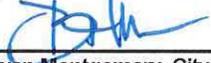




## STAFF REPORT

**Date:** May 24, 2015  
**To:** Bryan Montgomery, City Manager  
**From:** Joshua McMurray, Planning Manager

Approved and Forwarded to City Council:

  
Bryan Montgomery, City Manager

**SUBJECT:** Request for Design Review (DR15-16) for the Construction of a New 2-Story Mixed-Use Building and a Variance (VA 01-16) for a Reduction in Parking Standards on a 1.68-Acre Site Located on the North Side of Main Street Between 2<sup>nd</sup> Street and 5<sup>th</sup> Street (APN'S: 035-122-008 and 035-164-002)

### Summary

The applicant is requesting Design Review (DR 15-16) approval for a new two-story, mixed use project. The project consists of a 1st floor retail and 2nd floor office building totaling 40,001 square feet, a 54 parking space parking lot and landscaping. The Variance (VA 01-16) has been requested for a reduction in the number of parking spaces required for the project. This project is associated with the approved Main Street Improvement and Development Agreement (DA 02-15). The 1.68-acre project site is designated Commercial Downtown in the Oakley 2020 General Plan and zoned Downtown Specific Plan (SP-4). The project is located along the North side of Main Street between 2nd Street and 5th Street (APN: 035-122-008 and 035-164-002).

Staff recommends the City Council adopt the Resolution approving Design Review (DR15-16) for the construction of a new 2-story mixed-use building and a Variance (VA 01-16) for a reduction in parking standards on a 1.68-acre site located along the north side of Main Street between 2nd Street and 5th Street (APN: 035-122-008 and 035-164-002), as conditioned.

### Background

On December 8, 2015, the City Council approved a Development Agreement with Nature Properties. The Development Agreement outlined the following: 1) the City would be responsible for the design and construction of the frontage improvements (curb, gutter, sidewalk and landscaping) on the north side of Main Street, from 2nd Street to 5th Street; and 2) the property owners will be responsible for constructing the first phase of their project to consist of at least a 20,500 square foot mixed-use building with onsite parking and landscaping. The City is currently progressing with the Main Street Realignment Project and this Design Review application is consistent with the terms of the Development Agreement.

On March 25, 2016, the applicant submitted an application for Design Review (DR 15-16) and Variance (VA 01-16). On April 25, 2016 the application was deemed complete and scheduled for a public hearing. The review and analysis of this Review application for the proposed project has been based upon the Oakley 2020 General Plan, the Downtown Specific Plan, the applicable development standards of the Zoning Ordinance and the Commercial Design Guidelines.

### **General Plan/Zoning Compliance**

The site is designated Commercial Downtown in the Oakley 2020 General Plan, and classified as SP-4 ([Downtown Specific Plan](#)) District on the City of Oakley Zoning Map. The SP-4 is further divided into three subareas, and the subject site is located within both the "Downtown Core" and "Downtown Support" areas. The Downtown Specific Plan (DSP) identifies this property as one of the Key Opportunity Sites. Page 16 of the DSP provides guidance in this area and directs the City to work with Developers and Property Owners to develop key opportunity sites, consistent with the community's vision. As discussed in the analysis below, the project as proposed meets the spirit and intent of the DSP and is consistent with the community's vision as outlined in the DSP.

### **Project Description**

The project consists of a 1st floor retail and 2nd floor office building totaling 40,001 square feet, a 54 parking space parking lot and landscaping. The property is approximately 1.68-acres in size, consisting of two parcels. The site is currently undeveloped, relatively flat and of a rectangular shape. The project will be developed in 2 phases, with each phase constructing approximately 20,000 square feet of building area and associate improvements. The first phase will construct the west portion of the building, the western parking lot and site improvements.

The project consists of the following two entitlements:

#### **Design Review**

The Design Review Ordinance has different levels of Design Review procedures for review and approval of a Design Review Permit. Oakley Municipal Code (OMC) section [9.1.1604\(c\)\(2\)\(i\)](#) requires that any new commercial structure be heard and approved by the Planning Commission<sup>1</sup>. The proposed new building and site development fit the criteria above and require Design Review.

#### **Variance**

An application for a variance permit is an application to modify zoning regulations as they pertain to lot area, lot building coverage, average lot width, lot depth, side yard, rear yard, setback, auto parking space, building or structure height, or any other regulation pertaining to the size, dimension, shape or design of a lot, parcel, building or structure, or the placement of a building or structure on a lot or parcel. The OMC further requires that the following three [findings](#) be made when approving a Variance:

---

<sup>1</sup> City Council acts as the Planning Commission per Ordinance No. 06-09

1. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located;
2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district;
3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

## **Analysis**

### **Land Use Compatibility**

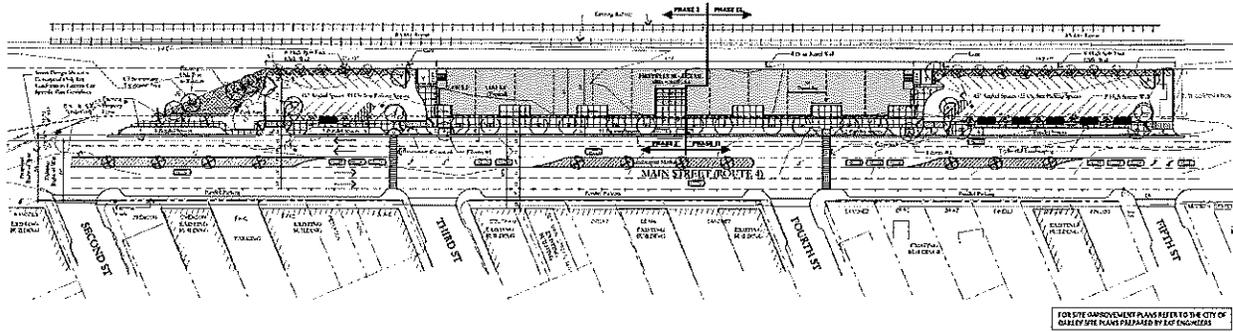
The project site consists of a two parcels that form a mostly rectangular site that is approximately 1.68-acres. The properties are within the Downtown Specific Plan. The western parcel is within the both the "Downtown Core" and "Downtown Support" areas. The eastern parcel is within the "Downtown Support" area. The property is bordered by the BNSF Railroad to the north, Main Street to the South and properties that are both designated Commercial Downtown and zoned Downtown Specific Plan to the east and west. The property to the east is currently developed with structures housing animal feed/supply and automotive repair uses, while the property to the west is currently undeveloped but is the site of a potential kiss and ride area part of a larger train platform/park and ride project that is currently being studied.

This property is one of the longest, undeveloped stretches of Main Street within the Downtown and the development of a quality, mixed-use project would have several benefits to the community. The first benefit would be the overall aesthetics of Main Street when entering the Downtown from the east. This new building, along with the frontage improvements, will provide a brand new, high-quality "front door" to the Downtown. The new building will also provide new, quality commercial tenant and office spaces that do not exist today. With that said, the new businesses will bring new jobs and vitality to an area of the Downtown that is less busy than the recently redeveloped Oakley Plaza and areas of Main Street just to the east. Lastly, the project would generate property and sales tax revenue for the City.

### **Circulation/Parking**

The proposed project will be accessed off Main Street. The project is proposing to construct a total of 54 parking spaces on the site and utilizing a total of 23 on-street parking spaces. That brings the total to 77 parking spaces at full build out. The project takes access off of Main Street and proposes two parking lots on the west and east ends of the project site at final build out. The two parking lot entrances align with 3<sup>rd</sup> Street and 5<sup>th</sup> Street, which are

south of the project. Both entrances would allow for a right in heading west on Main Street and a left in heading east on Main Street. The exits at both parking lots would be exclusively right out. The image below shows the proposed layout of the project site.



As stated above, the project includes a Variance to reduce the parking requirement of the project to what is proposed. The project is proposed to be constructed in two phases. The first phase of the project would construct the western half of the project, including the 19 space parking lot. The project would also utilize the 23 on-street parking spaces, bringing the total number of spaces proposed to 42 for the first phase and with the construction of the 35 space parking lot with the second phase, the project, at build-out, will provide a total of 77 parking spaces. As the project is currently configured, both phases would require a total of 125 parking spaces. The analysis below is what Staff used to draft the findings in the attached Resolution to justify the Variance request.

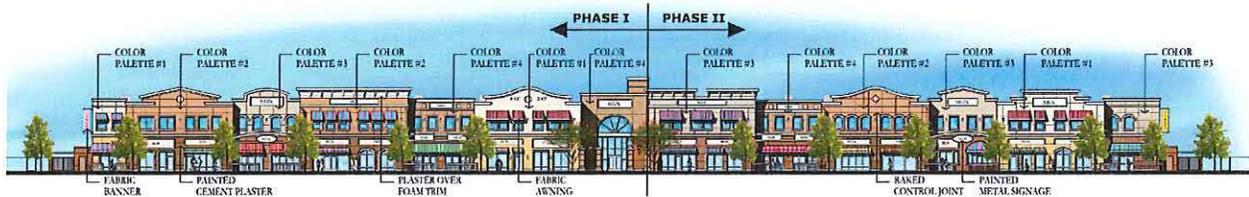
The Downtown Specific Plan provides further guidance and allows the City discretion on how lessen parking standards in the downtown. This project is a catalyst to the eastern part of the City's downtown and at this point there is not a parking issue in this area of the downtown. The City has constructed a 24 space parking lot across the street to support and supplement the existing on-street parking for businesses in the area. This parking lot would be available for the proposed project. The applicant has made every attempt to provide as many parking spaces on site and along the property frontage to support the new building while also developing enough of the property to make the project financially feasible.

The existing lot is less than 80 feet deep and has over 1,050 feet of frontage along Main Street. Although the lot is 1.68-acres, the existing narrow lot depth coupled with the frontage dedication for the Main Street improvements constrain the buildable area. New construction on the two parcels would still need to be consistent with the development regulations of the DSP, and there is adequate lot area to achieve this. In addition, the project has taken into account several design elements that align with the spirit and intent of the DSP in that they have proposed a project designed with a pedestrian scale in mind, aligned the driveway entrances with existing cross streets to the South, proposed to maximize the development along the frontage of the building which adds to that pedestrian-friendly, street-front character that the DSP requires and lastly preserving an old Oak Tree on the property

where they could potentially fit more parking. For all of these reasons, Staff is in support of the Variance request.

### Building/Site Design

The proposed building uses a variety of colors and architectural design elements to provide for an aesthetically pleasing design. The architect for the project describes the overall look as a “village” theme as the project has been designed to incorporate different facades along the frontage. The façades use relief and articulation both along the façade and the roof line to further the theme of the project. Multiple awnings and window/storefront designs add to the overall look. The applicant has provided a color and material boards which has been attached to this report for reference. A rendering of the South (view of building from Main Street), elevation for the project are provided below.



The remaining site improvements include site landscaping, the parking lot, pedestrian access sidewalks, and trash enclosures. There are several conditions placed within the resolution that require further information to be submitted like detailed landscape plans, and information about the trash enclosures and other site improvements prior to them being constructed. The building and site improvements have been reviewed and they do comply with both the development regulations and the spirit and intent of the Commercial Design Guidelines.

The applicant has not identified any tenants for the future building. There continues to be interest by prospective tenants in the downtown and Staff has committed to working with the applicant to find tenants for the new retail and office space.

### Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – In-Fill Development Projects. No further environmental review is required for this project.

### Findings

Draft findings are included in the attached resolution. These findings address both the Design Review and Variance applications.

**Recommendation**

Staff recommends the City Council adopt the Resolution approving Design Review (DR15-16) for the construction of a new 2-story mixed-use building and a Variance (VA 01-16) for a reduction in parking standards on a 1.68-acre site located along the north side of Main Street between 2nd Street and 5th Street (APN: 035-122-008 and 035-164-002), as conditioned.

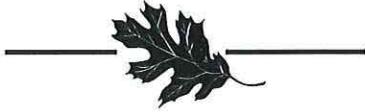
**Attachments**

1. Vicinity Map
2. Public Hearing Notice
3. Plan Set
4. Color Board
5. Proposed Resolution

Nature Properties, LLC.  
Design Review (DR 15-16) and Variance (VA 01-16)  
Vicinity Map  
North side of Main Street between 2<sup>nd</sup> Street and 5<sup>th</sup> Street  
(APN's: 035-122-008 and 035-164-002)



# OAKLEY



CALIFORNIA

City of Oakley  
3231 Main Street  
Oakley, CA 94561  
[www.oakleyinfo.com](http://www.oakleyinfo.com)

## NOTICE OF PUBLIC HEARING

Notice is hereby given that on **May 24, 2016** 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 the **Downtown Oakley Commercial Mixed Use Design Review (DR 15-16) and Variance (VA 01-16)**.

**Project Name:** Downtown Oakley Commercial Mixed Use Design Review (DR 15-16) and Variance (VA 01-16)

**Project Location:** North side of Main Street between 2nd Street and 5th Street. APN 035-122-008 and 035-164-002.

**Applicant:** Nature Properties, LLC., Attn: Sean Fard, 309 Lennon Lane, Suite 102, Walnut Creek, CA 94598

**Request:** This is a public hearing on a request for a Design Review (DR 15-16) approval for a new two-story, mixed use project. The project consists of a 1st floor retail and 2nd floor office building totaling 40,001 square feet, 54 parking spaces and landscaping. The Variance (VA 01-16) has been requested for a reduction in the number of parking spaces. This project is associated with the approved Main Street Improvement and Development Agreement (DA 02-15). The project site is designated Commercial Downtown in the Oakley 2020 General Plan and zoned Downtown Specific Plan (SP-4). The Project is located along the North side of Main Street between 2nd Street and 5th Street (APN: 035-122-008 and 035-164-002).

**CEQA:** This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – In-Fill Development Projects. No further environmental review is required for this project.

The Staff Report and its attachments will be available for public review, on or after **May 19, 2016** at City Hall, 3231 Main Street, Oakley, CA 94561 or on the City's website [www.oakleyinfo.com/city-meetings/](http://www.oakleyinfo.com/city-meetings/).

Interested persons are invited to submit written comments prior to and may testify at the public hearing. **Written comments may be submitted to Joshua McMurray, Planning Manager at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to [mcmurray@ci.oakley.ca.us](mailto:mcmurray@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 Clerk at, or prior to, the Public Hearing.



# OAKLEY COMMERCIAL

## OAKLEY, CALIFORNIA

### VICINITY MAP



### PROJECT DATA

APN #: 035-122-008, 035-164-002  
 LOCATION: MAIN STREET (HIGHWAY 4)  
 OAKLEY, CA

GENERAL PLAN: DOWNTOWN COMMERCIAL  
 ZONING: REDEVELOPMENT AREA - PLANNED UNIT DISTRICT (P-1)

FIRST FLOOR (RETAIL) = 20,067 G.S.F. ±  
 SECOND FLOOR (OFFICE) = 19,934 G.S.F. ±  
 TOTAL = 40,001 G.S.F. ±

ON-SITE PARKING = 54 SPACES ±  
 PARALLEL PARKING = 31 SPACES ±  
 TOTAL = 85 SPACES ±

PARKING PROVIDED = 85 SPACES ± @ 2.12/1000 G.S.F.

TOTAL LOT AREA = 73,192 S.F.± (1.68 ACRES±)

### PROJECT TEAM

**APPLICANT**  
 NATURE PROPERTIES L.L.C.  
 188 BARBARA ROAD  
 OAKLAND, CA 94612  
 PHONE: (925) 386-6005  
 CELL: (925) 937-7762  
 FAX: (925) 386-6036  
 ATTN: FRED SZCZEPA

**ARCHITECT**  
 LOVING AND CAMPOS ARCHITECTS, INC.  
 245 VONGACED VALLEY ROAD, STE. 208  
 WALNUT CREEK, CA 94596  
 PHONE: (925) 944-1626  
 FAX: (925) 944-1606  
 ATTN: PETER STACKFOLDE

**CIVIL ENGINEER**  
 LUK AND ASSOCIATES  
 718 ALFRED NOBEL DRIVE  
 HERCULES, CA 94597  
 PHONE: (925) 724-4388  
 FAX: (925) 724-4388  
 ATTN: GEORGE LUK

**LANDSCAPE ARCHITECT**  
 THOMAS BAAK ASSOCIATES  
 3620 N. MAIN STREET, SUITE 4  
 WALNUT CREEK, CA 94596  
 PHONE: (925) 933-2565  
 FAX: (925) 933-0242  
 ATTN: RUCK STOVER

### SHEET INDEX

#### COVER SHEET

- A-1 CONCEPTUAL SITE PLAN
- A-2 CONCEPTUAL FLOOR PLANS
- A-3 CONCEPTUAL ROOF PLAN AND CROSS SECTION
- A-4 CONCEPTUAL ELEVATIONS

- C-1 STORMWATER TREATMENT PLAN
- C-2 GRADING PLAN
- C-3 UTILITY PLAN
- C-4 DIMENSIONAL AND STRIPING PLAN

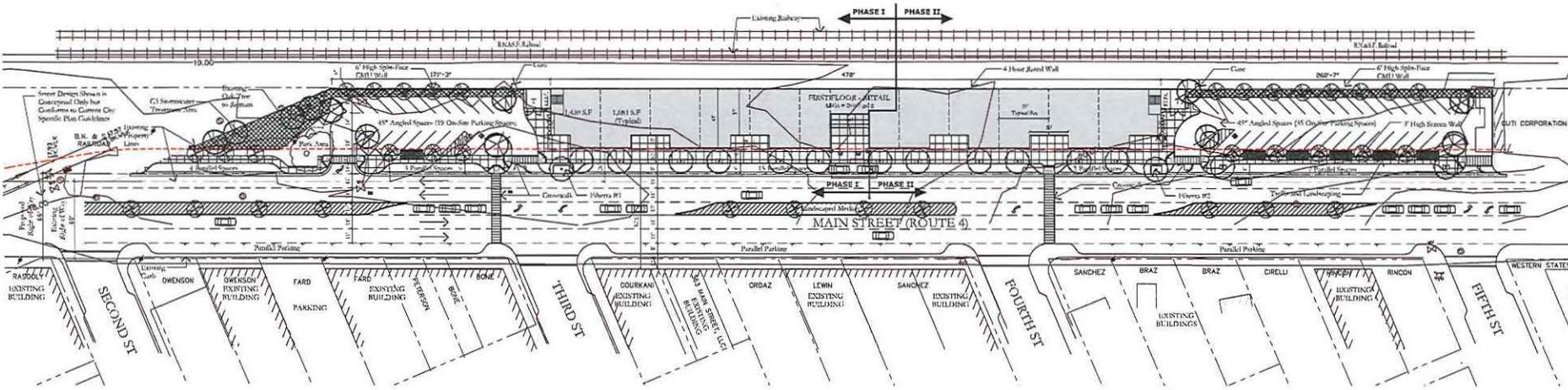
- L-1 PRELIMINARY LANDSCAPE PLAN
- L-2 PRELIMINARY LANDSCAPE PLAN



|      |    |
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| DATE | BY |
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**SUMMARY:**

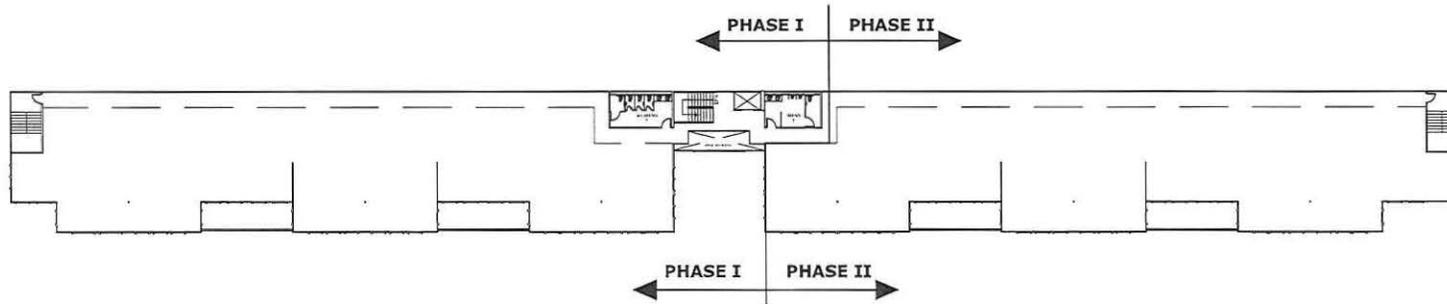
|                       |                                       |
|-----------------------|---------------------------------------|
| FIRST FLOOR (RETAIL)  | = 20,067 G.S.F. ±                     |
| SECOND FLOOR (OFFICE) | = 19,934 G.S.F. ±                     |
| <b>TOTAL</b>          | <b>= 40,001 G.S.F. ±</b>              |
| ON-SITE PARKING       | = 54 SPACES ±                         |
| PARALLEL PARKING      | = 31 SPACES ±                         |
| <b>TOTAL</b>          | <b>= 85 SPACES ±</b>                  |
| PARKING PROVIDED      | = 85 SPACES ± @ 2.12/1000 G.S.F.      |
| <b>TOTAL LOT AREA</b> | <b>= 73,192 S.F. = (1.68 ACRES) ±</b> |



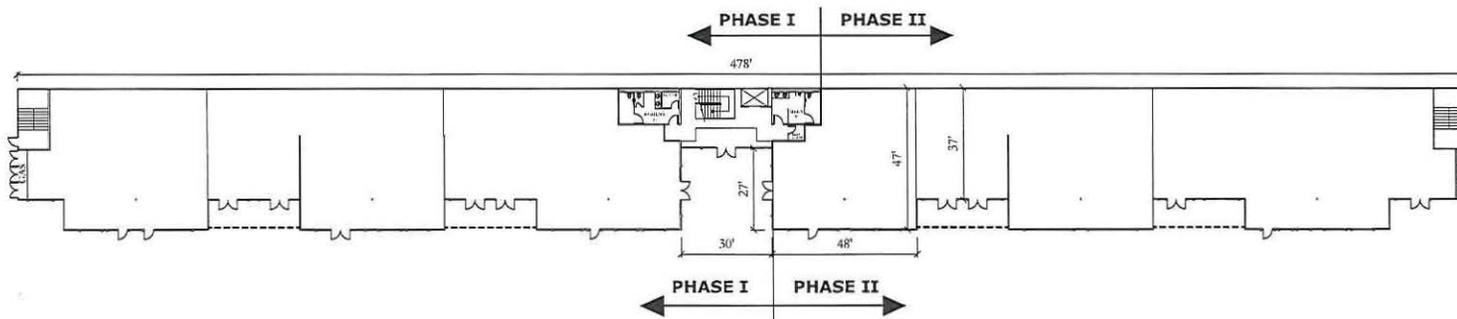
FOR SITE IMPROVEMENT PLANS REFER TO THE CITY OF OAKLEY SITE PLANS PREPARED BY BKF ENGINEERS

# Conceptual Site Plan





Second Floor Plan - Office



First Floor Plan - Retail

Conceptual Floor Plans



SCALE: 1/16" = 1'-0"



WWW.LCA-ARCHITECTS.COM  
 5941 L. OAKLEY  
 OAKLEY, CALIFORNIA 94621  
 (925) 764-1100  
 1000 BROADWAY, SUITE 1400  
 SAN FRANCISCO, CALIFORNIA 94103  
 (415) 774-1100

**OAKLEY COMMERCIAL**  
 Oakley, California

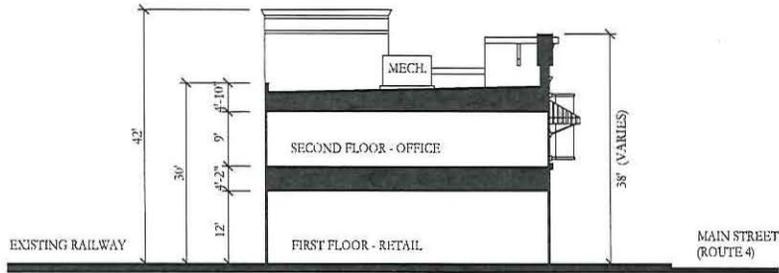


LCA ARCHITECTS  
 5941 L. OAKLEY, OAKLEY, CALIFORNIA 94621  
 (925) 764-1100  
 1000 BROADWAY, SUITE 1400, SAN FRANCISCO, CALIFORNIA 94103  
 (415) 774-1100

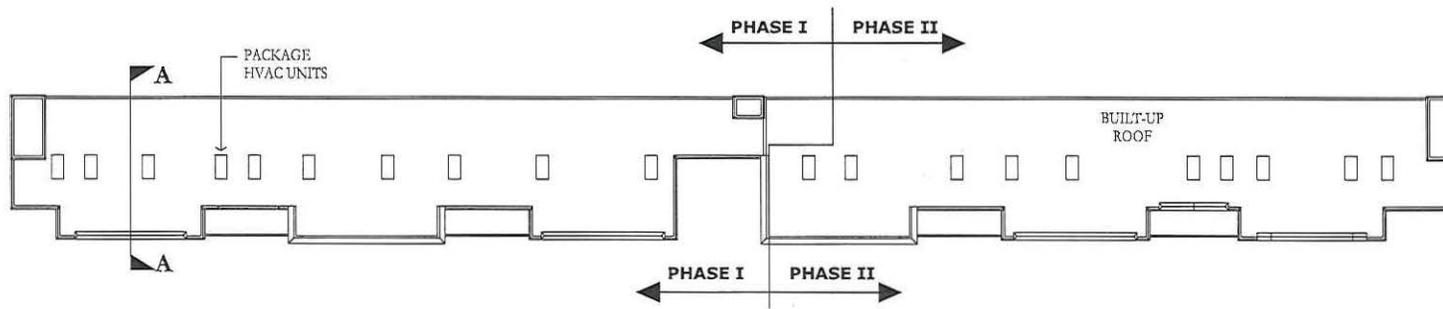
CONCEPTUAL FLOOR PLANS

SCALE: AS SHOWN  
 DATE: 6/2/2008  
 REVISIONS:  
 1/21/2009  
 2/18/2008

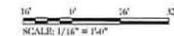
PROJECT NO. 04055  
**A-2**  
 SHEET OF



**Section AA**



**Roof Plan**



# Conceptual Roof Plan and Section



WWW.LCA-ARCHITECTS.COM  
 PAUL DUBOIS  
 ARCHITECT  
 1000 UNIVERSITY AVENUE, SUITE 100  
 OAKLEY, CALIFORNIA 94661  
 (925) 761-1100

**OAKLEY COMMERCIAL**  
 Oakley, California

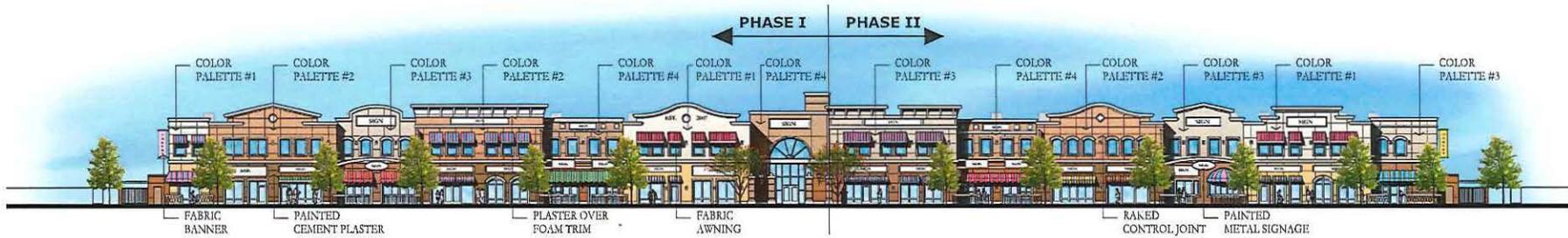


LCA ARCHITECTS  
 1000 UNIVERSITY AVENUE, SUITE 100  
 OAKLEY, CALIFORNIA 94661  
 (925) 761-1100

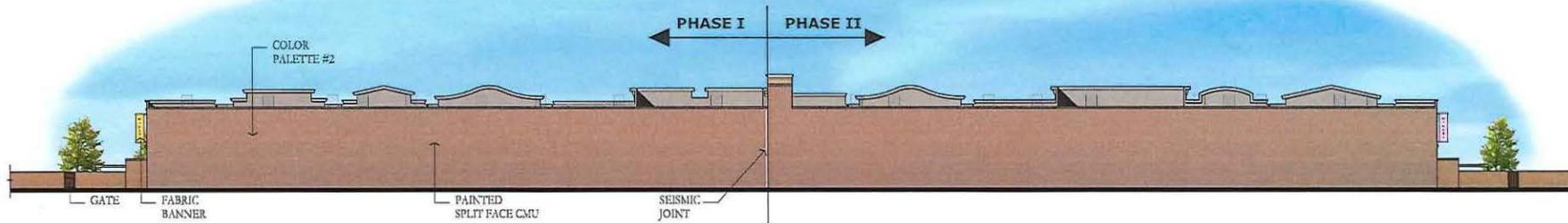
CONCEPTUAL  
 ROOF PLAN  
 AND SECTION

SCALE: AS SHOWN  
 DATE: 6 / 3 / 2008  
 REVISIONS:  
 1 / 21 / 2008  
 2 / 10 / 2008

PROJECT NO. 04055  
**A-3**  
 SHEET OF



**South Elevation**



**North Elevation**



**East Elevation**



**West Elevation**

SCALE: 1/8" = 1'-0"

**Conceptual Elevations**

SCALE: 1/16" = 1'-0"

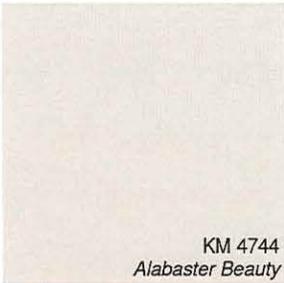


West Elevation

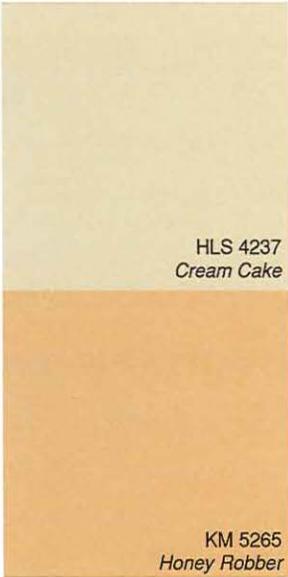
# Conceptual Elevations



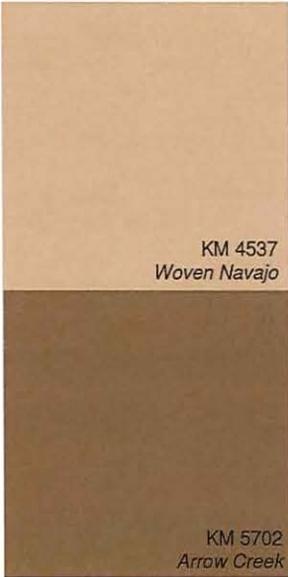
# COLOR BOARD



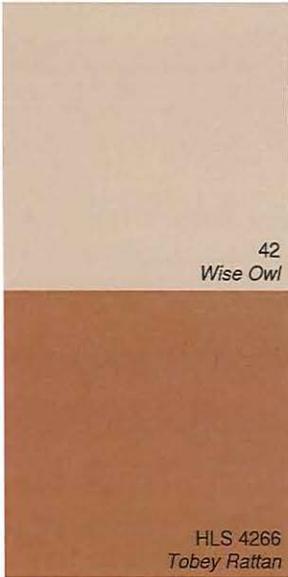
TRIM



COLOR PALETTE #1



COLOR PALETTE #2



COLOR PALETTE #3



COLOR PALETTE #4

\*All colors by Kelly-Moore Paints

**OAKLEY COMMERCIAL**  
A DEVELOPMENT FOR NATURE PROPERTIES LLC  
O A K L E Y , C A L I F O R N I A  
MAIN STREET (HIGHWAY 4) OAKLEY, CA  
PROJECT No. 04055      DATE: 05/09/2016

 **LCA**  
ARCHITECTS  
CARL E. CAMPOS | DAVID ROOSTAD | PETER STASOPOLE  
245 YONKID VALLEY ROAD, WALNUT CREEK, CALIFORNIA 94596  
(925) 944-1421 | (925) 944-1428 FAX | WWW.LCA-ARCHITECTS.COM

NOTE: Paint chip colors/numbers, material and manufacturers shown on this board are representative only. Final approval will be based on sample portion of building. Call the architect or owner for field review. The owner reserves the right to change any listed manufacturer. The changes in manufacturer shall match paint chip color/material as noted.

## RESOLUTION NO. XX-16

**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE REQUEST FOR DESIGN REVIEW (DR15-16) FOR THE CONSTRUCTION OF A NEW 2-STORY MIXED-USE BUILDING AND A VARIANCE (VA 01-16) FOR A REDUCTION IN PARKING STANDARDS ON A 1.68-ACRE SITE LOCATED ON THE NORTH SIDE OF MAIN STREET BETWEEN 2ND STREET AND 5TH STREET (APN'S: 035-122-008 AND 035-164-002)**

**WHEREAS**, on March 25, 2016, Nature Properties, LLC. ("Applicant"), submitted an application for a request for Design Review (DR 15-16) approval for a new two-story, mixed use project. The project consists of a 1st floor retail and 2nd floor office building totaling 40,001 square feet, a 54 parking space parking lot and landscaping. The Variance (VA 01-16) has been requested for a reduction in the number of parking spaces required for the project. The 1.68-acre project site is designated Commercial Downtown in the Oakley 2020 General Plan and zoned Downtown Specific Plan (SP-4). The project is located along the North side of Main Street between 2nd Street and 5th Street (APN: 035-122-008 and 035-164-002). (APN's: 035-122-008 and 035-164-002) ("Project"); and

**WHEREAS**, on April 25, 2016, the project application was deemed complete per Government Code section 65920 et. seq; and

**WHEREAS**, the project is designated as *Commercial Downtown* in the Oakley 2020 General Plan, and zoned SP-4 (Downtown Specific Plan) District; and

**WHEREAS**, on or before May 13, 2016, the Notice of Public Hearing for the project was posted 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 500-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

**WHEREAS**, the project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332, "Class 32 – In-Fill Development Projects"; and

**WHEREAS**, on May 24, 2016, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public and applicant, 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 conditioned, 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 upon the City's General Plan, the Downtown Specific Plan, the City's Zoning Ordinance, the City's Commercial and Industrial Design Guidelines, and the information submitted to the City Council at its May 24, 2016 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 (hereinafter the "Record"); and

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

- A. In regards to the application requesting Design Review (DR 15-16) approval for a new two-story, mixed use project. The project consists of a 1st floor retail and 2nd floor office building totaling 40,001 square feet, a 54 parking space parking lot and landscaping on a 1.68-Acre site located on the north side of main street between 2nd street and 5th street (APN's: 035-122-008 and 035-164-002):
1. The design, appearance, and manner of development of all properties within the City have a substantial relationship with the characteristics of public and private places that make a community visually interesting, functional, and a source of community pride. The site for the proposed project is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that the site is approximately 1.68-acres and the Downtown Specific Plan (SP-4) Zoning along with the Oakley Municipal Code allows for the proposed development with the approval of a Design Review application. The new building and site improvements will provide a significant aesthetic upgrade to the vacant property and the surrounding area, and help facilitate the economic development activities of the City;
  2. Development within the City should be in a manner that is of high quality and allow for flexibility of unique solutions to enhance a project's design so that it can be successfully integrated into the existing fabric of the City, while preserving the City's human scale and sense of place.
  3. The quality of life and stabilization of property values are enhanced by project design that meets the criteria set forth in the Downton Specific Plan, Oakley Design Guidelines, Zoning Ordinance, and General Plan, as applicable. The proposed project will be arranged, designed, constructed, operated, and maintained so as to be compatible with the intended character of the area and will not change the essential character of the area that is intended by the General Plan and the applicable zoning ordinances in that the proposed project for the construction of a building

for commercial/retail businesses and offices are permitted in the Downtown Specific Plan. This property is one of the longest, undeveloped stretches of Main Street within the Downtown and the development of a quality, mixed-use project would have several benefits to the community. The first benefit would be the overall aesthetics of Main Street when entering the Downtown from the east. This new building, along with the frontage improvements, will provide a brand new, high-quality "front door" to the Downtown. The new building will also provide new, quality commercial tenant and office spaces that do not exist today. With that said, the new businesses will bring new jobs and vitality to an area of the Downtown that is less busy than the recently redeveloped Oakley Plaza and areas of Main Street just to the east. Lastly, the project would generate property and sales tax revenue for the City.

4. Design review is necessary to enhance project design, ensure quality development, maintain or enhance property values, and add to the visual character of the community and public health, safety, and welfare of Oakley residents. The proposed project provides for continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan in that it provides a place for new businesses which will bring jobs to the City. The use of the site are a result of Oakley's zoning that allows for commercial lots that can accommodate this type of project; and

B. In regards to the application requesting a Variance (VA 01-16) for a reduction in the parking requirements for the project:

1. Approval of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in that the existing lot is less than 80 feet deep and has over 1,050 feet of frontage along Main Street. Although the lot is 1.68-acres, the existing narrow lot depth coupled with the frontage dedication for the Main Street improvements constrain the buildable area. New construction on the two parcels would still need to be consistent with the development regulations of the Downtown Specific Plan, and there is adequate lot area to achieve this. The Downtown Specific Plan provides further guidance and allows the City discretion on how lessen parking standards in the downtown. This project is a catalyst to the eastern part of the City's downtown and at this point there is not a parking issue in this area of the plan. The City has constructed a 24 space parking lot across the street to support and supplement the existing on-street parking for businesses in the area. This parking lot would be available for the proposed project. The applicant has made every attempt to provide as many parking spaces on site and along the property frontage to support the new building while also developing enough of the property to make the project financially feasible. Lastly, the applicant is preserving an old Oak

Tree on the property where they could fit more parking. The preservation of this tree has been considered in the analysis for the Variance request and is in line with keep the existing small town feel of Oakley as new development is proposed and constructed; and

2. There are special circumstances applicable to the subject property because of its size, shape, topography, location or surrounding that would deprive the subject property of rights enjoyed by other properties in the vicinity if the strict application of the zoning regulations is required. The existing lot is less than 80 feet deep and has over 1,050 feet of frontage along Main Street. Although the lot is 1.68-acres, the existing narrow lot depth coupled with the frontage dedication for the Main Street improvements constrain the buildable area. The variance would not affect the overall appearance of the development, as any structures placed on the lot will meet the minimum development standards of the Downtown Specific Plan; and
3. Approval of a variance would substantially meet the intent and purpose of the respective land use district in which the subject property is located in that the project will be developed in a manner consistent with the Downtown Specific Plan development standards and the improvements will provide a significant aesthetic upgrade to the vacant property and the surrounding area. The project has taken into account several design elements that align with the spirit and intent of the Downtown Specific Plan in that they have proposed a project designed with a pedestrian scale in mind, aligned the driveway entrances with existing cross streets to the South and they have maximized the development along the frontage of the building which adds to that pedestrian friendly, street front character that the DSP requires.

C. 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 of the Applicant's request for Design Review and a Variance, subject to the following Conditions of Approval:

**Conditions of Approval**

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division on **March 25, 2016**, as well as additional information acquired since that time and made part of the project file.

**THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE CONSTRUCTION OF THE BUILDING UNLESS OTHERWISE NOTED:**

## **Planning Division Conditions**

### **General:**

1. This **Design Review (DR 15-16) and Variance (VA 01-16)** is approved, as shown on the plans, date stamped by the Planning Division on **March 25, 2016**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval for **Design Review (DR 15-16) and Variance (VA 01-16)** shall be effectuated within a period of three (3) years from the effective date of this resolution by pulling a building permit and if not effectuated shall expire on **May 24, 2019**. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Zoning Code.
3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on **May 24, 2016**.
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 defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project. The city shall promptly notify the applicant of any such claim, action or proceeding. The city shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

8. The project may be constructed in 2 phases as outlined in Development Agreement (DA 02-15). In implementation of each phase, the required improvements described below shall be applied correspondingly.

**Site Plan:**

9. All parking stall striping shall be double striped. Parking stalls for the 45 degree angled spaces shall be 8 feet wide by 19 feet deep with an allowed 2 foot overhang in some cases and all drive aisles shall be a minimum 12 feet in width as reviewed and approved by the Community Development Director.
10. A lighting and photometric plan shall be submitted prior to the issuance of building permits. The minimum requirement shall be one foot of candle light within public parking areas and pedestrian pathways.
11. Light poles shall be a maximum height of 20 feet and shall provide glare shields where adjacent to existing residences per the review and approval of the Community Development Director.
12. The trash enclosures shall match Oakley Disposal and City standards and shall provide adequate space to accommodate both trash and recycling. Also, trash enclosures shall be constructed with a roof to match the building design and materials, have metal gates, and when appropriate be surrounded by landscaping with climbing vines on three sides per the review and approval of the Community Development Director.
13. Storage shall be contained inside the building. Storage containers are not allowed and pallets, boxes, cardboard etc. shall not be stored outside.

**Architecture:**

14. Roof-mounted equipment shall be architecturally screened from view.
15. The light fixtures on the commercial building shall be decorative fixtures per the review and approval of the Community Development Director.
16. Anti-graffiti techniques shall be used on the north wall that abuts the railroad right-of-way.
17. Walls constructed along the northern property line shall attenuate, not just deflect sound. The applicant shall provide a noise report that identifies appropriate materials and finishes. The use of sound absorbing material should be used for the construction of the walls per the review and approval of the Community Development Director.

18. The material and color of the 6' foot block wall along the north property line is subject to the review and approval of the Community Development Director.

**Landscaping Requirements:**

19. A landscaping and irrigation plan for all areas shown on the site plan shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. The landscaping plan shall include the project's frontage and side yards. Landscaping shall conform to the Oakley Water Efficient Landscape Ordinance and the Guidelines for Implementation of the City of Oakley Water Efficient Landscape Ordinance 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.
20. California native drought tolerant plant or shall be used as much as possible. All trees shall be a mix of fifteen-gallon, 24-inch box and 36-inch box, all shrubs shall be a minimum five-gallon size, except as otherwise noted.
21. Parking lot trees shall provide 50 percent shading of the parking areas at tree maturity.
22. Prior to occupancy, an on-site inspection shall be made of privately owned lands by a licensed landscape architect to determine compliance with the approved landscape plan. A signed certification of completion shall be submitted to the Community Development Director for review and approval.
23. If occupancy is requested prior to the installation of the landscape and irrigation improvements, then either a cash deposit or a letter of credit shall be delivered to the City for 125 percent of the estimated cost of the uncompleted portion of the landscape and irrigation improvements. If compliance is not achieved after six months of occupancy as determined by the Community Development Director, the City shall contract for the completion of the landscaping and irrigation improvements to be paid for by the held sum. The City shall return the unused portion within one year of receipt or at the completion of all work.
24. Landscaping shall be maintained as shown on the landscape plan in perpetuity.
25. In the event the Oak Tree towards the western property line cannot be retained as a result of this project, the applicant shall satisfy the requirements of Oakley Municipal Code section 9.1.1112.

**Signage:**

- 26. The proposed signage shall meet the requirements of the Downtown Specific Plan and the City's Zoning Ordinance. All proposed signage shall be reviewed by the Planning and Building Divisions.
- 27. All signs shall be on permanent structure and of design and material to compliment the proposed commercial building. No signs on the premises shall be animated, rotating or flashing. No flags, pennants, banners, pinwheels or similar items shall be permitted on the premises, with the exception of a United States flag and California state flag.
- 28. Temporary signage for such things as special events and grand openings shall require a Temporary Use Permit per the review and approval of the Community Development Director.

**Waste Management Plan:**

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

***Building Division Conditions***

- 30. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy Requirements per the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625-7002.
- 31. An Automatic Life Safety Sprinkler System shall be required in all new construction pursuant to Ordinance 22-06. The Automatic Life Safety Sprinkler Systems in commercial and industrial buildings shall be designed and installed to the standards and requirements found in the most recent version of the NFPA (National Fire Protection Association).
- 32. Prior to requesting a Certificate of Occupancy from the Building Division all Conditions of Approval required to occupancy must be completed.

***Public Works and Engineering Conditions***

**General:**

- 33. Submit improvement plans for on-site improvements 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.

**Road Dedications:**

34. Convey to the City, by offer of dedication, the right of way for the project frontage along Main Street.

**Access to Adjoining Property:**

35. 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 and drainage improvements.

**On-Site Improvements:**

36. Provide a minimum outside turning radius of 45 feet and a minimum inside turning radius of 28 feet within the parking lot.
37. Develop for the City's review and approval and enter into a private maintenance agreement that ensures that parking areas and on-site landscaping will be maintained to a standard agreed upon by the City.
38. The burying of any construction debris is prohibited on construction sites.

**Drainage Improvements:**

39. 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 consistent with the plans for Drainage Area 29E as prepared by the Contra Costa County Flood Control and Water Conservation District.
40. 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.
41. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
42. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

43. Dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets.

**National Pollutant Discharge Elimination System (NPDES):**

44. 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](http://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:

- Utilize pavers or other pervious materials for driveways, walkways, and parking areas wherever feasible.
- 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.
- Install filters in on-site storm drain inlets.
- Sweeping the paved portion of the site at least once a month utilizing a vacuum type sweeper.
- Use of landscape areas, vegetated swales, pervious pavement, and other infiltration mechanisms to filter stormwater prior to entering the storm drain system.
- Provide a sufficient amount of on-site trash receptacles.
- Distribute public information items regarding the Clean Water Program to customers.
- Other alternatives as approved by the City Engineer.

**Fees/Assessments:**

45. 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 Resolution No. 09-01);
- G. General Plan Fee (adopted by Resolution No. 53-03): and

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.

- 46. 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.
- 47. Either a) Annex the property to the City of Oakley's Community Facilities District No. 2015-2 (CFD No. 2015-2) which provides a funding mechanism to mitigate the Development's fiscal impact associated with the City's regional, community and neighborhood parks, public area landscaping, street lights and storm water facilities, or b) establish a separate funding mechanism acceptable to the City of Oakley to mitigate the Development's fiscal impact associated with the City's regional, community and neighborhood parks, public area landscaping, street lights and storm water facilities. If the applicant elects to annex into CFD No. 2015-2, the applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of the annexation shall be paid by applicant in advance. The CFD's annual special tax rates per parcel will be set at the time of annexation. The annexation shall be completed before the issuance of the first Certificate of Occupancy.
- 48. 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

building 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.

49. Applicant shall comply with the drainage fee requirements for Drainage Area 29E as adopted by the County Board of Supervisors. The applicant shall pay the fee in effect at the time of building permit issuance. Certain improvements required by the Conditions of Approval for this development or the Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the City Engineer to personally determine the extent of any credit or reimbursement for which they might be eligible. Any credit or reimbursements shall be determined prior to filing the final map or as approved by the Flood Control District.

### **ADVISORY NOTES**

**PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL 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. Comply with the requirements of the Ironhouse Sanitary District.
- D. Comply with the requirements of the East Contra Costa Fire Protection District.
- E. Comply with the requirements of the Diablo Water District.
- F. Comply with the requirements of the Building Inspection Department. 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 Game. It is the applicant's responsibility to notify the Department of Fish and Game, PO Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- 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.

