



STAFF REPORT

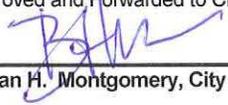
Date: Tuesday, April 28, 2015

To: Bryan H. Montgomery, City Manager

From: Joshua McMurray, Planning Manager

Subject: **Delta Grinding Contractor's Yard – A Request for Design Review to establish a Contractor's Yard at 5245 Live Oak Avenue (DR 01-15)**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary and Recommendation

The proposed project is a request for Design Review approval of a proposed contractor yard on a 3-acre property located at 5245 Live Oak Avenue. The site is designated Light Industrial in the General Plan and is zoned Light Industrial (LI) District. The site is currently undeveloped. The proposal includes the development of the site with paving for the storage of vehicles and equipment associated with the Delta Grinding business, an on-site stormwater basin, and site landscaping. The project plans show the future locations of three buildings, which are not anticipated to be constructed with the initial site improvements.

Staff recommends the City Council adopt the Resolution approving the Design Review (DR 01-15) for the Delta Grinding contractor yard located at 5245 Live Oak Avenue, as conditioned.

General Plan/Zoning Compliance

In 2002 the site was designated "Light Industrial" in the Oakley 2020 General Plan. The "Light Industrial" designation allows for a broad range of light industrial uses, including the proposed contractor's yard. The project site was rezoned from the Redevelopment Area Planned Unit District (P-1) to Light Industrial (LI) in May 2009 as part of the Citywide Rezone project. The LI District is compatible with the "Light Industrial" General Plan Land Use designation. The LI District allows uses that are either permitted or conditionally permitted in the Oakley Municipal Code, per Section 9.1.602(b)(2). Per that code section, a Building Contractor's Yard is a permitted use, meaning the use does not require a Conditional Use Permit. Although a permitted use, the site is undeveloped and the Design Review process allows the City and other outside Agencies such as the Fire District, the County Health Department, the Ironhouse Sanitary District, the Diablo Water District, and others to review and provide comments prior to site development to ensure the use can operate in a manner consistent with all applicable regulations.

Subject: Delta Grinding Contractor Yard Design Review (DR 01-15)

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Project Description

The property is approximately 3-acres in size. The site is currently undeveloped and vacant. The project site is rectangular shaped, and has an approximately 195 foot frontage and is approximately 673 feet deep. The project plans show a driveway entrance, off Live Oak Avenue, towards the southern edge of the property frontage. The site will be paved for the outdoor storage of vehicles and machinery, landscaped along the properties frontage and landscaped along the property lines. A stormwater retention basin is proposed to be constructed towards the west end of the property.

The plans indicate areas for three building pads, two pads of 5,500 square feet and one at 11,000 square feet. The applicant has indicated the plan is to construct the property in phases, with the first phase not including any buildings. This Design Review application does not include any building architecture. A condition of approval has been added to the attached resolution requiring a separate Design Review application and approval for any future building to make sure the buildings comply with the all applicable regulations.

Analysis

Land Use Compatibility

The project site is bound by Rain for Rent to the north, Contiente Nut to the west, the Orchard Park Elementary School to the east (across Live Oak Avenue), and an active vineyard to the south. The properties to the north, south, east and west are designated Light Industrial in the Oakley 2020 General Plan and zoned Light Industrial (LI) District. As discussed above, the LI District allows for a Building Contractor Yard as a permitted use however the site development requires the approval of a Design Review application.

The Oakley 2020 General Plan lists general land uses compatible with the Light Industrial land use designation. Those uses are more specifically laid out in the Light Industrial Zone District section of the Oakley Municipal Code. In those listed uses, it states that a "Building Contractor's Yard" is a permitted use. The proposed project involves the storage of vehicles and equipment. The vehicles and equipment are then contracted out to various job sites, and no physical road grinding will be done on the project site. This use and the overall development of the site will bring this property into conformance with the City's General Plan and Light Industrial Zone District. The proposed use, as conditioned, will be compatible with the surrounding land uses and the intent of the General Plan and the Light Industrial District.

Industrial Design Guidelines

Staff has reviewed the project in terms of compliance with the Commercial and Industrial Design Guidelines. A majority of the guidelines are intended to address architectural elements of a project. Since the proposed project does not include the construction of any buildings, Staff's main focus was that the site was adequately landscaped. The project does provide a landscape plan showing new landscaping along the projects frontage. This will be a noticeable improvement over the site's existing condition.

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Several standard conditions of approval in the attached resolution address the on and off-site (right-of-way) improvements and landscaping.

Stormwater

The applicant is proposing an on-site temporary stormwater retention basin as an interim condition until a permanent storm drain system is installed. At this time there is not a storm drain system along the projects Live Oak Avenue frontage. Although the basin is an interim condition, the applicant will be required to connect to the permanent system when it is constructed. A larger stormwater basin, constructed by the County, exists to the northwest of the project site. This basin would not only serve this project site but a majority of the Light Industrial sites in the immediate area. Staff has encouraged the applicant to try and work with the neighboring properties in order to establish a connection to this basin (the connection would require a utility easement along the property lines of the northern two properties); however those discussions have not materialized to a point where the applicant can move forward with constructing the drainage line in lieu of the stormwater retention basin currently proposed. Staff has built in a condition of approval that allows for either the interim condition or the construction of the drainage line to the existing basin in the hope that between now and project construction, the property owners can work together.

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.

Recommendation

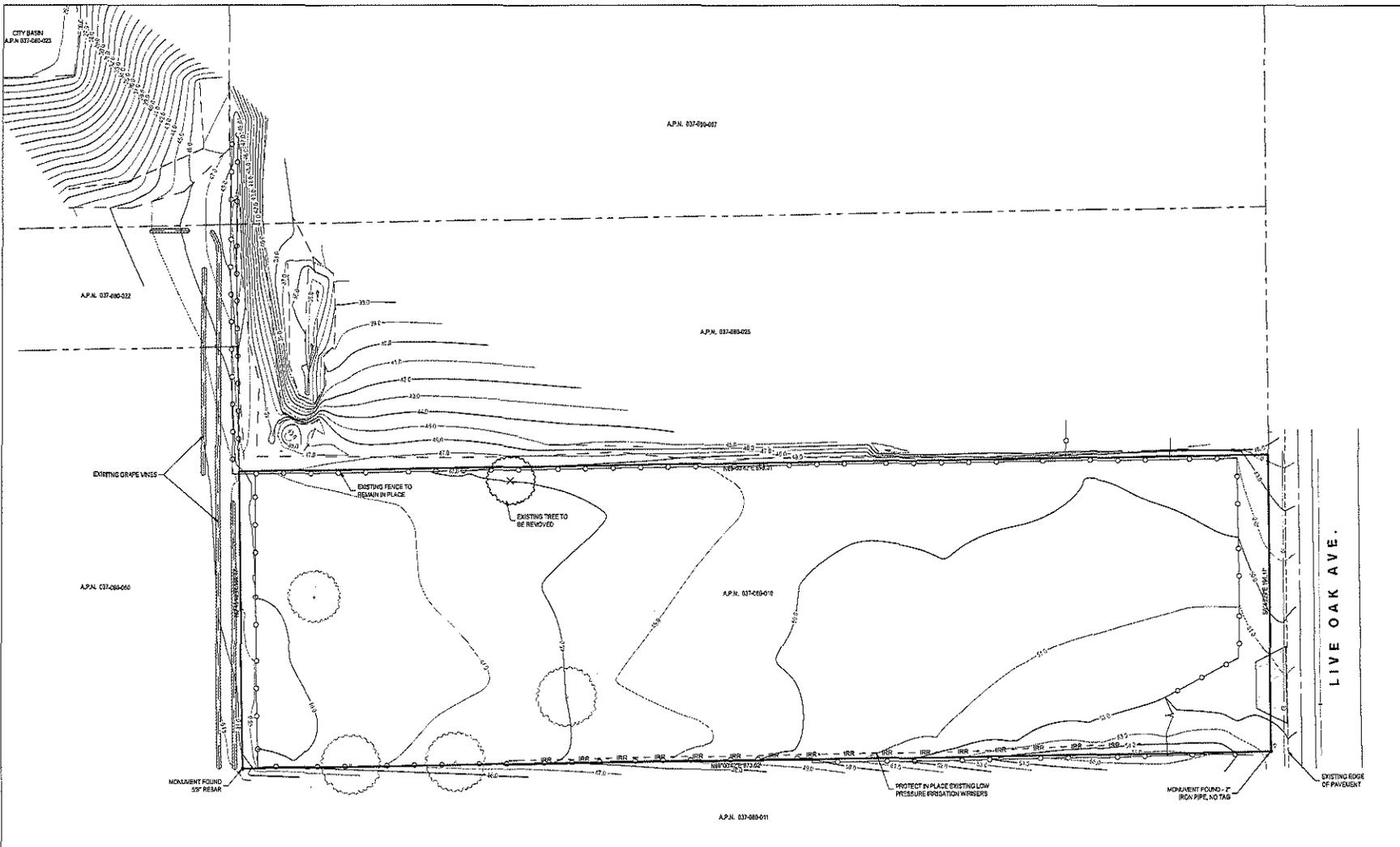
Staff recommends the City Council adopt the Resolution approving the Design Review (DR 01-15) for the Delta Grinding contractor yard located at 5245 Live Oak Avenue, as conditioned.

Attachments

1. Vicinity Map
2. Project Plan's
3. Proposed City Council Resolution

5245 Live Oak Avenue Design Review (DR 01-15)
Delta Grinding Contractor's Yard
Vicinity Map
APN: 037-080-010





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- CIVIL ENGINEERING
- STRUCTURAL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE

REVISIONS
 No. Date Description

PROJECT

DELTA GRINDING OAKLEY YARD

6545 LIVE OAK AVE. OAKLEY, CA



DATE SIGNED: 02/17/15

SHEET TITLE

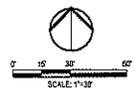
DEMOLITION & TOPOGRAPHIC PLAN

Prep. by: PJS
 Drawn by: MDE
 Date: 02/17/15
 Job No.: 14122

SHEET: C2.0 OF: 7

LEGEND
 THIS TO BE REMOVED

NOTES
 1. CONTRACTOR IS RESPONSIBLE FOR REMOVING AND PROPERLY DISPOSING OF ALL MATERIALS DEMOLISHED FROM THE SITE INCLUDING: PAVEMENT, CONCRETE, CURB AND CURTIN, STORM DRAINAGE MATERIALS AND ELECTRICAL MATERIALS.



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REVISIONS
 No. Date Description

PROJECT

DELTA GRINDING OAKLEY YARD

5245 LIVE OAK AVE.
 OAKLEY, CA



DATE SIGNED: 02/17/15

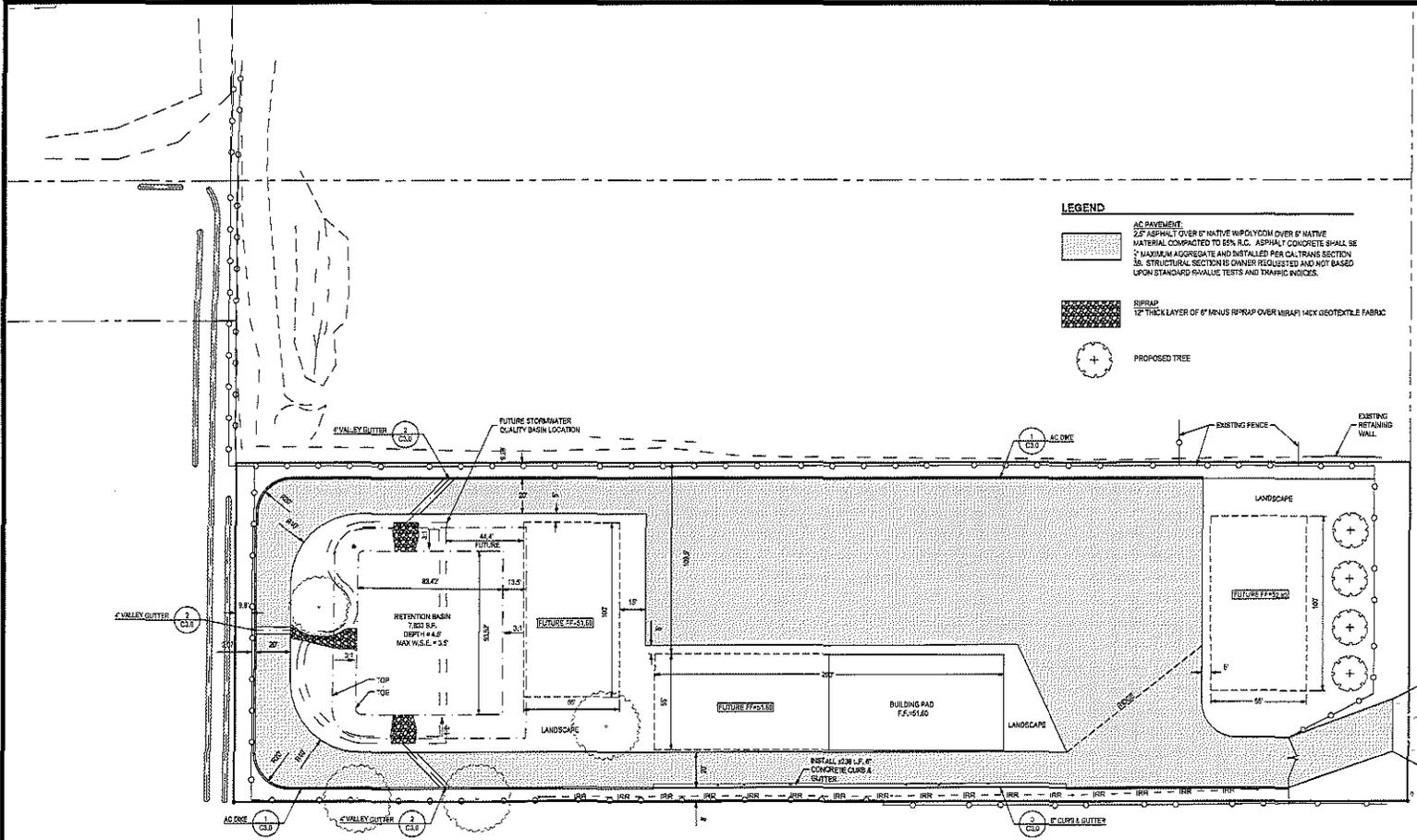
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PAVING & DIMENSIONING PLAN

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 Drawn by KDC
 Date 02/17/15
 Job No. 14172

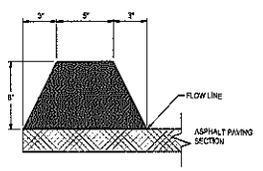
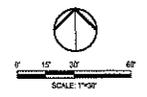
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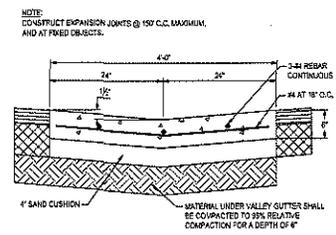


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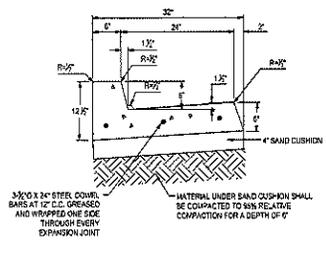
- AC PAVEMENT
 2.5" ASPHALT OVER 6" NATIVE W/POLYCOB OVER 6" NATIVE MATERIAL COMPACTED TO 95% R.C. ASPHALT CONCRETE SHALL BE 2" MAXIMUM AGGREGATE AND INSTALLED PER CALTRANS SECTION 3A. STRUCTURAL SECTIONS OWNER REQUESTED AND NOT BASED UPON STANDARD R/WALLS TESTS AND TRAFFIC INDICES.
- SURFAP
 12" THICK LAYER OF 6" MENUS RE-REAR OVER MISAP 140X GEOTEXTILE FABRIC
- PROPOSED TREE



1 STANDARD TYPE "A" ASPHALT CONCRETE DIKE
 N.T.S.

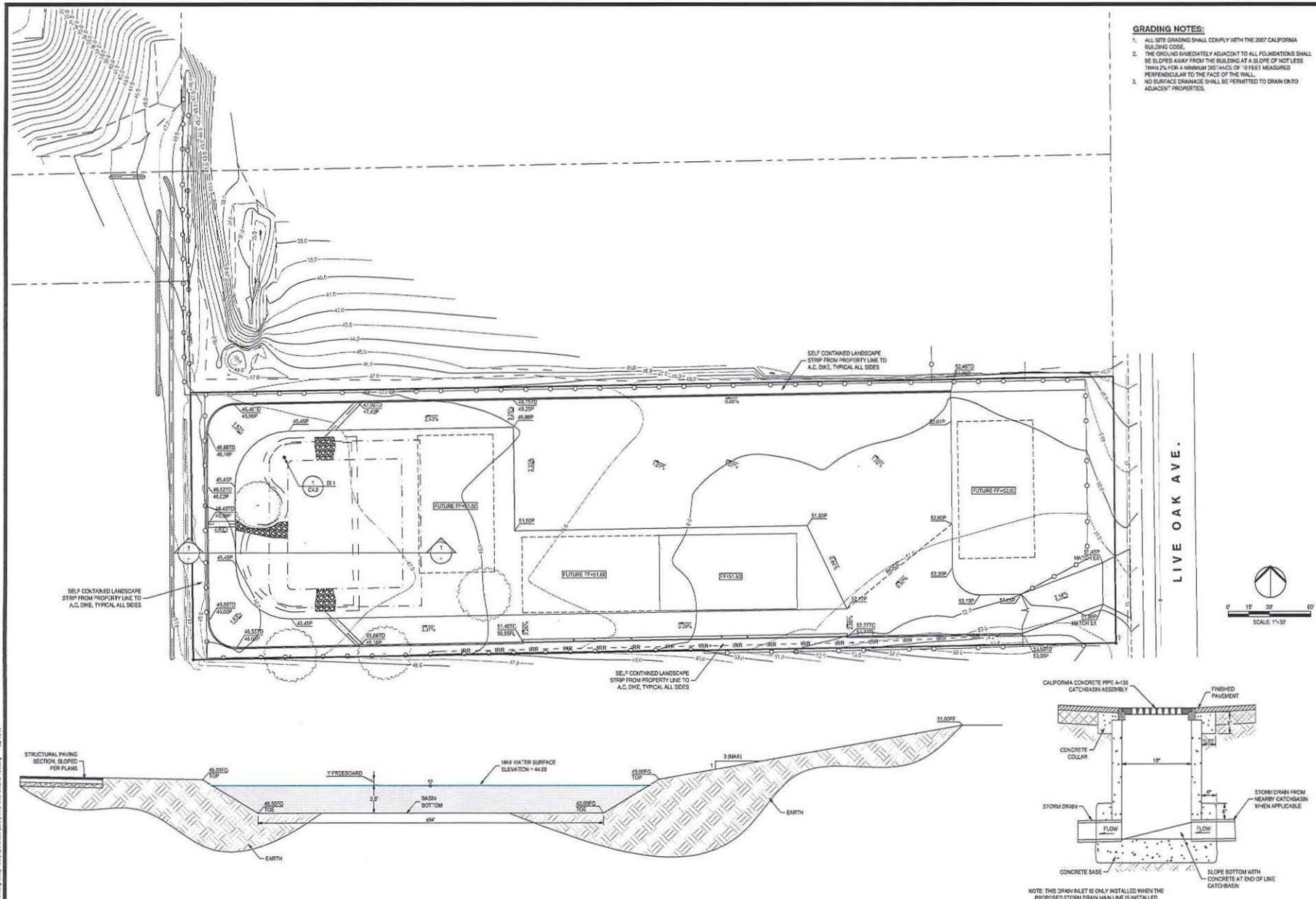


2 4' CONCRETE VALLEY GUTTER
 1/8" SCALE



3 6' VERTICAL CURB AND GUTTER
 NO SCALE

C:\Work\14172_Delta Grind\14172_Paving & Dimensioning Plan.dwg, 02/17/15, 10:27:27



- GRADING NOTES:**
1. ALL SITE GRADING SHALL COMPLY WITH THE 2007 CALIFORNIA BUILDING CODE.
 2. THE GROUND IMMEDIATELY ADJACENT TO ALL FOUNDATIONS SHALL BE SLOPED AWAY FROM THE BUILDING AT A SLOPE OF NOT LESS THAN 2% FOR A MINIMUM DISTANCE OF 18 FEET MEASURED PERPENDICULAR TO THE FACE OF THE WALL.
 3. NO SURFACE DRAINAGE SHALL BE PERMITTED TO DRAIN ONTO ADJACENT PROPERTIES.



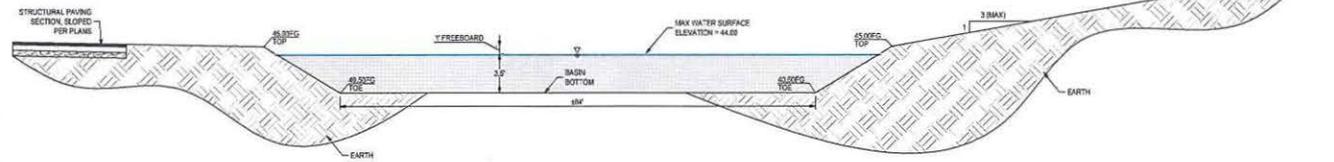
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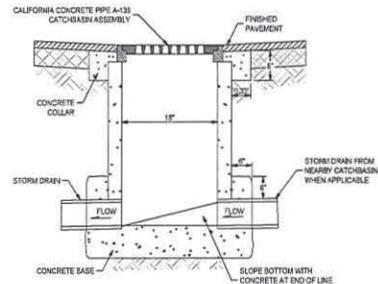
REVISIONS
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PROJECT
 DELTA GRINDING
 OAKLEY YARD

6545 LIVE OAK AVE.
 OAKLEY, CA



A BASIN
 SCALE: 1"=10' HORIZONTAL, 1"=2' VERTICAL



NOTE: THIS DRAIN INLET IS ONLY INSTALLED WHEN THE PROPOSED STORM DRAIN MAIN LINE IS INSTALLED

1 18" DRAIN INLET
 NO SCALE



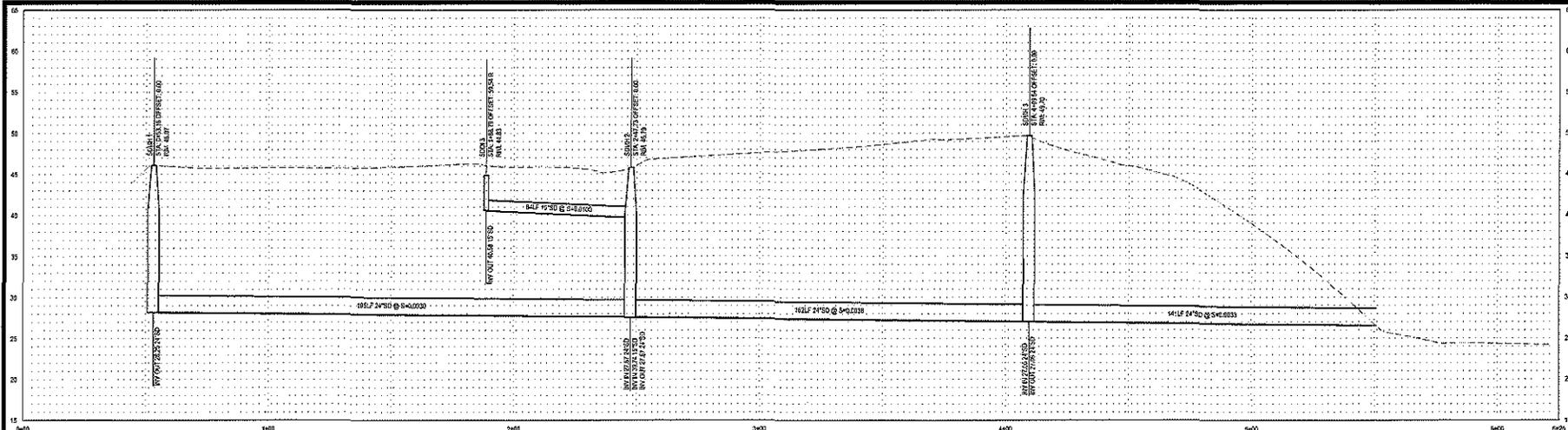
DATE SIGNED: 02/17/15

SHEET TITLE

GRADING PLAN

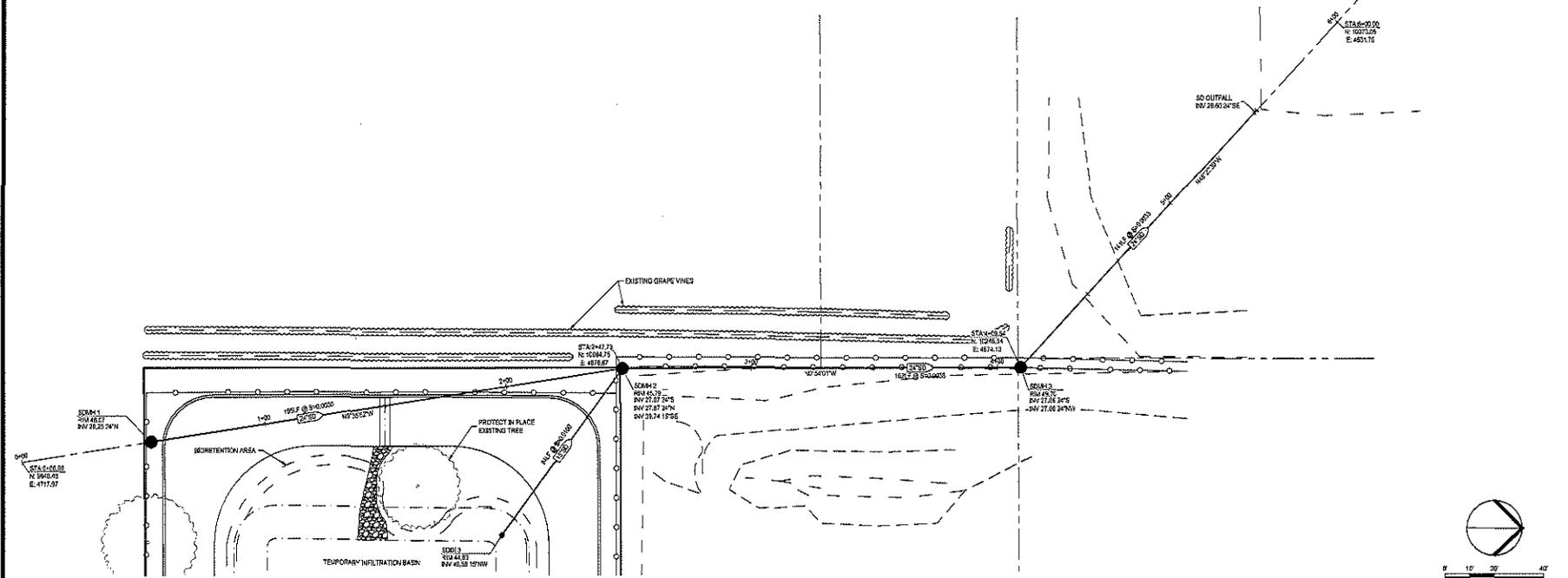
Proj Mgr: PJS
 Drawn by: MDE
 Date: 8/17/14
 Job No.: 14172

SHEET: C4.0



STORM DRAIN MAIN LINE ALIGNMENT
 HORZ. SCALE: 1"=20'
 VERT. SCALE: 1"=6'

PLAN & PROFILE - STORM DRAIN LINE
 SCALE: 1"=40'



PLAN & PROFILE - STORM DRAIN LINE
 SCALE: 1"=40'

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- LS LAND SURVEYING
- LA LANDSCAPE ARCHITECTURE

REVISIONS
 No. Date Description

PROJECT
 DELTA GRINDING
 OAKLEY YARD
 8046 LIVE OAK AVE.
 OAKLEY, CA



DATE SIGNED: 02/17/15

SHEET TITLE
 PLAN & PROFILE -
 STORM DRAIN
 LINE

Prep. by: PJS
 Drawn by: MDE
 Date: 8/1/14
 Job No.: 14172

SHEET:
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 OF 7

RESOLUTION NO. XX-15**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS
AND APPROVING THE DESIGN REVIEW (DR 01-15) APPLICATION FOR THE
DELTA GRINDING CONTRACTOR'S YARD LOCATED AT 5245 LIVE OAK AVENUE
(APN 037-080-010)****FINDINGS**

WHEREAS, on February 23, 2015, Kenneth and Eve Ferrante ("Applicant"), submitted an application for Design Review (DR 01-15) for the construction of the Delta Grinding Contractor's Yard located on an approximately 3-acre site at 5245 Live Oak Avenue (APN 037-080-010) ("Project"); and

WHEREAS, on March 23, 2015, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project is designated as *Light Industrial* in the Oakley 2020 General Plan, and zoned (LI) Light Industrial District; 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 April 16, 2015, 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 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on April 28, 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 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 City's Zoning Ordinance, the City's Commercial and Industrial Design Guidelines, and the

information submitted to the City Council at its April 28, 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 (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 approval of Design Review (DR 01-15) for the construction of the Delta Grinding Contractor's Yard located on an approximately 3-acre site at 5245 Live Oak Avenue (APN 037-080-010):
 - 1. The proposed Design Review for the construction of the Delta Grinding Contractor's Yard located on an approximately 3-acre site at 5245 Live Oak Avenue is consistent with both the General Plan Land Use Designation of Light Industrial and the Zoning of Light Industrial (LI) Zone District of the property. The Light Industrial zoning anticipates these types of uses. The overall development of this property will bring the vacant and undeveloped site into conformance with the General Plan and the Zoning Code. The development of the property will help facilitate the economic development activities of the City.
 - 2. The proposed Design Review for the for the construction of the Delta Grinding Contractor's Yard located on an approximately 3-acre site at 5245 Live Oak Avenue, complies with all applicable Zoning regulations, specifically the Light Industrial (LI) Zone District.
 - 3. The proposed design of the Delta Grinding Contractor's Yard is compatible with the surrounding area.
- 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 of the Applicant's request for a Conditional Use Permit, subject to the following Conditions of Approval:

Conditions of Approval

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 Planning Division on **February 23, 2015**.

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

Planning Division Conditions

General:

1. This **Design Review (DR 01-15)** application is approved, as shown on the plans, date stamped by the Planning Division on **February 23, 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 pulling a building permit and if not effectuated shall expire on **April 28, 2018**. 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 **April 28, 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 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.

Site Plan:

8. 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.
9. Light poles shall be a maximum height of 20 feet per the review and approval of the Community Development Director.
10. 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.

Architecture:

11. Any new buildings shall conform to the City's Commercial and Industrial Design Guidelines, and shall be approved through the review and approval of a Design Review Application prior to the approval of any building permits.

Landscaping Requirements:

12. 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 or establishment of the use (whichever is first). 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.
13. 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.
14. Prior to occupancy or establishment of the use (whichever is first), 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.
15. 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.

16. Landscaping shall be maintained as shown on the landscape plan in perpetuity.

Signage:

17. The proposed signage shall meet the requirements of the City's Zoning Ordinance. All proposed signage shall be reviewed by the Planning and Building Divisions.

18. A Sign Plan shall be provided for the site. Only the following signs shall be allowed, subject to final review and approval by the Community Development Director prior to the issuance of a building permit for signs.

19. 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.

20. 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.

Building Division Conditions

21. 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 – 7005.

22. 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). Automatic Life Safety Sprinkler Systems in hotels and apartments shall be installed to the standards and requirements found in the most recent version of the NFPA, Standard 13R.

23. 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:

24. 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.
25. 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.
26. 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.
27. 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.

Roadway Improvements:

28. Construct the frontage of Live Oak Avenue to City public road standards for a 82-foot wide roadway within a 126-foot right of way, including curb, six-foot detached sidewalk (meandering within the landscape area so that the minimum landscape width is no less than six feet), right of way landscaping, a sixteen foot wide landscaped median, necessary longitudinal and transverse drainage, pavement widening to a minimum of 28 feet, and conforms to existing improvements. The face of curb shall be located 41 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project.
29. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.

Road Alignment/Sight Distance:

30. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Live Oak Avenue. The sketch plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance for a design speed of 40 miles per hour. The plan shall extend a minimum of 150 feet ± beyond the limits of the proposed work.

Road Dedications:

31. Convey to the City, by offer of dedication, the right of way for Live Oak Avenue for the planned future half width of 63-feet along the project frontage.
32. Relinquish abutter's rights of access along Live Oak Avenue except for the single approved driveway location.

Access to Adjoining Property:

33. 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.
34. Applicant shall only be allowed access to the project site at the single location shown on the approved site plan.

Landscaping in the Public Right of Way:

35. Enter into an agreement with the City that requires the right of way landscaping adjacent to the site to be maintained as part of the on-site landscaping at the property owner's expense to a standard acceptable and agreed upon by the City.

Street Lights:

36. Install streetlights along the project Live Oak Avenue frontage. 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 along Live Oak Avenue shall be General Electric spun aluminum "cobra head" style with LEDs.

Grading:

37. 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.
38. 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.

39. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities.
40. 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.
41. 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.
42. 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.
43. 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.
44. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

45. Underground all new and existing utility distribution facilities, including those along the frontage of Live Oak Avenue. 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.

46. 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.

47. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

48. 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 29H as prepared by the Contra Costa County Flood Control and Water Conservation District. Compliance with this requirement shall include a provision in the deferred improvement agreement for the applicant to cooperate with the installation of the Drainage Area 29H drainage lines that may be constructed in the future. In addition, the applicant may be permitted at the discretion of the City Engineer to construct an on-site temporary stormwater infiltration basin for use until permanent facilities are available to connect to. The temporary basin shall be of sufficient size to contain a one hundred and fifty percent of the runoff from a storm with a frequency interval of 100 years. The applicant shall submit plans for the infiltration basin to the City Engineer for review and approval.

49. A maintenance plan for the temporary infiltration basin shall be submitted to the City Engineer for review and approval defining the required maintenance activities and frequency so that the infiltration rate of the basin can be sustained while it is in operation and the capacity of the basin remains adequate for the impervious area being drained.

50. 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.

51. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.

52. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

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

National Pollutant Discharge Elimination System (NPDES):

54. 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:

- 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:

55. Comply with the requirements of the development impact fees listed below, in addition to those noticed by the City Council in Resolution 00-85 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);
- 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.

- 56. 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.
- 57. 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 issuance of a certificate of occupancy. 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.
- 58. 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 issuance of a certificate of occupancy. 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.

59. 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.
60. Applicant shall comply with the drainage fee requirements for Drainage Area 29H 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.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 28th of April, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date