

STAFF REPORT

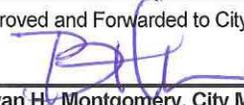
Date: Tuesday, April 28, 2015

To: Bryan H. Montgomery, City Manager

From: Joshua McMurray, Planning Manager

Subject: **A Request by Diamond Hills Sports Club and Spa for a Modification to their Conditional Use Permit (PC Reso 13-07) to Allow for Outdoor Events (Conditional Use Permit (CUP 02-15))**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary and Recommendation

The proposed project is a request by the Diamond Hills Sports Club and Spa for the approval of a modification to their existing Conditional Use Permit to allow for outdoor swim meets. The Diamond Hills Sports Club and Spa is located at 1510 Nerloy Road and opened its doors in November of 2008 and is Oakley's largest sports club and spa. Although never explicitly spelled out in the original Planning Commission approval (PC Reso 13-07), the Diamond Hills Sports Club and Spa has periodically hosted swim meets. The request to allow these events on a permanent, year by year, basis is accompanied by a letter from the applicant dated March 25, 2015 and a Noise Study prepared by Thorburn Associates dated April 1, 2015 (both attached to the Staff Report).

There are a group of residents currently residing in the Magnolia Park subdivision that have raised several concerns about the swim meets and other events over the past few years. Staff feels that although the request was specifically for swim meets, Staff feels that the larger issue is the outdoor events in general and has added several recommended conditions of approval to not only address the swim meets, but also the other outdoor events such as the tennis tournaments and movie nights.

Staff recommends the City Council adopt the Resolution approving the application by the Diamond Hills Athletic Club and Spa, located at 1510 Neroly Road, to modify their Conditional Use Permit (PC Reso 13-07) to allow for outdoor events (Conditional Use Permit (CUP 02-15)), as conditioned.

Background and General Plan/Zoning Compliance

The Diamond Hills Sports Club and Spa is located in the larger Magnolia Park project area, which is boarded by Empire Avenue to the west, Neroly Road to the south, Carpenter Road to the north, and O'Hara Avenue to the east. On February 14, 2005 the City Council certified the Environmental Impact (SCH #2004062119) for the Magnolia Park subdivision. The EIR analyzed the Magnolia Park project area, encompassing 194.5 acres, a total of 549 single-family dwelling units and a 20-acre commercial site. The residential portion of the project was built out in multiple phases, spanning two

Subject: Diamond Hills Sports Club and Spa (CUP 02-15)

Date: April 28, 2015

Page 2

Tentative Map approvals (approved in 2005 and 2009) and multiple Final Maps. Although the size of the commercial property was originally planned to be 20-acres, the existing commercial site is approximately 17-acres. In 2007, the Planning Commission approved a Tentative Parcel Map to subdivide the 17-acre parcel into three parcels, with the Diamond Hills Sports Club and Spa occupying a 10-acre site.

As conditioned by City Council Resolution No. 26-05 (Magnolia Park Subdivision 8731), "The commercial portion of the site shall comply with the standards in the City of Oakley's Zoning Ordinance for commercial zoned properties." At the time the RB (Retail Business) District was the best fit commercial district in the Oakley Zoning Ordinance and was used as the applicable district for the development. In terms of land use, the existing project is in compliance with the City of Oakley 2020 General Plan and the Zoning Ordinance.

Project Description

The proposed project is to modify the existing Conditional Use Permit to allow for outdoor swim meets, during the spring and summer. These events are more specifically described in the attached letter from the applicant. In general, the applicant currently holds 4-5 swim meets per year during the months of May, June, and July. The events are typically held on Saturday and generally run from 8:00 AM to 2:00 PM, with set up and take down occurring before and after the scheduled times. Although the applicant explains in the letter that these types of events are "typical" of a sports club use, Staff believes there are valid reasons to place several conditions of approval on the proposed use to address the concerns raised by the Magnolia Park residents. Also, as stated above, Staff has also grouped other outdoor events into the analysis and incorporated conditions of approval to ensure that these uses are in compliance with all applicable codes and regulations as well as being compatible with the surrounding Magnolia Park neighborhood.

Magnolia Park Resident's Concerns

The original application and ultimate Planning Commission approval never explicitly spelled out the proposed outdoor events. The first phases of the Magnolia Park subdivision were under construction well before the Diamond Hills Sports Club and Spa was constructed. New homes continued to be constructed to the southeast of the project site up until 2013 when the subdivision was completed; however, residents in the surrounding Magnolia Park neighborhood have been trying to work with the Diamond Hills Sports Club and Spa since 2012 (and quite possibly earlier) to address their concerns.

Staff held a meeting with a group of the residents on March 27, 2015 to try and understand the issues better. During the discussion, it was evident that there were several concerns associated with the swim meets, but others that centered around the tennis tournaments and the outdoor movie nights that the club hosts. The key issues at hand are as follows:

- **Alcohol Sales** – Relates to a concern that alcohol is being sold without permits at these events.

Subject: Diamond Hills Sports Club and Spa (CUP 02-15)

Date: April 28, 2015

Page 3

- **Noise** –Relates to the hours of the outdoor events and the overall audible volume produced by the outdoor speaker system.
- **Occupancy** – Relates to the number of people allowed around the pool area. It is not uncommon for there to be anywhere from 150 to 300 swimmers at these events.
- **Parking** – Relates to the use of neighborhood streets in addition to the existing parking lot.
- **Security** – Relates to a need for security.
- **Swim Meet Entrance** – Relates to the use of a side entrance for the swim meets rather than having the swim meet attendees use the main Club entrance.
- **Trash Control** – Relates to the patrons of the swim meets leaving trash in and around the neighborhood.

Analysis

The purpose of a Conditional Use Permit is to allow a use under specific conditions which assure that the use will not be a detriment to the public health, safety and welfare and will not impair the integrity and character of the zoned district. Staff has approached this issue slightly different than the typical analysis given to most projects. Although the applicant has provided a Noise Study prepared by a reputable noise consultant, there are several other issues at hand that are not specifically addressed by codes and regulations. To ensure that the use is compatible with the surrounding neighborhood, Staff has gone through each key issue above and drafted either a condition of approval or, if one is not needed, an explanation of why. The analysis is as follows:

- **Alcohol Sales** – The club has a California Department of Alcohol and Beverage Control (ABC) Type 41 license, which allows for the on-site sale of beer and wine. In addition to the license, the Club does not allow members or persons visiting the Club for events to bring in outside alcohol for consumption.

Recommended Condition of Approval:

The project shall comply with all applicable requirements of their California Department of Alcohol and Beverage Control (ABC) license. Club members and attendees of any outdoor event shall not be allowed to bring in outside alcohol.

- **Noise** – The applicant has submitted a noise report prepared by Thorburn Associates dated April 1, 2015. The Oakley 2020 General Plan uses Table 9-1 for "Noise Level Performance Standards for New Projects Affected by or Including Non-Transportation Noise Sources." The table indicates that the normal threshold for the hours between 7:00 AM -10:00 PM is 55 Leq dBA (this sound measurement is over a one hour period). However, the noise level specified shall be reduced by 5 dB for simple tone noises, noises primarily consisting of speech or music, etc. This translates to a level of 50 Leq dBA for the project and the standard to which the noise report has been prepared.

The noise report, although highly technical in nature, does indicate that there are some project components that could be implemented to ensure that the project is in compliance with Table 9-1. The noise report is attached for reference and included much of the details, but the noise report does indicate that the current point source loud speaker system is not adequate and instead a new distributed loudspeaker system would be required to reduce the overall noise levels to the 50 Leq dBA. This conclusion is based on the sound measurements taken on December 8, 2014 at the three locations indicated within the noise report. It should be noted that the report also does indicate that the ambient sound levels at the same locations ranged from 42 to 55 Leq dBA. Although the General Plan allows the City to impose stricter noise level standards than the ones specified if the ambient sound levels in a given area are lower than the standard; however in this case the ambient noise levels are at or higher than the standard. Based on the noise report and the requirements of the General Plan, if the applicant installs the distributed speaker system, the project will comply with the noise requirements of the General Plan.

Recommended Conditions of Approval:

Prior to the first outdoor event (after the approval of this Conditional Use Permit modification), the applicant shall install a distributed loudspeaker system in the swim deck area. This new system shall be field verified by a noise consultant and those findings shall be given to the Planning Division for confirmation that the new system is in compliance with the noise requirements of the Oakley 2020 General Plan Table 9-1.

All noise generated by the use (including but not limited to the swim meets, tennis tournaments, outdoor movie nights, and other similar events) shall comply with the noise standards of Table 9-1 of the Noise Element within the Oakley 2020 General Plan.

- **Occupancy** – The swim deck/outdoor area at the club has an allowable occupancy of 1,541 people. Based on the occupancy allowance by the approved construction plans, which are also verified by the East Contra Costa Fire protection District, Staff does not recommend adding any additional conditions of approval as the Club has already demonstrated sufficient capacity for the outdoor events.
- **Parking** – The existing developed center has over 400 existing parking spaces, with the Diamond Hills Sports Club and Spa requiring a little less than 300 total spaces. Although there is an excess of approximately 100 parking spaces for the site, there still are undeveloped building pads, which over time, will need to utilize some of the existing developed spaces. The applicant has indicated that they do block off the Clubs entrance off Daffodil Drive and post a sign at the corner of Neroly Road and Daffodil Drive to discourage the use of on-street parking for patrons of the events. Additionally, the club does notify the visiting teams of the designated parking in the existing lot. Even though the Club has made an effort to

Subject: Diamond Hills Sports Club and Spa (CUP 02-15)

Date: April 28, 2015

Page 5

try and control the parking situation for the events, there are still several conditions that can be implemented to ensure the club's outdoor events are compatible with the surrounding neighborhood.

Recommended Conditions of Approval:

Prior to the first outdoor event (after the approval of this Conditional Use Permit modification), the applicant shall submit a detailed parking management plan to the satisfaction of the Planning Division. The plan shall provide details as to the signage being used and the placement of the signs/cones to prevent parking on the following streets: Daffodil Drive, south of Neroly Road, to Freesia Drive; Tezetta Drive, south to Freesia Drive; Geranium Drive south to Freesia Drive; and Freesia Drive, east to Tezetta Drive.

If the outdoor events create a need for parking in addition to what the center's parking lot can currently handle, the club shall work to secure an additional parking lot and provide a shuttle service to and from the parking lot to the club.

- **Security** – The applicant has indicated that the club does not provide security at these events and rely on club Staff to monitor the parking lots as well as staff the event entrances. Although the club is trying to ensure the even entrances are controlled as well as the parking lot monitored, there is no formal security plan in place to ensure the events are run in a safe manner.

Recommended Condition of Approval:

Prior to the first outdoor event (after the approval of this Conditional Use Permit modification), the applicant shall submit a detailed security plan to the satisfaction of the Planning Division. The security plan shall detail the number of club employees used at the event entrances and used to patrol the parking lot, in addition to a plan to ensure compliance with the requirements of the parking management plan.

- **Swim Meet Entrance** - The applicant has indicated that the events utilize both the main club entrance as well as a side pool entrance for the events. Logistically, it does make sense to have both access points as most patrons of the event would want to have direct access to the pool, rather than going through the club. Staff believes that with the above controls in place, specifically the Security Plan requirement, that the events can operate without an additional condition of approval to regulate access to the events.
- **Trash Control** – Based on the concerns that there is litter generated by the events that spill over to the adjacent residential properties, Staff believes there is a need to condition the project to ensure the trash is being picked up in a timely manner.

Recommended Condition of Approval:

Subject: Diamond Hills Sports Club and Spa (CUP 02-15)

Date: April 28, 2015

Page 6

The applicant shall ensure that any trash generated from the event is cleaned up the same day the event ends, and in the case of events spanning multiple days, then the end of each day an event takes place.

Typically a Conditional Use Permit would be granted for an unspecified amount of time and would run with the land. In this case, Staff does believe there is merit to bringing this item back to the City Council at the conclusion of the outdoor events this year and prior to the first outdoor event scheduled for 2016 to ensure the outdoor events are operating in a way consistent with the approval. Staff has addressed this through the following condition:

Prior to the start of the first outdoor event for 2016, the Conditional Use Permit shall be brought back to the City Council for review, whereby the City Council may, if necessary, make modifications to or add new conditions of approval. The City Council may also exercise a review of the Conditional Use Permit at any time before or after the review for the purposes of ensuring the operation of the use is consistent with this approval.

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 – Existing Facilities. No further environmental review is required for this project.

Findings

Draft findings are included in the attached resolution.

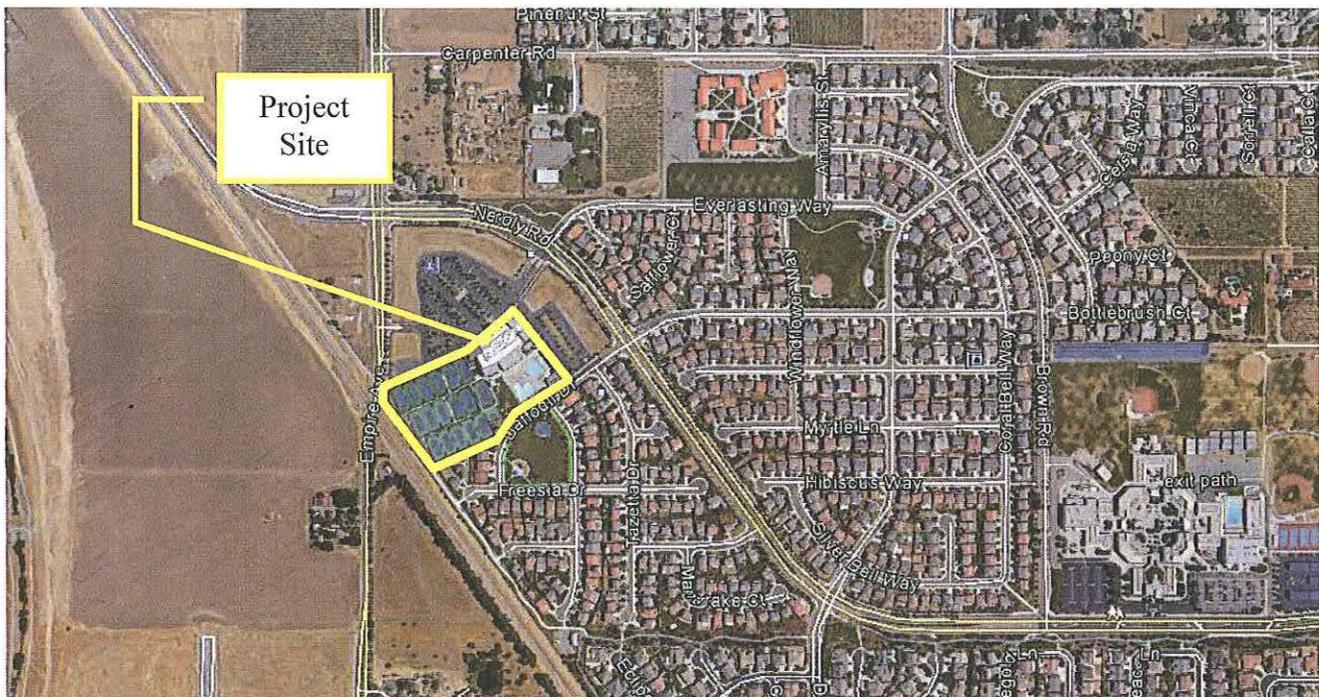
Recommendation

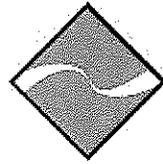
Staff recommends the City Council adopt the Resolution approving the application by the Diamond Hills Athletic Club and Spa, located at 1510 Neroly Road, to modify their Conditional Use Permit (PC Reso 13-07) to allow for outdoor events (Conditional Use Permit (CUP 02-15)), as conditioned.

Attachments

1. Vicinity Map
2. Applicant Letter dated March 25, 2015
3. Noise Study dated April 1, 2015
4. Proposed City Council Resolution

Diamond Hills Sports Club and Spa
Conditional Use Permit (CUP 02-15)
APN: 034-040-015





DIAMOND HILLS
SPORTS CLUB and SPA
A Premier Spare Time Club

March 25, 2015

TO: Bryan Montgomery, Oakley City Manager
FR: Mark Tappan
Director of Operations, Spare Time Clubs
RE: Diamond Hills Sports Club Use Permit – Swim Meets

Dear Bryan:

Thank you for facilitating our getting in front of the Oakley City Council to discuss the swim meets held at Diamond Hills Sports Club. This letter and application outlines our approach to easing our neighbors concerns about congestion and noise during these activities.

Spare Time Clubs – Diamond Hills Sports Club and Spa

Spare Time Clubs is a premier developer of private, multi-recreational sports clubs. Since 1972, Spare Time has helped people enjoy healthier, active lifestyles by offering a world-class combination of quality sports, racquet, fitness, aquatics and social programs for singles, couples and families.

Spare Time Clubs' mission has remained simple: create active, family-oriented communities where people enjoy our clubs as special places to meet, make friends and participate in exceptional fitness, recreational and social activities.

Diamond Hills Sports Club and Spa in Oakley is the latest addition to the Spare Time club family. The club opened its doors to the community in November 2008.

Sports Clubs Programs and Activities

Spare Time Clubs has eight clubs providing swim team programs for our neighbors' youth. Most of these teams have 150 to 300 young swimmers participating on a seasonal basis. A key component to the program is hosting home swim meets at club – the meets are an integral part of running a sports club and are right in line with Spare Time's mission of creating communities within the community. Spare Time has hosted 4 to 6 swim meets at each location, every year, for over 20 years (over 550 swim meets in total).

We have been holding 4 to 5 swim events at Diamond Hills Sports Club since we opened six years ago. Spare Time does believe that these meets and other events at the club would be an expected use of any "Sports" club and be covered under our current Use Permit. Swim meets generally run from 8 am until 2 pm on a few Saturdays in the months of May, June and July.

Neighbor Concerns

A group of the neighbors living adjacent to the club approached us last July to express their concerns about noise levels, traffic and the overall hustle and bustle on swim meets days. We had, frankly, been running meets with little attention to the surrounding impact for six years. The neighbors opened our eyes to opportunities to reduce and mitigate the impact outside the walls of the club.

I believe we have taken the neighbors' concerns to heart and have adjusted significantly our approach for future swim meets and club outdoor activities.

Amplified Sound Testing and Meet Set Up Changes

We have had a number of conversations with the neighborhood group, the City Manager, club staff and Acoustical Sound Specialists to come up with a plan to reduce the amplified sound levels, control traffic on Daffodil (the public street adjacent to the club and entrance into the neighborhood) and make other changes that would lessen the impact on the neighbors.

Here are a few of the specific actions we have taken to reduce the noise and ease parking concerns for the neighbors living adjacent to the club:

- Turn all speakers to face away from the neighbors (SE corner of club)
- Add a third speaker in the grass area to allow for lower volume levels at all speakers
- Tested and dialed swim meet sound equipment down to acceptable loudness levels
- Limit any amplified sound to between 8 am – 10 pm
- Notify neighbors (designated) 10 days prior to events – or provide a schedule at beginning of the outdoor season for the activities
- Block the south access (off Daffodil) to our parking lot on event days
- Provide signage at Neroly and Daffodil (“Residential Parking ONLY”) during swim meets
- Notify visiting teams of designated team parking in our lot

In-house sound testing – The staff at the club set up sound equipment as if we were running a meet. We made adjustments to the volume controls, speaker direction and placement for all amplified sound – starter signal, background music and meet announcer. By making changes in speaker placement, the number of speakers, and sound level controls we made a significant improvement in the sound that traveled outside the club walls.

Diamond Hills then hired one of the sound consultants recommended by the City of Oakley – Thorburn Associates, Inc. We asked Thorburn Associates to do the sound level and acoustical checks the City Manager had recommended we produce. The test results are attached.

In general, the acoustical testing summary (with all of our adjustments), indicated that the sound levels were at the same level as the existing ambient sound levels in the neighborhood, no higher. Thorburn pointed out that the sound levels were below what would be expected for Sports Club outdoor activities of this type. This is an indication that our efforts and the action we took to reduce sound levels had been successful.

Use Permit – City Council Request

We are asking that the City Council affirm/confirm the following:

- That sports activities (swim meets, tennis tournaments and other activities) while not specifically outlined in the Use Permit are an expected and appropriate use of the Sports Club property.
- Understand that the club has made a significant effort and expenditure to improve the impact on the neighbors for future swim meets and activities.
- Accept and permit the club to continue running Sports Club appropriate activities (swim meets, tennis tournaments and other activities) under these guidelines for amplified sound.

We want to be good neighbors and are happy to do everything we can to help find some middle ground.

If you have any questions or need additional information, please contact me at (916) 859-5910.

Sincerely,

Mark Tappan

Mark Tappan
Director of Operations
Spare Time Clubs
11344 Coloma Road, Suite 350
Gold River, CA 95670



THORBURN ASSOCIATES

ACOUSTICAL, TECHNOLOGY, AND LIGHTING DESIGN

1 April 2015

Mark Tappan
Spare Time Clubs
11344 Coloma Rd. #350
Gold River, CA 95670

**Subject: Diamond Hills Sports Club – Site Noise Study
TA Project #14095.00**

Dear Mark,

On the morning of 8 December 2014, Thorburn Associates visited the Diamond Hills Sports Club located in Oakley, California. The purpose of our visit was to document the acoustical background sound levels in the neighborhood surrounding the Sports Club's swimming deck, as well as to document typical amplified sound levels produced during swim meets.

CRITERIA

Crowd Noise

We have reviewed the City of Oakley's noise ordinance as well as Contra Costa County's noise ordinance. Neither of these documents states a specific sound level that must be met at the intersection of different land uses or at lot lines from one property to the next. These documents are also silent on crowd noise.

Amplified Sound

The following is based on the 2020 Oakley General Plan Table 9-1 NOISE LEVEL PERFORMANCE STANDARDS FOR NEW PROJECTS AFFECTED BY OR INCLUDING NON-TRANSPORTATION NOISE SOURCES.

Noise Level Descriptor Daytime (7 a.m. to 10 p.m.) Hourly Leq, dBA 55

1. The noise level specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises (e.g., humming sounds, outdoor speaker systems). These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings). This translates to a level of 50 Leq dBA for this project.
2. The City can impose noise level standards which are more restrictive than those specified above based upon determination of existing low ambient noise levels.
3. Fixed noise sources which are typically of concern include, but are not limited to the following: HVAC Systems, Cooling Towers/Evaporative Condensers, Pump Stations, Lift Stations, Emergency Generators, Boilers, Steam Valves, Steam Turbines, Generators, Fans, Air Compressors, Heavy Equipment, Conveyor Systems, Transformers, Pile Drivers, Grinders, Drill Rigs, Gas or Diesel Motors, Welders, Cutting Equipment, Outdoor Speakers, Blowers.
4. The types of uses which may typically produce the noise sources described above include but are not limited to: industrial facilities including pump stations, trucking operations, tire shops, auto maintenance shops, metal fabricating shops, shopping centers, drive-up windows, car washes,

loading docks, public works projects, batch plants, bottling and canning plants, recycling centers, electric generating stations, race tracks, landfills, sand and gravel operations, and athletic fields.

SET UP

We understand that Sports Club staff have repositioned the loudspeaker set up and adjusted the direction and loudness of the amplified sound to lessen the impact on the adjacent properties. We have measured sound levels with the loudspeakers in their new locations.

OBSERVATIONS

Amplified sound levels produced during a typical swim meet set up, while audible were not measurable against other background sounds in the neighborhood immediately adjacent to the Diamond Hills Sports Club. That is, while we could hear music and general announcements and identify the sounds, they did not impact the meter readings. At times, general urban activities such as planes overhead, distant traffic and train whistles, and birds produced higher levels on the sound level meters than the amplified sound. During our visit a street sweeper was in the neighborhood and we had to suspend our measurements until it left. The street sweeper and yard work in the adjacent housing subdivision created sound levels that masked over amplified sound levels from the swim meet.

SETTING

Your staff set up the swimming block starting station and its associated loudspeakers; the contractor the club uses for amplified sound and general announcements set up his system in a manner that is typically used during the meets. At location "A" on the pool deck, we set up a control point to record and document the typical sound levels from the amplified systems. Please refer to the following table for these typical sound levels.

Location	Description	Typical Sound Level
On Pool Deck (A)	Starter bursts	57 dBA ¹
On Pool Deck (A)	PA Announcer	65 dBA
On Pool Deck (A)	Music	74 dBA



MEASUREMENTS

Sampling sound level meters were located at three fixed positions (nearest property lines):

1. 6088 Tazetta Dr. on light pole
2. 7181 Geranium Dr. on stop sign
3. 933 Daffodil Dr. on light pole

The sound meters were set to record the sound level once every second, creating a continuous report of the sound level during the measurement period. In addition, a handheld portable meter was used to confirm the meter reading and sounds heard by ear. The measurement period ran from approximately 11 am to 12 noon on Monday, 8 December 2014.

During that time, the neighborhood averaged background sound levels at the fixed meters ranging from 42 to 55 Leq. Sound levels on average at 6088 Tazetta Dr. trended louder due to its proximity to the entrance of the subdivision while individual levels at light Pole 933 Daffodil Dr. were louder due to the free-flowing traffic as cars drove by.

Sound levels observed at Location 1: ambient sound level approximately 47 dBA; cars passing created sound levels of 56 to 59 dBA; distant train burst of 45 dBA; the starter's burst was heard but could not be measured above the background noise level of 48 to 52 dBA; music was heard as a reflection off of the Sports Club building; street sweeping machine 80 dBA; yard work in adjacent subdivision 65-70 dBA. Location 1 at 6088 Tazetta Dr. has the greatest fluctuations due to its proximity to the club and the entrance of the subdivision.

Sound levels observed at Location 2: ambient sound level approximately 43 dBA; cars passing created sound levels of 46 and 48 dBA; the starter's burst was 49 to 51 dBA.

Sound levels observed at Location 3: ambient sound level approximately 44 dBA; planes overhead between 50 and 56 dBA; the starter's burst was 47 dBA; voice announcements were measured at 44 dBA; music ranged between 46 and 50 dBA and was heard as a reflection off of the Sports Club building.

The following table summarizes the average event sound levels (dBA) from the data logging sound level meters.

Event	Location		
	1	2	3
Ambient no swim deck activity	56	43	47
Starter's Announcements and Burst	54	49	52
Music and General Announcements	53	45	49

MEASUREMENTS SUMMARY

As can be seen by the data, the sound levels of the amplified swim deck activity during a swim meet and the background sound levels of the neighborhood align at very similar levels. That is, in some cases amplified swim deck activity can be measured and documented when viewed on a sound level meter, and at other times a simple car drive by masks noise from activities on the swim deck.

The Starter Announcements and Start Burst (the go signal) are short in time duration "SWIMMERS TAKE YOUR MARK... (Starters burst)". This acoustical event had an average sound level of 49 – 54 dBA at the different locations measured. This event has a duration of less than five seconds.

Music and general announcements will be dependent on how the portable public address system is set up and ran by the vendor. During our measurements the vendor had two loudspeakers: one aimed across the pool to the tennis courts; the second aimed back to the Sports Club building. During our measurements we could hear the reflection of the music from one of the loudspeakers off the side of the Sports Club building.

FINDINGS

The representative sound levels measured at the nearest lot line locations are difficult to accurately quantify due to the general background sound levels from typical events. Both the neighborhood background sound levels and the sound from swimming events vary in the same relative range of approximately 45 to 55 dBA. This makes sounds audible but hard to measure as one covers over the next. This is the definition of background sound.

Starter's Announcements and Burst Sound Event

The Town of Oakley's noise ordinance calls for the amplified sounds of speech and music at swim meets to not exceed 50 dBA Leq in any one hour. To determine if an event produces more than 50 dBA Leq over an hour period we need to determine the total acoustical power of that event. The detailed calculations are provided in Appendix A. The following is a simplified summary of the calculations.

50 dBA Leq has or equates to 360,000,000 units of acoustical energy into a one hour period.

A five second 54 dBA event has approximately 1,256,000 units of acoustical energy.

This means it would take approximately 286 instances of the five second 54 dBA event to provide the same number of acoustical units to equate to the 50 dBA Leq criteria established by the Town of Oakley.

Based on our review of the typical swimming schedule (see attached) the total number of hourly events range between 18 and 24, which is well less than the 286 events required for the 50 dBA Leq criteria to be met. The 54 dBA event is based on our measurements at location one (the loudest lot line location).

Music and General Announcements Sound Event

The Town of Oakley's noise ordinance calls for the amplified sounds of speech and music at swim meets to not exceed 50 dBA Leq in any one hour.

To control the sound event a different type of loudspeaker system is required. Presently a point source loudspeaker system is being used; this should be changed to a distributed loudspeaker system. In concept, a point source loudspeaker would be the equivalent of the sun, where the distributed loudspeaker system would be the equivalent of parking lot lights. Instead of having one very loud (bright) source, a number of quieter (dimmer) sources, would be located throughout the observation area.

The smaller loud speakers could be mounted on the existing light poles, there would be more than two so they would be lower in volume. By being located closer to the listeners they would be pointed down to the ground not out into the site. Once installed the system could be adjusted to meet the 50 dBA Leq criteria at the adjacent property lines.

Based on our experience with other outside venues including theme parks for Disney, Universal and others, the Music and General Announcements sound system can be controlled to 50 dBA Leq at the lot line if properly design and commissioned.

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We trust this information is useful. Should you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,
Thorburn Associates Inc.



Steven J. Thorburn, PE, LEED AP
Principal

SJT/flo

Attachments – Event SEL Calculation
Swim Meet Time Table
Town of Oakley Noise Ordinance

¹ **A-Weighted Sound Level (Noise Level) -- dBA** -- A term for the A-weighted sound pressure level. A-weighting is a frequency weighting which is commonly used to measure the loudness or "noisiness" of sounds. A-weighting filters the microphone signal in a manner which better correlates with the sensation of the human ear. The sound level is obtained by use of a standard sound level meter and is expressed in decibels. Sometimes the unit of sound level is written as dBA. **All noise data in this letter are A-weighted.**

Leq -- The equivalent steady-state A-weighted sound level that, in a stated period of time, would contain the same acoustic energy as the time-varying sound level during the same time period.

Sound Exposure Level (SEL, L_{AE}) -- That constant level in dBA which, lasting for one second, has the same amount of acoustic energy as a given A-weighted noise event.

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EVENT SOUND LEVEL CALCULATION

The measured swim meet race starter event sound level is 54 dBA_{Leq} for duration of 5 seconds

Or

$$10^{(54/10)} = 251,189 \text{ units of sound for a duration of 5 seconds}$$

Or

$$251,189 * 5 \text{ this equals } 1,255,943 \text{ total units of sound}$$

The Criteria is 50 dBA_{Leq} over an hour (3600 seconds)

Or

$$10^{(50/10)} = 100,000 \text{ units of sound allowable for a duration of 3600 seconds}$$

Or

$$100,000 * 3,600 \text{ this equals } 360,000,000 \text{ total units of sound allowable over the one hour period}$$

1,255,943 / 360,000,000 is equal to almost 24 minutes of 54 dBA sound level events, or 286 swim starter events.

While a component of the background sound levels, the swim starter announcement / system is not a major contributor on the impact of the swim meet acoustical event on the neighborhood.

Session Report

Session: 1 Full Meet

Day of Meet: 1 Starts at 08:45 AM Heat Interval: 20 Seconds / Back +15 Seconds

Round	Event	Entries	Heats	Starts at
Finals	1 Mixed 6 & Under 100 Freestyle Relay	7	1	08:45 AM
Finals	2 Girls 7-8 100 Medley Relay	7	1	08:48 AM
Finals	3 Boys 7-8 100 Medley Relay	7	1	08:51 AM
Finals	4 Girls 9-10 100 Medley Relay	7	1	08:54 AM
Finals	5 Boys 9-10 100 Medley Relay	5	1	08:56 AM
Finals	6 Girls 11-12 200 Medley Relay	7	1	08:58 AM
Finals	7 Boys 11-12 200 Medley Relay	5	1	09:01 AM
Finals	8 Girls 13-14 200 Medley Relay	5	1	09:05 AM
Finals	9 Boys 13-14 200 Medley Relay	4	1	09:08 AM
Finals	10 Girls 15-18 200 Medley Relay	2	1	09:12 AM
Finals	11 Boys 15-18 200 Medley Relay	1	1	09:14 AM
Finals	12 Girls 9-10 100 IM	14	2	09:17 AM
Finals	13 Boys 9-10 100 IM	8	1	09:21 AM
Finals	14 Girls 11-12 100 IM	9	2	09:23 AM
Finals	15 Boys 11-12 100 IM	8	1	09:27 AM
Finals	16 Girls 13-14 100 IM	12	2	09:29 AM
Finals	17 Boys 13-14 100 IM	8	2	09:33 AM
Finals	18 Girls 15-18 100 IM	6	1	09:37 AM
Finals	19 Boys 15-18 100 IM	5	1	09:38 AM
Finals	20 Girls 6 & Under 25 Freestyle	32	4	09:40 AM
Finals	21 Boys 6 & Under 25 Freestyle	22	3	09:45 AM
Finals	22 Girls 7-8 25 Freestyle	47	6	09:48 AM
Finals	23 Boys 7-8 25 Freestyle	36	5	09:52 AM
Finals	24 Girls 9-10 25 Freestyle	37	5	09:56 AM
Finals	25 Boys 9-10 25 Freestyle	16	2	10:00 AM
Finals	26 Girls 11-12 50 Freestyle	31	4	10:01 AM
Finals	27 Boys 11-12 50 Freestyle	18	3	10:05 AM
Finals	28 Girls 13-14 50 Freestyle	15	2	10:08 AM
Finals	29 Boys 13-14 50 Freestyle	12	2	10:10 AM
Finals	30 Girls 15-18 50 Freestyle	7	1	10:12 AM
Finals	31 Boys 15-18 50 Freestyle	4	1	10:13 AM
Finals	32 Girls 6 & Under 25 Backstroke	32	4	10:13 AM
Finals	33 Boys 6 & Under 25 Backstroke	22	3	10:19 AM
Finals	34 Girls 7-8 25 Backstroke	44	6	10:24 AM
Finals	35 Boys 7-8 25 Backstroke	29	4	10:31 AM
Finals	36 Girls 9-10 25 Backstroke	25	4	10:36 AM
Finals	37 Boys 9-10 25 Backstroke	12	2	10:40 AM
Finals	38 Girls 11-12 50 Backstroke	22	3	10:42 AM
Finals	39 Boys 11-12 50 Backstroke	12	2	10:46 AM
Finals	40 Girls 13-14 50 Backstroke	9	2	10:49 AM
Finals	41 Boys 13-14 50 Backstroke	4	1	10:52 AM
Finals	42 Girls 15-18 100 Backstroke	5	1	10:53 AM
Finals	43 Boys 15-18 100 Backstroke	2	1	10:55 AM
Finals	44 Girls 7-8 50 Freestyle	19	3	10:57 AM
Finals	45 Boys 7-8 50 Freestyle	15	2	11:02 AM

Session Report

Session: 1 Full Meet

Day of Meet: 1 Starts at 08:45 AM Heat Interval: 20 Seconds / Back +15 Seconds

Round	Event	Entries	Heats	Starts at
Finals	46 Girls 9-10 50 Freestyle	15	2	11:05 AM
Finals	47 Boys 9-10 50 Freestyle	10	2	11:08 AM
Finals	48 Girls 11-12 100 Freestyle	14	2	11:10 AM
Finals	49 Boys 11-12 100 Freestyle	7	1	11:13 AM
Finals	50 Girls 13-14 100 Freestyle	8	1	11:15 AM
Finals	51 Boys 13-14 100 Freestyle	6	2	11:17 AM
Finals	52 Girls 15-18 100 Freestyle	6	1	11:21 AM
Finals	53 Boys 15-18 100 Freestyle	3	1	11:23 AM
Finals	54 Girls 7-8 25 Breaststroke	25	4	11:24 AM
Finals	55 Boys 7-8 25 Breaststroke	26	4	11:28 AM
Finals	56 Girls 9-10 25 Breaststroke	14	2	11:33 AM
Finals	57 Boys 9-10 25 Breaststroke	10	2	11:35 AM
Finals	58 Girls 11-12 50 Breaststroke	15	2	11:36 AM
Finals	59 Boys 11-12 50 Breaststroke	7	1	11:39 AM
Finals	60 Girls 13-14 50 Breaststroke	10	2	11:40 AM
Finals	61 Boys 13-14 50 Breaststroke	6	1	11:42 AM
Finals	62 Girls 15-18 100 Breaststroke	6	1	11:43 AM
Finals	63 Boys 15-18 100 Breaststroke	2	1	11:45 AM
Finals	64 Girls 7-8 25 Butterfly	31	4	11:47 AM
Finals	65 Boys 7-8 25 Butterfly	20	3	11:51 AM
Finals	66 Girls 9-10 25 Butterfly	26	4	11:54 AM
Finals	67 Boys 9-10 25 Butterfly	13	2	11:57 AM
Finals	68 Girls 11-12 50 Butterfly	23	3	11:58 AM
Finals	69 Boys 11-12 50 Butterfly	8	1	12:02 PM
Finals	70 Girls 13-14 50 Butterfly	9	2	12:03 PM
Finals	71 Boys 13-14 50 Butterfly	6	1	12:05 PM
Finals	72 Girls 15-18 50 Butterfly	5	1	12:07 PM
Finals	73 Boys 15-18 50 Butterfly	5	1	12:08 PM
Finals	74 Girls 7-8 100 Freestyle Relay	6	1	12:09 PM
Finals	75 Boys 7-8 100 Freestyle Relay	6	1	12:11 PM
Finals	76 Girls 9-10 100 Freestyle Relay	7	1	12:13 PM
Finals	77 Boys 9-10 100 Freestyle Relay	5	1	12:14 PM
Finals	78 Girls 11-12 200 Freestyle Relay	7	1	12:16 PM
Finals	79 Boys 11-12 200 Freestyle Relay	5	1	12:19 PM
Finals	80 Girls 13-14 200 Freestyle Relay	3	1	12:22 PM
Finals	81 Boys 13-14 200 Freestyle Relay	4	1	12:24 PM
Finals	82 Girls 15-18 200 Freestyle Relay	2	1	12:27 PM
Finals	83 Boys 15-18 200 Freestyle Relay	2	1	12:29 PM
	Swimmers Counts for Warm-ups: 345	=====	=====	
	Entry / Heat Totals:	1,039	163	
	Finish Time			12:31 PM

9.0 – Noise Element

**Table 9-1
NOISE LEVEL PERFORMANCE STANDARDS FOR NEW PROJECTS
AFFECTED BY OR INCLUDING NON-TRANSPORTATION NOISE SOURCES**

Noise Level Descriptor	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)																						
Hourly L_{eq} , dB	55	45																						
<ol style="list-style-type: none"> 1. Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises (e.g., humming sounds, outdoor speaker systems). These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings). 2. The City can impose noise level standards which are more restrictive than those specified above based upon determination of existing low ambient noise levels. 3. Fixed noise sources which are typically of concern include, but are not limited to the following: <table border="0" style="margin-left: 20px;"> <tr> <td>HVAC Systems</td> <td>Cooling Towers/Evaporative Condensers</td> </tr> <tr> <td>Pump Stations</td> <td>Lift Stations</td> </tr> <tr> <td>Emergency Generators</td> <td>Boilers</td> </tr> <tr> <td>Steam Valves</td> <td>Steam Turbines</td> </tr> <tr> <td>Generators</td> <td>Fans</td> </tr> <tr> <td>Air Compressors</td> <td>Heavy Equipment</td> </tr> <tr> <td>Conveyor Systems</td> <td>Transformers</td> </tr> <tr> <td>Pile Drivers</td> <td>Grinders</td> </tr> <tr> <td>Drill Rigs</td> <td>Gas or Diesel Motors</td> </tr> <tr> <td>Welders</td> <td>Cutting Equipment</td> </tr> <tr> <td>Outdoor Speakers</td> <td>Blowers</td> </tr> </table> 4. The types of uses which may typically produce the noise sources described above include but are not limited to: industrial facilities including pump stations, trucking operations, tire shops, auto maintenance shops, metal fabricating shops, shopping centers, drive-up windows, car washes, loading docks, public works projects, batch plants, bottling and canning plants, recycling centers, electric generating stations, race tracks, landfills, sand and gravel operations, and athletic fields. 	HVAC Systems	Cooling Towers/Evaporative Condensers	Pump Stations	Lift Stations	Emergency Generators	Boilers	Steam Valves	Steam Turbines	Generators	Fans	Air Compressors	Heavy Equipment	Conveyor Systems	Transformers	Pile Drivers	Grinders	Drill Rigs	Gas or Diesel Motors	Welders	Cutting Equipment	Outdoor Speakers	Blowers		
HVAC Systems	Cooling Towers/Evaporative Condensers																							
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Pile Drivers	Grinders																							
Drill Rigs	Gas or Diesel Motors																							
Welders	Cutting Equipment																							
Outdoor Speakers	Blowers																							

RESOLUTION NO. XX-15**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE APPLICATION BY THE DIAMOND HILLS SPORTS CLUB AND SPA TO MODIFY THE CONDITIONAL USE PERMIT (PC RESO 13-07) TO ALLOW FOR OUTDOOR EVENTS AT THE PROJECT SITE LOCATED AT 1510 NERLOY ROAD (APN: 034-040-015)**

WHEREAS, on April 1, 2015, Mark Tappan with the Diamond Hills Sports Club and Spa ("Applicant"), submitted an application for a modification to the Conditional Use Permit approved by PC Reso 13-07 to allow for outdoor at an existing developed sports club located at 1510 Neroly Road (CUP 02-15), at APN 034-040-015 ("Project"); and

WHEREAS, on April 13, 2015, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site was part of the larger Magnolia Park Project area (Subdivision 8737). The commercial site in which the project is specifically located is designated for is designated for commercial uses, and zoned P-1 (Planned Development); and

WHEREAS, the project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301, "Class 1 – Existing Facilities"; 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 for a modification to the Conditional Use Permit approved by PC Reso 13-07 to allow for outdoor at an existing developed sports club located at 1510 Neroly Road (CUP 02-15), at APN 034-040-015 ("Project"):
1. The site for the proposed use 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 currently developed with the Diamond Hills Sports Club and Spa. The Magnolia Park project area anticipated this site to be developed with commercial land uses and thus the proposed project to modify the original Planning Commission approval to allow for outdoor events is consistent with the larger project area;
 2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use in that the site is accessible by public rights-of-way such as Empire Avenue, Neroly Road, and Daffodil Drive, which are designed to handle project generated traffic;
 3. The proposed use 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 use is conditionally permitted in the R-B (Retail Business) Zoning District with the approval of a Conditional Use Permit. The use will comply with the noise standards set forth in the Oakley Municipal Code and will provide all parking on-site for the outdoor events;
 4. The proposed use 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 the type of outdoor events proposed are consistent with the use of a sports club. The use and site are a result of Oakley's zoning that allows for commercial lots that can accommodate this type of use; and
 5. The proposed design and materials of the existing building and site

improvements are 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 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 **April 1, 2015**, 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 ESTABLISHMENT OF THE USE UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This **Conditional Use Permit (CUP 02-15)**, which is a modification to the Conditional Use Permit approved by PC Reso. 13-07, is approved, as shown on the application, date stamped by the Planning Division on **April 1, 2015**, and as modified by the following conditions of approval, subject to final review and approval by the Planning Division.
2. This approval for **Conditional Use Permit (CUP 02-15)** shall be effectuated within a period of one (1) year from the effective date of this resolution by either pulling a building permit or establishing the use and if not effectuated shall expire on **April 28, 2016**. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Zoning Code.
3. This approval does not supersede PC Reso. 13-07; however it is intended to supplement that approval to specifically address outdoor events. All applicable conditions of PC Reso 13-07 are still valid and shall be followed.
4. Prior to the start of the first outdoor event for 2016, the Conditional Use Permit shall be brought back to the City Council for review, whereby the City Council may, if necessary, make modifications to or add new conditions of approval. The City Council may also exercise a review of the Conditional Use Permit at any time before or after the review for the purposes of ensuring the operation of the use is consistent with this approval.

5. 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.
6. 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.
7. 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.
8. 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.

Outdoor Events:

9. The project shall comply with all applicable requirements of their California Department of Alcohol and Beverage Control (ABC) license. Club members and attendees of any outdoor event shall not be allowed to bring in outside alcohol.
10. Prior to the first outdoor event (after the approval of this Conditional Use Permit modification), the applicant shall install a distributed loudspeaker system in the swim deck area. This new system shall be field verified by a noise consultant and those findings shall be given to the Planning Division for confirmation that the new system is in compliance with the noise requirements of the Oakley 2020 General Plan Table 9-1.
11. All noise generated by the use (including but not limited to the swim meets, tennis tournaments, outdoor movie nights, and other similar events) shall comply with the noise standards of Table 9-1 of the Noise Element within the Oakley 2020 General Plan.
12. Prior to the first outdoor event (after the approval of this Conditional Use Permit modification), the applicant shall submit a detailed parking management plan to the

satisfaction of the Planning Division. The plan shall provide details as to the signage being used and the placement of the signs/cones to prevent parking on the following streets: Daffodil Drive, south of Neroly Road, to Freesia Drive; Tezetta Drive, south to Freesia Drive; Geranium Drive south to Freesia Drive; and Freesia Drive, east to Tezetta Drive.

13. If the outdoor events create a need for parking in addition to what the center's parking lot can currently handle, the club shall work to secure an additional parking lot and provide a shuttle service to and from the parking lot to the club.
14. Prior to the first outdoor event (after the approval of this Conditional Use Permit modification), the applicant shall submit a detailed security plan to the satisfaction of the Planning Division. The security plan shall detail the number of club employees used at the event entrances and used to patrol the parking lot, in addition to a plan to ensure compliance with the requirements of the parking management plan.
15. The applicant shall ensure that any trash generated from the event is cleaned up the same day the event ends, and in the case of events spanning multiple days, then the end of each day an event takes place.

Building Division Conditions

16. 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.

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