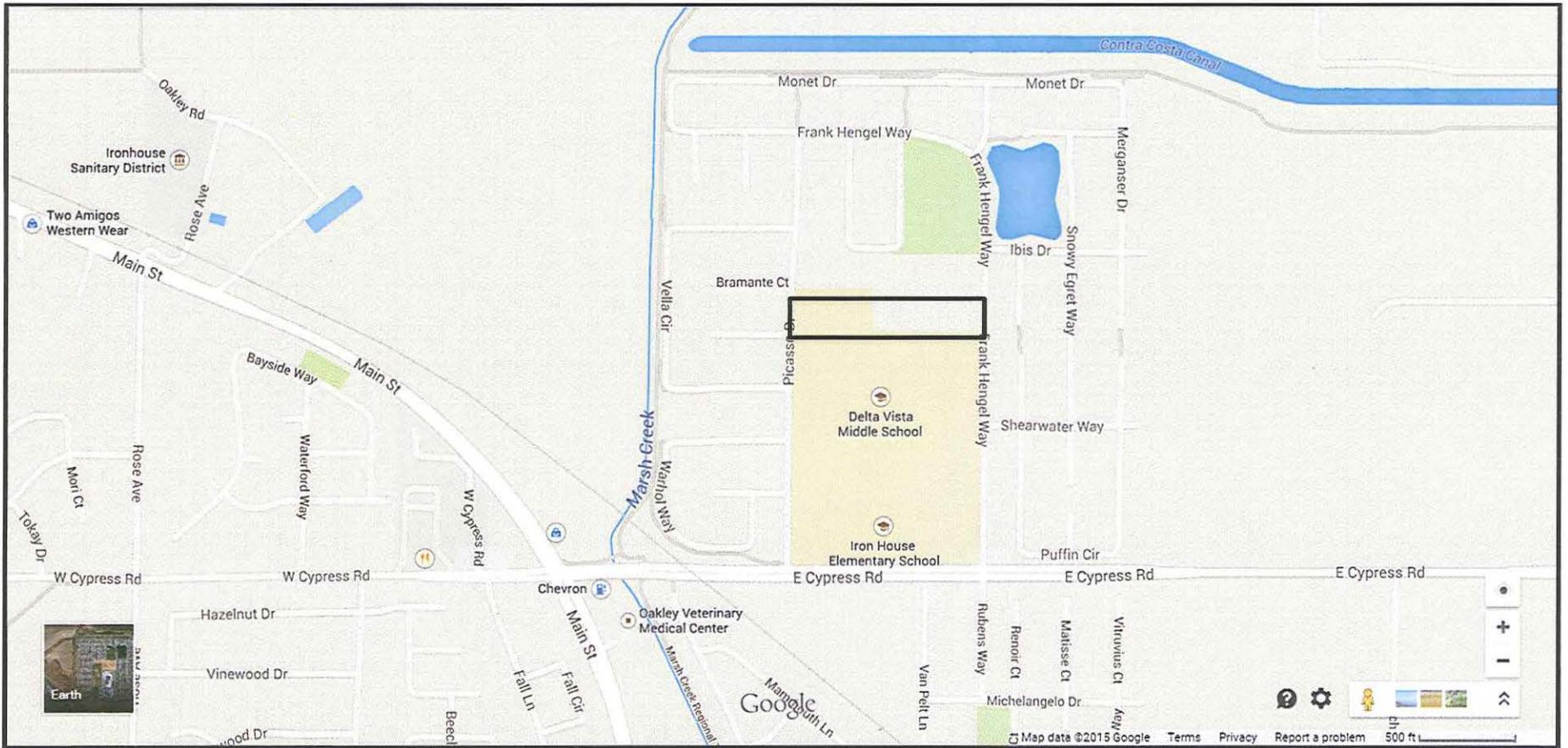
Recommendation

Staff recommends the City Council adopt the resolution approving "Subdivision 9391 at Cypress Grove (TM 02-14)" as conditioned.

Attachments

1. Vicinity Map
2. Public Hearing Notice
3. Applicant's Plans
4. Draft Resolution

VICINITY MAP
Subdivision 9391 at Cypress Grove (TM 02-14)
(APN 037-192-024)





City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

NOTICE OF PUBLIC HEARING

Notice is hereby given that on March 10, 2015 at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering an application for a vesting tentative map approval.

Project Name: Subdivision 9391 at Cypress Grove (TM 02-14)

Project Location: Within the existing Cypress Grove subdivision north of Iron House Elementary School and Delta Vista Middle School off of East Cypress Road and Frank Hengel Way. Portion of APN 037-192-024.

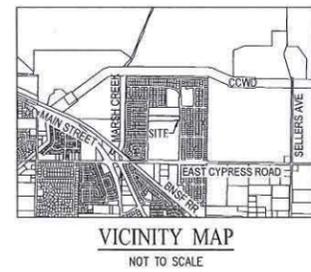
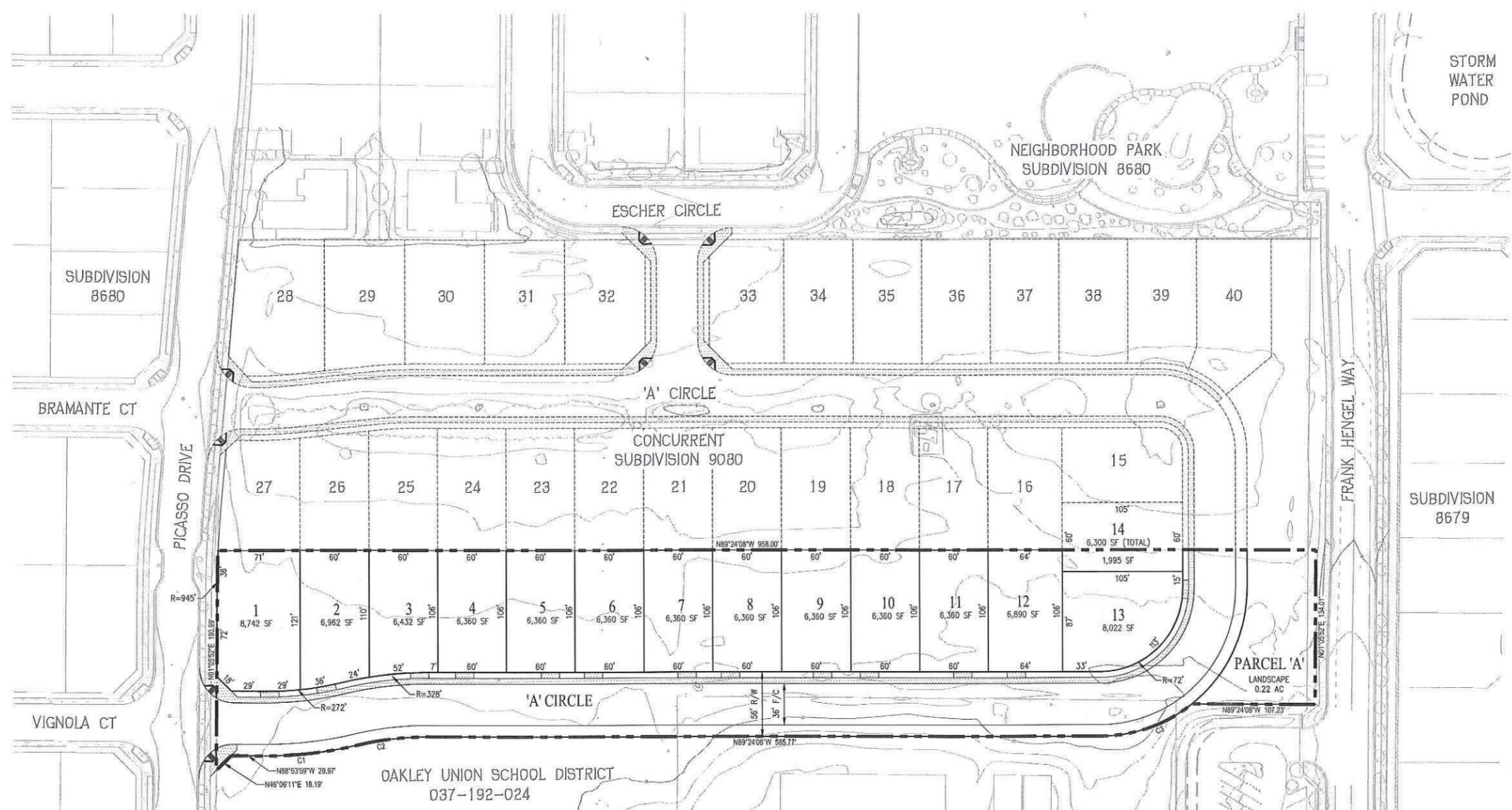
Applicant: Mike Evans of DeNova Homes, 1500 Willow Pass Court, Concord, CA 94520; mevans@denovahomes.com

Request: This is a public hearing on a request for approval of a vesting tentative map (TM 9391) to subdivide approximately 3.52 acres into 14 single family residential lots, one 0.22 acre landscaped parcel, and associated right of way improvements. The project is zoned P-1 (Planned Development) District.

The Staff Report and its attachments will be available for public review, on or after March 6, 2015 at City Hall, 3231 Main Street, Oakley, CA 94561 or on the City's website www.oakleyinfo.com.

Interested persons are invited to submit written comments prior to and may testify at the public hearing. **Written comments may be submitted to Ken Strelor, Senior Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to strelor@ci.oakley.ca.us.**

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Council Secretary at, or prior to, the Public Hearing.



GENERAL NOTES:

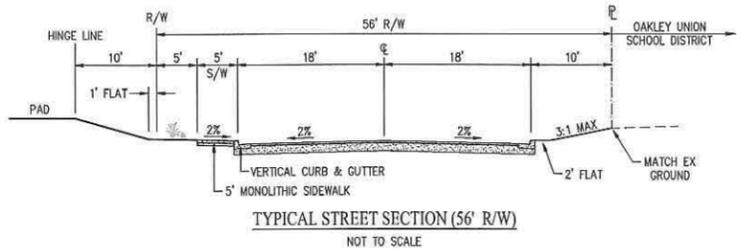
- OWNERS: OAKLEY UNION SCHOOL DISTRICT
91 MERCEDES LANE
OAKLEY, CA 94561
- APPLICANT: DENOVA HOMES
1500 WILLOW PASS COURT
CONCORD, CA 94520
BUSINESS PHONE: (925) 685-0110
- CIVIL ENGINEER: CARLSON, BARBEE & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
PHONE: (925) 866-0322
- SOILS ENGINEER: KLEINFELDER, INC.
2825 E. MYRTLE STREET
STOCKTON, CA 95205
PHONE: (209) 948-1345
- TOTAL NUMBER OF LOTS = 14
- DENSITY = 3.98 D.U. / GROSS ACRE
- LAND USE: EXISTING - PUBLIC AND SEMI-PUBLIC
PROPOSED - SINGLE FAMILY RESIDENTIAL (HIGH DENSITY)
- EXISTING ZONING: PLANNED DEVELOPMENT WITH DEVELOPMENT PLAN (P-1)
- GENERAL PLAN: EXISTING - SINGLE FAMILY RESIDENTIAL (HIGH DENSITY)
- UTILITIES: WATER: DIABLO WATER DISTRICT
SEWER: IRONHOUSE SANITARY DISTRICT
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC COMPANY
TELEPHONE: AT&T
- PROJECT SITE APN: PORTION OF 037-192-024
- ALL TREES, FENCES, & BUILDINGS WITHIN DEVELOPED AREAS TO BE REMOVED.
- FLOOD ZONE INFORMATION: ZONE X AREAS OUTSIDE THE 100-YEAR FLOODPLAIN.

FLOOD ZONE INFORMATION FROM:
FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NO. 0601300355F
EFFECTIVE DATE: JUNE 16, 2009.
- LAND AREA SUMMARY:
LOT AREA = 2.06 Acres
IN-TRACT STREETS = 1.24 Acres
LANDSCAPE = 0.22 Acres
TOTAL AREA = 3.52 Acres

| CURVE TABLE | | | |
|-------------|---------|-----------|--------|
| NO | RADIUS | DELTA | LENGTH |
| C1 | 328.00' | 13°58'28" | 80.00' |
| C2 | 272.00' | 13°28'16" | 63.95' |
| C3 | 128.00' | 38°37'29" | 86.29' |

| LOT SUMMARY | |
|---------------|-----------|
| LOT AREA (SF) | # OF LOTS |
| 6,000 - 6,999 | 12 |
| 8,000+ | 2 |
| TOTAL | 14 |

- LEGEND
- PROJECT BOUNDARY
 - PROPOSED LOT LINE
 - PROPOSED RIGHT-OF-WAY
 - PROPOSED FACE OF CURB
 - 1 LOT NUMBER
 - 60' LOT DIMENSION

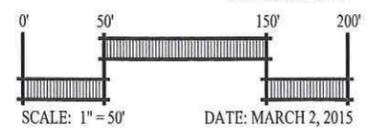


CITY OF OAKLEY
Planning Department
MAR 02 2015
RECEIVED

DeNova Homes

SUBDIVISION 9391
VESTING TENTATIVE MAP

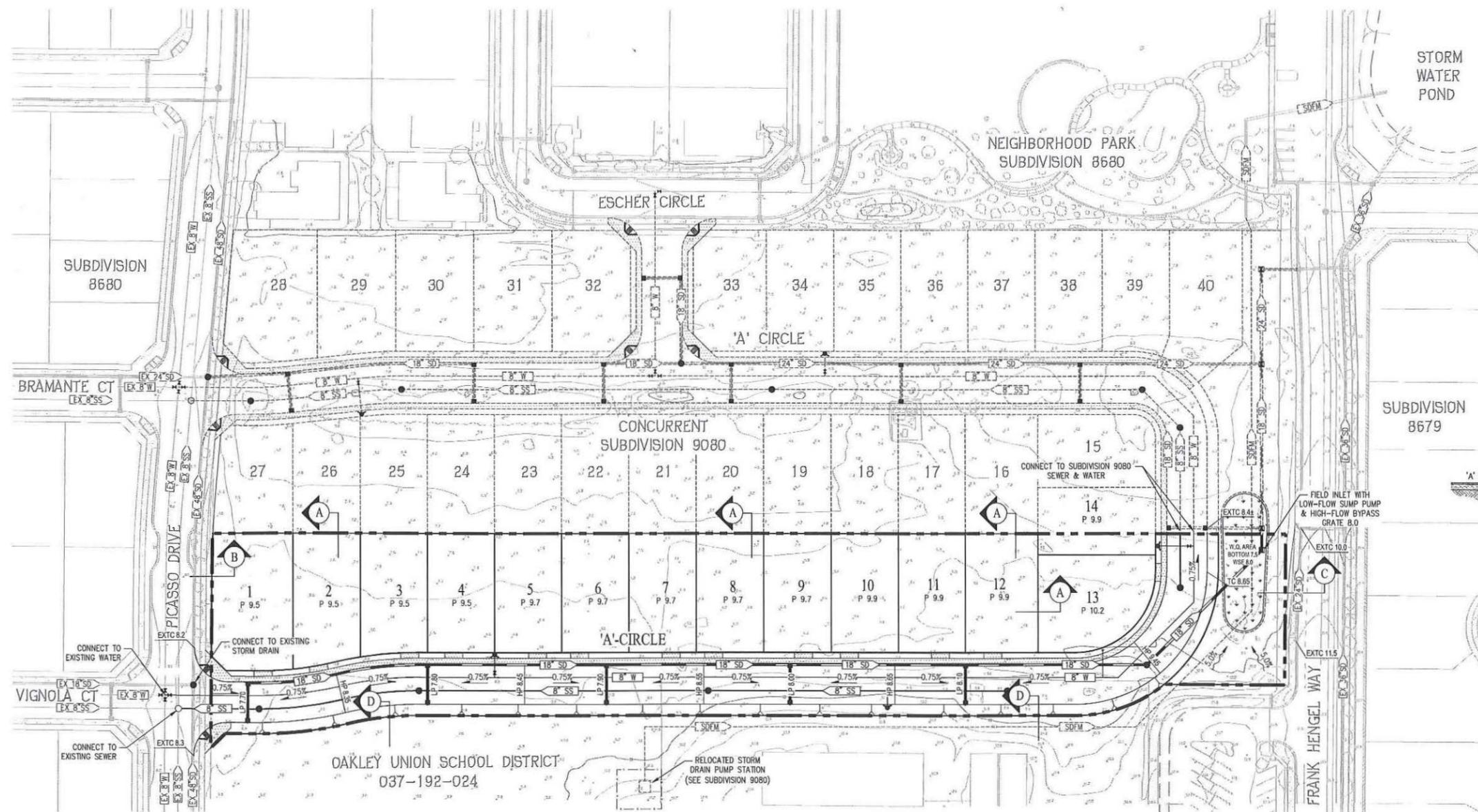
CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA



DATE: MARCH 2, 2015

cbg Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
(925) 866-0322

SHEET NUMBER
1
OF 3



STORM WATER POND

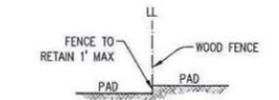
NEIGHBORHOOD PARK SUBDIVISION 8680

SUBDIVISION 8680

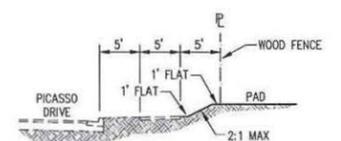
SUBDIVISION 8679

CONCURRENT SUBDIVISION 9080

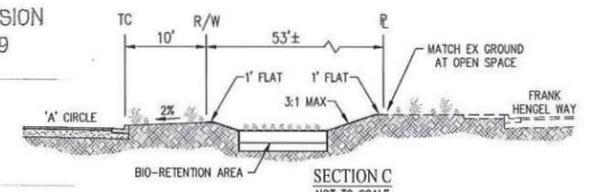
OAKLEY UNION SCHOOL DISTRICT 037-192-024



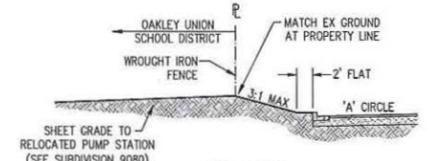
SECTION A NOT TO SCALE



SECTION B NOT TO SCALE



SECTION C NOT TO SCALE



SECTION D NOT TO SCALE

UTILITY DESIGN NOTES:

1. ALL STORM DRAIN HAS A MINIMUM SLOPE OF S=0.0030 AND MATCHES FLOW LINES.
2. ALL SANITARY SEWER HAS A MINIMUM SLOPE OF S=0.0035 AND IMPLEMENTS A 0.1' DROP AT ALL MANHOLES.
3. ALL WATER LINES ARE AT A DEPTH OF APPROXIMATELY 2.5'-3.0' BELOW SUBGRADE, UNLESS ROPED BENEATH UTILITY CROSSINGS TO OBTAIN NECESSARY CLEARANCES.

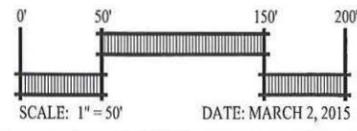
LEGEND

- PROJECT BOUNDARY
- PROPOSED LOT LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED FACE OF CURB
- 8" SS PROPOSED SANITARY SEWER
- 18" SD PROPOSED STORM DRAIN
- 8" W PROPOSED WATER



SUBDIVISION 9391
**CONCEPTUAL GRADING AND
 UTILITY PLAN**

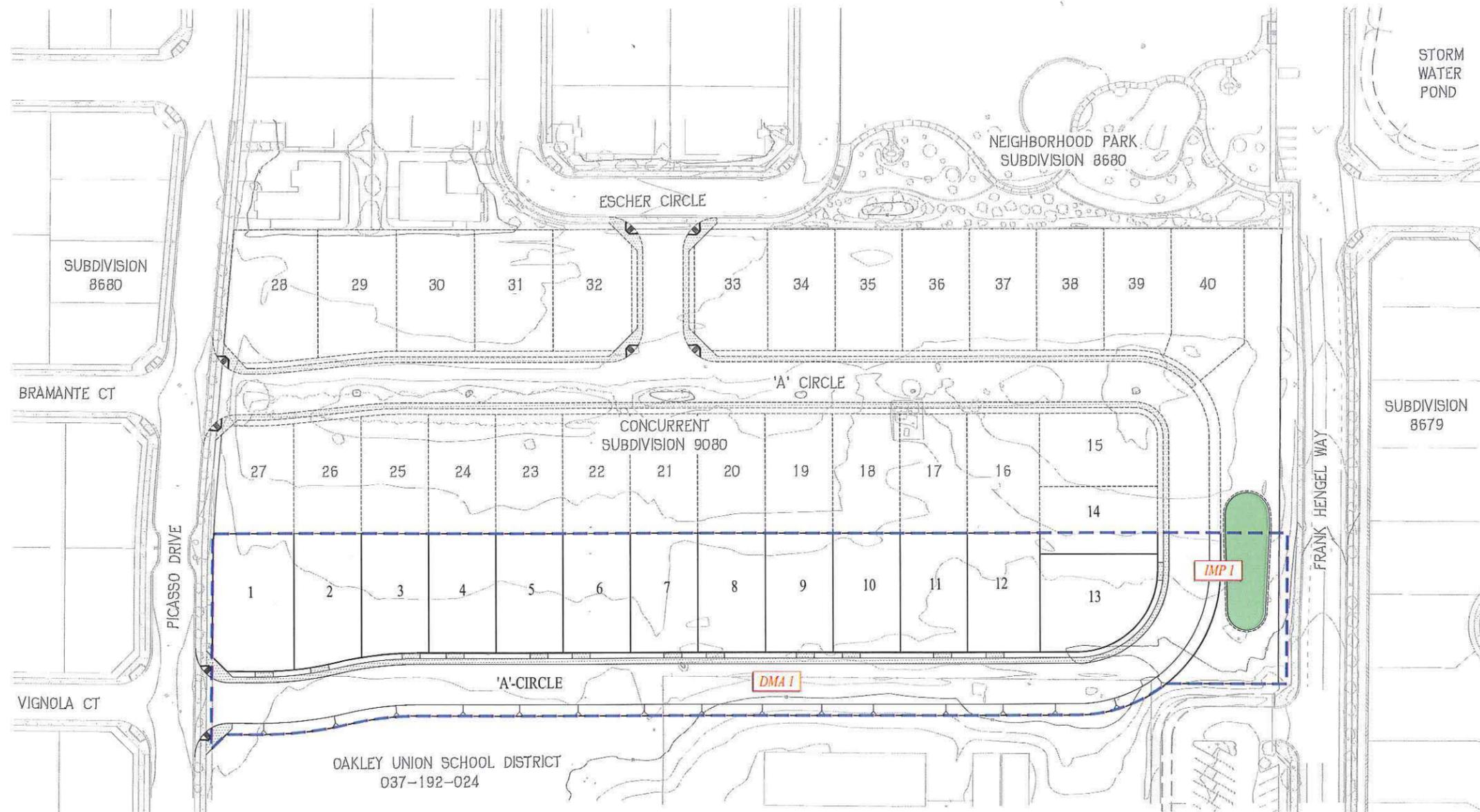
CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA



cbg Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 2633 CAMINO RAMON, SUITE 350 SAN RAMON, CALIFORNIA 94583 (925) 866-0322

SHEET NUMBER
2
 OF 3

© 985-70ACAD0111V-02.DWG



STORM WATER POND

LEGEND

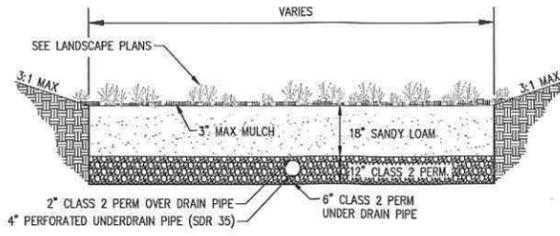
- DMA BOUNDARY
- BIO-RETENTION AREA
- DRAINAGE MANAGEMENT AREA
- INTEGRATED MANAGEMENT PRACTICE - BIORETENTION AREA

DRAINAGE MANAGEMENT AREA SUMMARY

| AREA ID | PRIVATE IMPROVEMENTS | | PUBLIC IMPROVEMENTS | | TREATMENT AREA | |
|---------|----------------------|--------------------|----------------------|--------------------|----------------|---------------|
| | IMPERVIOUS AREA (SF) | PERVIOUS AREA (SF) | IMPERVIOUS AREA (SF) | PERVIOUS AREA (SF) | REQUIRED (SF) | PROVIDED (SF) |
| DMA 1 | 68,455 | 31,475 | 40,790 | 22,785 | 4,185 | 4,250 |

NOTE:

- VALUES IN THE TABLE ABOVE ARE ESTIMATED BASED UPON THE AVAILABLE INFORMATION AT THE TIME OF THIS TENTATIVE MAP.
- CALCULATIONS ASSUME THAT ARCHITECTURE WILL COVER 50% OF THE LOT AND THE REMAINDER OF THE LOT (FRONT AND BACKYARDS) WILL HAVE A C-VALUE OF 0.3 (30% HARDSCAPE & 70% LANDSCAPE).
- REQUIRED TREATMENT AREAS CALCULATED USING THE 4% RULE WITH A FACTOR OF 1.0 FOR IMPERVIOUS AREAS AND 0.1 FOR PERVIOUS AREAS (CONTRA COSTA COUNTY IMP SIZING TOOL).



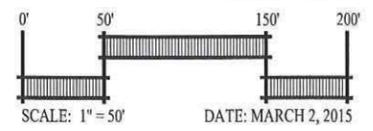
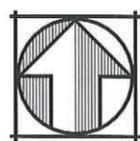
LANDSCAPE & BIO RETENTION AREA DETAIL

BIO-RETENTION AREA NOTES:
 1. SANDY LOAM SOIL MIX SHALL HAVE MINIMUM LONG TERM PERCOLATION RATE OF 5"/HOUR.



**SUBDIVISION 9391
 PRELIMINARY STORMWATER
 CONTROL PLAN**

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA



DATE: MARCH 2, 2015



Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS

2633 CAMINO RAMON, SUITE 350
 SAN RAMON, CALIFORNIA 94583

(925) 866-0332

SHEET NUMBER

3

OF 3

RESOLUTION NO. XX-15

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING A VESTING TENTATIVE MAP FOR "SUBDIVISION 9391 AT CYPRESS GROVE (TM 02-14)" SUBDIVIDING APPROXIMATELY 3.52 ACRES INTO 14 SINGLE FAMILY RESIDENTIAL LOTS, A 0.22 ACRE LANDSCAPED PARCEL AND OTHER ASSOCIATED IMPROVEMENTS. THE PROJECT AREA IS LOCATED WITHIN THE EXISTING CYPRESS GROVE SUBDIVISION. APN 037-192-024

FINDINGS

WHEREAS, on October 13, 2014, Mike Evans of DeNova Homes ("Applicant") filed an application requesting approval of a vesting tentative map to subdivide approximately 3.52 acres into 14 single family residential lots, one 0.22 acre landscaped parcel, and associated right of way improvements for the project known as "Subdivision 9391 at Cypress Grove (TM 02-14)" ("Project"); and

WHEREAS, the site is located within the existing Cypress Grove subdivision north of Ironhouse Elementary School and Delta Vista Middle School (4901 Frank Hengel Way) off of East Cypress Road and Frank Hengel Way; and

WHEREAS, the applicant's plans include the Vesting Tentative Map, Conceptual Grading and Utility Plan, and Preliminary Stormwater Control Plan, titled "Subdivision 9391 Vesting Tentative Map" updated and received on March 2, 2015, and attached to the project staff report ("Plans"); and

WHEREAS, on January 28, 2015 the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site is designated Single Family High ("SH") as depicted on the Oakley 2020 General Plan ("General Plan") Land Use Diagram (Figure 2-2 of General Plan), and zoned P-1 (Planned Development) District; and

WHEREAS, the project is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15332 (Class 32 – Infill Development Projects); and

WHEREAS, on February 27, 2015, the Notice of Public Hearing for the project was posted in the Contra Costa Times, at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on March 10, 2015, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based on the City's General Plan, the City's Zoning and Subdivision Ordinances, the applicable P-1 (Planned Development) District, and the information submitted to the City Council at its March 10, 2015 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above Findings and the entire Record, the City Council makes the following additional findings in support of the recommended approval:

- A. Regarding the application requesting approval of a Vesting Tentative Map for "Subdivision 9391 at Cypress grove (TM 02-14)", the City Council finds that:
1. The proposed project represents a subdivision of land that is consistent with the applicable General Plan policies and guidelines in that it results in a gross density of approximately 3.9 dwelling units per gross acre, which is at the low end of the density range for the Single Family High land use designation; and
 2. Proposed lot sizes and the gross density will mesh well with the existing residential development within the Cypress Grove neighborhood; and
 3. The subdivision, street and frontage improvements ("A" Circle) will be constructed, which will provide pedestrian and vehicle access and utilities to all of the proposed homes; and
 4. Parcel "A" will provide a landscaped parcel between the proposed homes and Frank Hengel Way, and will act as a greenway between the school property and park; and
 5. The subdivision with a loop road integrated with the undeveloped subdivision to the north will allow for approximately 12 or 13 homes that will face the open park land on the school property. Having homes, rather

than fences and walls face parks, provides for better security and neighborhood watch opportunities associated with the park land.

B. The Project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves the applicant's request for approval of a Vesting Tentative Map for "Subdivision 9391 at Cypress Grove (TM 02-14)", subject to the following conditions:

Applicant shall comply with the requirements of Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan received by the Community Development Department on **March 10, 2015**.

THE FOLLOWING PLANNING AND BUILDING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This Vesting Tentative Map is approved, as shown on the revised plans, date stamped by the Planning Division on **March 2, 2015**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval shall be effectuated within a period of three (3) years from the effective date of this resolution by the recording of a final map and if not effectuated shall expire on **March 10, 2018**. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code.
3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the Planning Commission on **March 10, 2015**.
4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.

6. Should archaeological materials be uncovered during grading, trenching or other on- site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
7. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).
8. The applicant shall post a copy of the City of Oakley General Plan 2020 Land Use Diagram, in a conspicuous place, within the model homes or sales office.

Development Standards:

9. The P-1 (Planned Development) District for this subdivision shall be subject to the R-6 (Single family Residential) District development standards.

Parks and Landscaping:

10. The applicant shall work with the Planning Division and Public Works and Engineering Department with the design, construction and completion of Parcel A concurrent with the development of the subdivision. As part of the plan check process for Parcel "A", the applicant shall develop a construction schedule approved by the City Engineer to provide for the timely completion of Parcel "A" concurrent with development.
11. A mix of evergreen and deciduous trees as well as shrubs and ground cover shall be planted along the street frontage as specified in the Residential Design Guidelines per the review and approval of the Community Development Director.
12. A landscaping and irrigation plan for all areas shown on the landscape plan shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. Landscaping shall conform to the Oakley Landscape Guidelines and the City's Water Conservation Landscape Ordinance 82-26 and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance.
13. California native drought tolerant plants shall be used as much as possible. All trees shall be a mix of fifteen-gallon and 24" box; all shrubs shall be a minimum five-gallon size, except as otherwise noted.
14. All landscaped areas not covered by shrubs or groundcover shall be covered with bark or acceptable alternative as reviewed and approved by the Community

Development Director. On slopes greater than 3 to 1, the applicant shall use an alternative to bark per the review and approval of the Community Development Director.

15. Each residential lot shall have a minimum of two trees along the street frontage, with the exception of corner lots, which shall have four, unless otherwise approved by the Community Development Director and City Engineer.
16. The applicant shall maintain all private landscaping until occupancy.
17. A street tree plan shall be submitted for review prior to issuance of Building Permits. The street trees shall be inter-mixed throughout the subdivision, so there are a variety of trees on every street, per review of the Planning Division and Public Works and Engineering Department.

Fences and Walls:

18. Within the subdivision good neighbor fences shall be constructed of six-foot high wood fences with metal posts or acceptable alternative as reviewed and approved by the Community Development Director. Corner lots or any good neighbor fence facing a street shall provide a fence or wall constructed of a durable material such as, but not limited to, masonry, vinyl, enhanced wood, composite or other durable material as approved by the Community Development Director. All wood fencing visible from the street shall be stained or painted on both sides to prevent water damage to the satisfaction of the Community Development Director.
19. A wrought iron fence to match the fence located along Picasso Drive shall continue along the southern right of way of "A" Circle to the point it intersects with the existing fence near the school parking lot and Parcel "A". The fence shall allow pedestrian traffic access to the school property at the southeast corner of Picasso Drive and "A" Circle".

Subdivision Design:

20. Driveway openings shall be a maximum 18' in width or up to 25% of a lot's frontage (except on cul de sacs).
21. The street names shall be approved by the Community Development Department and the East Contra Costa Fire District.

Subdivision Disclosures:

22. The model home complex shall have a copy of the City of Oakley's General Plan land use map posted within the sales office or included with the informational material provided to prospective home buyers.

23. Where a lot/parcel is located within 300' of a high voltage electric transmission line, the applicant shall record the following notice:

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such a hypothesis is established. At this time no risk assessment has been made."

When a Final Subdivision Public Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

24. The following statements shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area:

"This document shall serve as notification that you have purchased land in an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust or blowing sand; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment such as zon guns and aerial crop dusting and certain animals, including equestrian trails as well as flies may exist on surrounding properties. This statement is again, notification that this is part of the agricultural way of life in the open space areas of the City of Oakley and you should be fully aware of this at the time of purchase.

Waste Management Plan:

25. The applicant shall submit a Waste Management Plan that complies with the City of Oakley Construction and Demolition Debris Recycling Ordinance.

Building Division Conditions

26. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy requirements from the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division.
27. Prior to requesting a Certificate of Occupancy from the Building Division, all Conditions of Approval required for occupancy must be completed. When the Public Works Division and the Planning Division place Conditions of Approval on the project, those divisions will sign off on the project prior to the request for a

Building division final inspection. Similarly, if the Health Department and/or Fire Department reviewed and approved the original plans, those departments must sign off on the project prior to the request for a final inspection by the Building Division.

28. Prior to requesting a *Final Inspection* from the Building Division all Conditions of Approval required for occupancy must be completed.

Public Works and Engineering Conditions

THE FOLLOWING PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE APPROVAL OF A FINAL MAP UNLESS OTHERWISE NOTED:

General:

29. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and pay the appropriate processing costs in accordance with the Municipal Code and these conditions of approval. The plans shall be consistent with the Stormwater Control Plan for the project, include the drawings and specifications necessary to implement the required stormwater control measures, and be accompanied by a Construction Plan C.3 Checklist as described in the Stormwater C.3 Guidebook.
30. Submit a final map prepared by a licensed land surveyor or qualified registered civil engineer to the City Engineer and pay appropriate fees in accordance with the Code and these conditions of approval.
31. Submit grading plans including erosion control measures and revegetation plans prepared by a registered civil engineer to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
32. Submit landscaping plans for publicly maintained landscaping, including planting and irrigation details, as prepared by a licensed landscape architect to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
33. Execute any agreements required by the Stormwater Control Plan which pertain to the transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan prior to the final inspection of the first house within the subdivision.
34. Building permits for house construction shall not be issued until the subdivision streets serving the lots have been paved.

Roadway Improvements:

35. Construct the project streets to City public road standards and as shown on the Tentative Map with the following exceptions:
 - A. The minimum street grade may be lowered from the standard 1% to 0.75% provided that the project proponent demonstrates that the City's drainage standards can be achieved.
 - B. Submit a turning radius exhibit to the City Engineer for review and approval to illustrate that the ninety-degree turns of project streets can accommodate the largest expected vehicle to use the streets without the inclusion of City standard elbows. If the exhibit illustrates that elbows are necessary to accommodate the expected traffic then they shall be included in the improvement plans.
36. Install traffic control devices such as stop signs and other signing and striping on the project streets to the satisfaction of the City Engineer.
37. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.
38. Submit a phasing plan for the project streets to the City Engineer for review if the street improvement will be phased. The plan shall include provisions for emergency vehicle access, temporary turn-around facilities, and access to the occupied lots.

Road Dedications:

39. Convey to the City, by Offer of Dedication, the right of way for the project streets.
40. Relinquish abutter's rights of access along all non-primary frontages to the satisfaction of the City Engineer.
41. Furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road, utility and drainage improvements.

Street Lights:

42. Install streetlights along all project streets. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. The lights on the project streets shall be decorative with LEDs per City standards.

Grading:

43. Submit a geotechnical report to the City Engineer for review that substantiates the design features incorporated into the subdivision including, but not limited to grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections.
44. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.
45. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer.
46. Grade all pads so that they drain directly to the public street at a minimum of one percent without the use of private drainage systems through rear and side yards.
47. Grade any slopes with a vertical height of four feet or more at a slope of 3 to 1. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.
48. Submit a haul route plan to the City Engineer for review and approval prior to importing or exporting any material from the site. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of hauling. Based on this plan the City Engineer shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible to repair to their pre-construction condition any roads along the utilized routes.
49. Prior to commencement of any site work that will result in a land disturbance of one acre or more, the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.

50. Submit an updated erosion control plan reflecting current site conditions to the City Engineer for review and approval no later than September 1st of every year while the Notice of Intent is active.
51. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.
52. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

53. Underground all new and existing utility distribution facilities. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.
54. All utility boxes shall be installed underground and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.
55. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

56. Collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility that conveys the storm waters to an adequate natural watercourse.
57. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system and stormwater pond to the City Engineer for review and approval.
58. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
59. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
60. Dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets.

Landscaping in the Public Right of Way:

61. Install public right of way landscaping along the Picasso Drive frontage.
62. Maintain all landscaping within the public right of way until such time that the adjacent roadway improvements have been accepted for maintenance.

National Pollutant Discharge Elimination System (NPDES):

63. Comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley - Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org.

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

- Offer pavers for household driveways and/or walkways as an option to buyers.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program to buyers.
- Other alternatives as approved by the City Engineer.

Fees/Assessments:

64. Comply with the requirements of the development impact fees listed below, in addition to those noticed by the City Council in Resolution 85-00 and 08-03. The applicant shall pay the fees in the amounts in effect at the time each building permit is issued.
 - A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
 - B. Regional Transportation Development Impact Mitigation Fee or any future alternative regional fee adopted by the City (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);

- C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
- D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);
- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);
- F. Fire Facilities Impact Fee, collected by the City (adopted by Ordinance No. 09-01);

The applicant should contact the City Engineer prior to constructing any public improvements to determine if any of the required improvements are eligible for credits or reimbursements against the applicable traffic benefit fees or from future developments.

- 65. The applicant shall be responsible for paying the County Recorder's fee for the Notice of Determination as well as the State Department of Fish and Game's filing fee.
- 66. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide landscaping and park maintenance, subject to an assessment for maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to approval of the final map. The Applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 67. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide street lighting costs and maintenance, subject to an assessment for street light maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 68. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for project specific landscaping maintenance, subject to an assessment for landscape operation and maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The

applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.

69. Participate in the provision of funding to maintain police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to filing of the final map. Should the homes be occupied prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rata share for the remainder of the tax year prior to the City conducting a final inspection.

ADVISORY NOTES

THE FOLLOWING ADVISORY NOTES ARE PROVIDED TO THE APPLICANT AS A COURTESY BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
- D. The applicant shall comply with the requirements of the Diablo Water District.
- E. Comply with the requirements of the East Contra Costa Fire Protection District.
- F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.
- I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.

J. The applicant shall obtain an encroachment permit from Caltrans for construction within the State right of way.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 10th of March, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date