

OAKLEY



CALIFORNIA

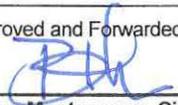
Agenda Date: 12/08/2015

Agenda Item: 4.2

STAFF REPORT

Date: December 8, 2015
To: Bryan Montgomery, City Manager
From: Joshua McMurray, Planning Manager

Approved and Forwarded to City Council:


Bryan Montgomery, City Manager

SUBJECT: **Popeyes Louisiana Kitchen Conditional Use Permit (CUP 03-15) and Design Review (DR 10-15) APN: 037-132-037 and 038**

Summary

The applicant is requesting approval of a Conditional Use Permit and Design Review application to construct a new 2,695 square foot Popeyes Louisiana Kitchen restaurant with a drive-thru. The site will be fully improved with site landscaping, a parking lot, trash enclosure and CMU block wall along the east and south property lines. The 0.76-acre project site, consisting of two parcels, is designated in the General Plan as Commercial and is zoned C (General Commercial) District, which allows for commercial uses. The project is located at 101 and 111 Carol Lane.

Staff recommends the City Council adopt the Resolution approving Conditional Use Permit (CUP 03-15) to establish and Design Review (DR 10-15) for the construction of a new 2,695 square foot drive-thru Popeyes Louisiana Kitchen restaurant on a 0.76-acre site located at 101 and 111 Carol Lane (APN's: 037-132-037 and 038), as conditioned.

Background

On September 25, 2015, the applicant submitted an application for a Conditional Use Permit (CUP 03-15) and Design Review (DR 10-15) to construct a new 2,695 square foot Popeyes Louisiana Kitchen restaurant with a drive-thru. On October 23, 2015 the application was deemed complete and scheduled for a public hearing. The review and analysis of this Conditional Use Permit and Design Review application for the proposed project has been based upon the Oakley 2020 General Plan, the applicable development standards of the Zoning Ordinance and the Commercial Design Guidelines.

The proposed project consists of two parcels, 101 and 111 Carol Lane. The 101 Carol Lane property was deeded to the Redevelopment Agency by the City at no cost in 2005. The expectation was that the Redevelopment Agency or a private developer would be able to acquire the adjacent property (111 Carol Lane) for development, and an assemblage could be negotiated. Since that time, the Redevelopment Agency has been dissolved and the parcel has been transferred to the Successor Agency to the Oakley Redevelopment Agency. The City purchased 111 Carol Lane in 2012. The City solicited bids from developers to develop the two parcels into a commercial project and in 2013 the City signed

an option agreement with Thomas Properties Inc. to develop the parcels with commercial uses consistent with the economic development goals of the City. The final development of the project site is dependent on the State Department of Finance approving the City's Long Range Property Management Plan.

General Plan/Zoning Compliance

The project sites are designate in the Oakley 2020 General Plan as Commercial. The site is zoned C (General Commercial) District, which is in compliance with the General Plan land use designation of Commercial. The C (General Commercial) zoning would typically allow for retail uses such as those proposed as a permitted use, however the request for a drive-thru requires a Conditional Use Permit.

Project Description

The property is approximately 0.76-acres in size, consisting of two parcels. The site is currently undeveloped, relatively flat and of a rectangular shape.

The project consists of two different components as follows:

Conditional Use Permit

The proposed use is defined as a "Drive-thru Restaurants and Services" use, which is allowed in the C (General Commercial) District with the approval of a Conditional Use Permit. The purpose of a Conditional Use Permit is to allow for uses that are not allowed by right, and to ensure, through conditions, that the proposed land use is compatible with the surrounding land uses in the neighborhood.

Design Review

The Design Review Ordinance has different levels of Design Review procedures for review and approval of a Design Review Permit. Oakley Municipal Code section 9.1.1604(c)(2)(i) requires that any new commercial structure be heard and approved by the Planning Commission¹. The proposed new drive-thru building and site development fit the criteria above and require Design Review.

Analysis

Land Use Compatibility

The project site consists of a two parcels that form a rectangular site that is approximately 0.76-acres. The property at 111 Carol Lane was improved with an approximately 1,637 square foot single-family residence constructed in 1992, a detached garage and a detached accessory structure. Since the City bought 111 Carol Lane, the existing house was relocated and the garage was demolished. The site is bordered on the northern side by Carol Lane. The western property line is bordered by Main Street, a divided four lane major arterial that runs north to south in that location. The southern property line is bordered by residential lots developed with residential homes. The eastern property line is bordered by a

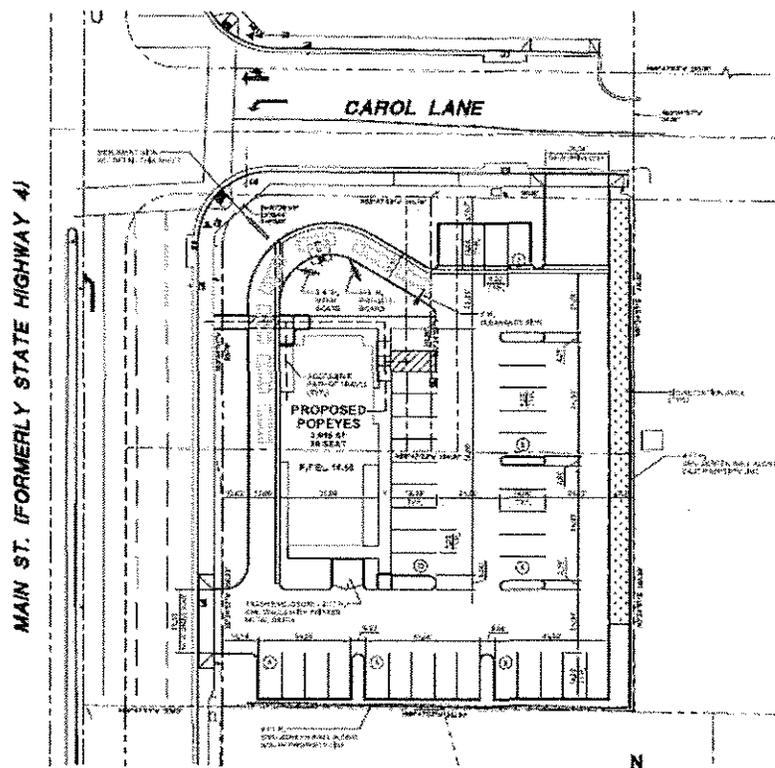
¹ City Council acts as the Planning Commission per Ordinance No. 06-09

residential lot occupied by a residential home. The surrounding properties to the north and west are zoned C (General Commercial) which allow for commercial uses. The surrounding properties to the east are zoned R-6 (Single-Family Residential) and to the south are zoned P-1 (Planned Development) which allow for residential uses.

The proposed project site is located at the Main Street and Carol Lane intersection where there is already commercial activity at three of the four corners. This project site is the last remaining undeveloped corner at this intersection. The proposed Popeyes Louisiana Kitchen drive-thru is consistent and compatible with the other existing uses in the vicinity. Furthermore the entire site will be developed. The project would also bring an added benefit and amenity to the City of Oakley by means of a new business not currently in Oakley, job creation and property taxes.

Circulation/Parking

The proposed project will be accessed off Main Street and Carol Lane. The project is proposing to construct a total of 38 parking spaces, including 2 van accessible spaces. At the request of City Staff, the applicant submitted an On-Site Circulation Assessment prepared by KD Anderson & Associates, Inc. The assessment analyzes the drive-thru aisle length and concluded that the length is adequate to accommodate 6-7 vehicles and at peak times there would be sufficient room on the site to ensure that the on-site circulation is not impacted. The propose project meets all of the code requirements in terms of parking and circulation. The image below shows the proposed layout of the project site.



Building/Site Design

The Popeye's building uses a variety of materials and colors to provide for an aesthetically pleasing design. The façade uses relief and articulation both along the façade and the roof line. The building will feature a 2 foot 10 inch stone wainscot. Several red standing-seam metal canopies will be used above the windows lining the dining area. Vinyl shutters will be placed along on the east and west elevations and will provide a unique design element intended to depict the shutters found on buildings in New Orleans, Louisiana. The highlight of the building is located above the drive-thru window. A balcony and railing along with faux shutters will be placed in a manner that represents an upper story of a typical building found on Bourbon Street in Louisiana. The building features a primarily stucco exterior using six paint colors (all Benjamin Moore), "Delightful Golden" for the base, "Mocha Brown" for the trim, "Rainforest Foliage" for the shutters, "Hunter Green" for the balcony and railing, "Exotic Red" for the trim, parapet and awnings, and "Bronzestone": as accent on the southern wall. A rendering of west (view of building from Main Street), north and south elevations for the project are provided below.



The remaining site improvements include the drive-thru queue, site landscaping, the parking lot, pedestrian access sidewalks, and trash enclosures. There are several conditions placed within the resolution that require further information to be submitted like detailed landscape plans, and information about the trash enclosures and other site improvements prior to them being constructed. The building and site improvements have been reviewed and they do comply with both the development regulations and the spirit and intent of the Commercial Design Guidelines. Staff has worked with the applicant to ensure that an adequate amount of landscaping, both bushes and plantings, are used along the project frontage to further minimize the visual impact of the drive-thru queue.

Noise

The hours of operation for the Popeyes are as follows: Sunday -Thursday 10:00 AM – 10:00 PM and Friday - Saturday 10:00 AM – 11:00 PM. The proposed project is located adjacent to residential houses, both along the east and south property lines. At the request of City Staff, the applicant submitted a Noise Assessment (Wilson, Ihrig & Associates, Inc.) that assesses the noise levels of the drive-thru speaker system. 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) and for 10:00 PM – 7:00 AM is 45 Leq dBA. 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 and 40 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 project components that, if implemented, will 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 through the implementation of an automatic volume control speaker system, the orientation of the drive-thru and layout of the project and with the construction of the required eight (8) foot CMU block wall along the east and south property lines, the drive-thru speaker system will comply with the noise requirements of the General Plan.

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 Conditional Use Permit (CUP 03-15) to establish and Design Review (DR 10-15) for the construction of a new 2,695 square foot drive-thru Popeyes Louisiana Kitchen restaurant on a 0.76-acre site located at 101 and 111 Carol Lane (APN's: 037-132-037 and 038), as conditioned.

Attachments

1. Vicinity Map
2. Plan Set
3. Noise Assessment dated September 25, 2015
4. Proposed Resolution

Popeyes Louisiana Kitchen
Conditional Use Permit (CUP 03-15) and Design Review (DR 10-15)
Vicinity Map
APN: 037-132-037 and 038



Design Documents for POPEYES LOUISIANA KITCHEN

101 CAROL LANE, OAKLEY, CA
(A.P.N. 037-132-037 & -038)



NORCAL CAJUN FOODS II, INC.
2180 MERIDIAN PARK BLVD., SUITE G
CONCORD, CA 94520
925-445-4505



POPEYES LOUISIANA KITCHEN
LK1260-DL-PLUS (REVERSE)
STUCCO / SIMULATED STONE
101 CAROL LANE
OAKLEY, CALIFORNIA 94621



COVER SHEET

DATE: 9/25/15

DD1

CHECKED: JT

PLANS PREPARED FOR

NORCAL CAJUN FOODS II, INC.
2180 MERIDIAN PARK BLVD., SUITE G
CONCORD, CA 94520
PHONE: (925) 445-4505
CONTACT: SANDY MANN

DESIGN FIRM

MILESTONE ASSOCIATES
1000 LINCOLN ROAD, SUITE 1202
YUBA CITY, CALIFORNIA 95991
PH: 209-755-4700
ATTN: JULIO TINAJERO

PARKING DATA

RESTAURANT (60 SEATS):	20 SPACES
1 SPACE PER 3 SEATS =	20 SPACES
TOTAL PARKING REQUIRED:	20 SPACES
STANDARD (9' x 18'):	36 SPACES
DISABLED (9' x 18'):	2 SPACES
TOTAL PARKING PROVIDED:	38 SPACES

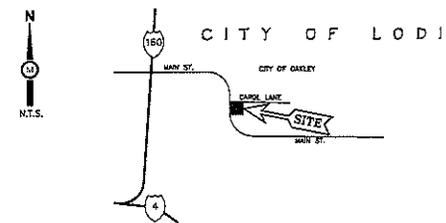
DRAWING INDEX

- DD1 COVER SHEET
- DD2 SITE PLAN / DETAILS
- DD3 PRELIMINARY GRADING PLAN
- DD4 PRELIMINARY LANDSCAPE PLAN
- DD5 FLOOR PLAN
- DD6 EXTERIOR ELEVATIONS
- DD6.1 EXTERIOR ELEVATIONS
- DD7 COLORED ELEVATIONS

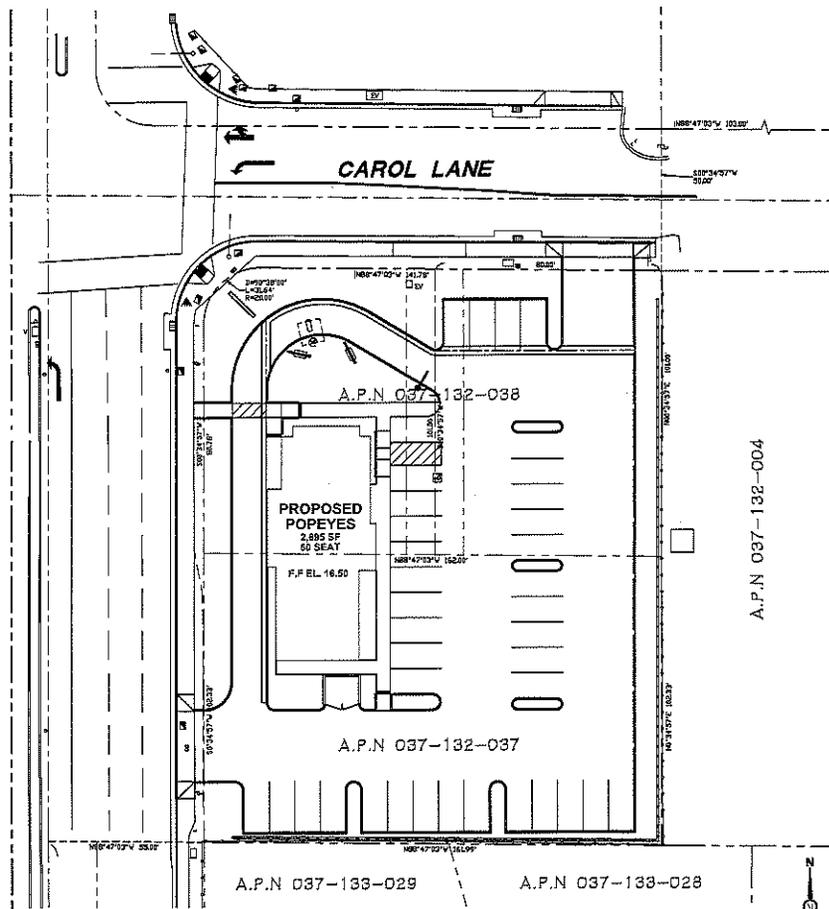
LOT DATA

A.P.N.:	037-132-037 & -038
PARCEL SIZE:	32,849 SF (0.754 AC)
ZONED:	C - GENERAL COMMERCIAL
EXISTING USE:	ABANDONED RESIDENCE
PROPOSED USE:	RESTAURANT
BUILDING COVERAGE:	2,695 SF (8.2%)
LANDSCAPE AREA:	9,188 SF (28.0%)
PAVED SURFACE AREA:	20,966 SF (63.8%)

VICINITY MAP

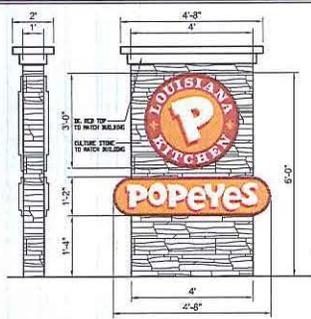


MAIN ST. (FORMERLY STATE HIGHWAY 4)

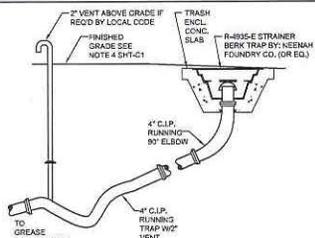


REFERENCE SITE PLAN

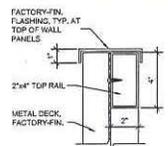
SCALE: 1" = 20'-0"



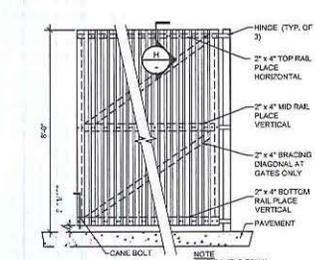
MONUMENT SIGN 1/2" = 1'-0"



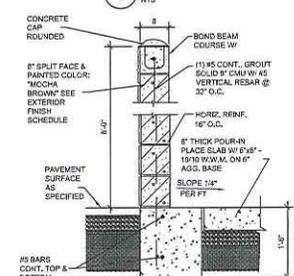
TRASH ENCLOSURE DRAIN
NTS # RECD. BY LOCAL CODE - S.G. TO VERIFY



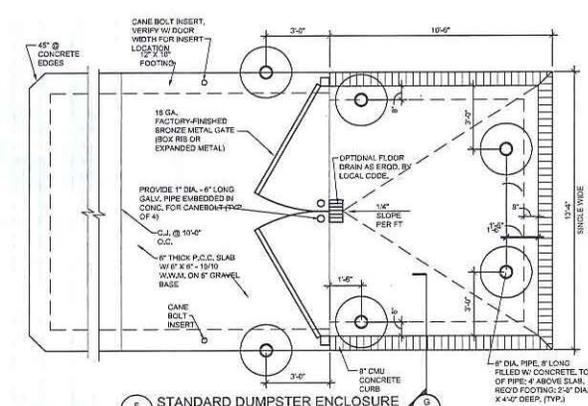
FLASHING DETAIL
NTS



DUMPSTER ENCLOSURE & GATE ELEV.
NTS

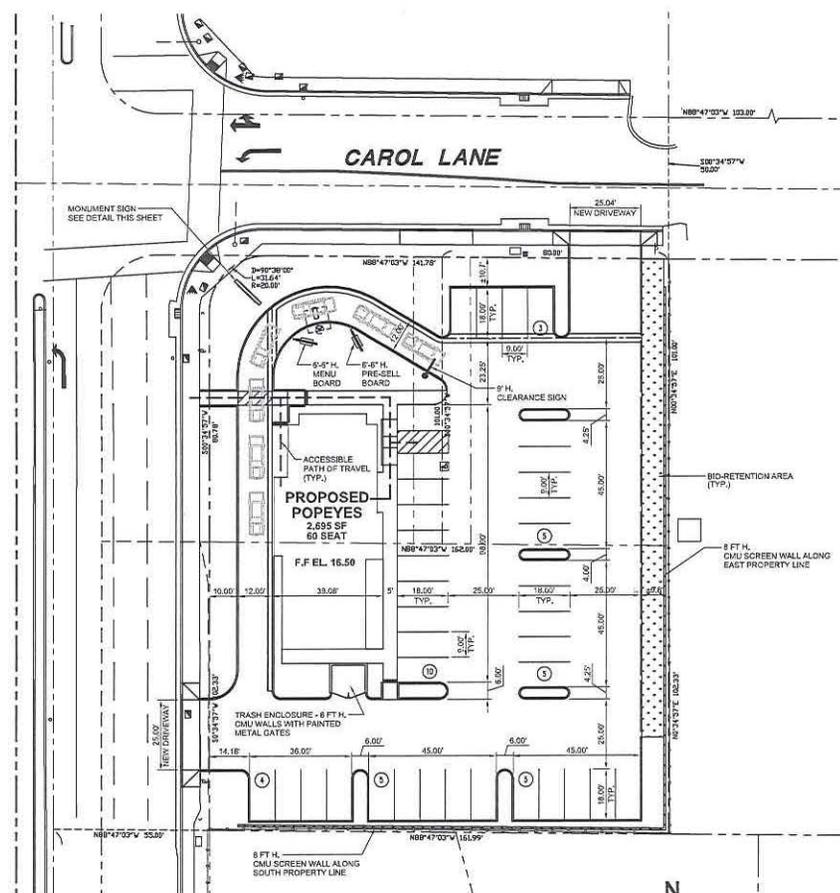


DUMPSTER WALL SECTION
NTS



STANDARD DUMPSTER ENCLOSURE
3/8" = 1'-0"

MAIN ST. (FORMERLY STATE HIGHWAY 4)



SITE PLAN

1" = 20'



M
Milestone
Associates
Imagining

1000 RANCHO BLVD. SUITE 1002
YUBA CITY, CALIFORNIA 95901
TEL: 530-750-4700
FAX: 530-750-0547

NORCAL CAJUN FOODS II, INC.
2100 MERIDIAN PARK BLVD.
SUITE G
CONCORD, CA 94520
(925) 444-6000

POPEYES
RESTAURANT SYSTEMS
4700 N. 17th Street
OAKLEY, CA 94661

POPEYES LOUISIANA KITCHEN
LK1260-DL-PLUS (REVERSE)
STUCCO / SIMULATED STONE

101 CAROL LANE
OAKLEY, CALIFORNIA 94561

LOUISIANA KITCHEN

REVISIONS:

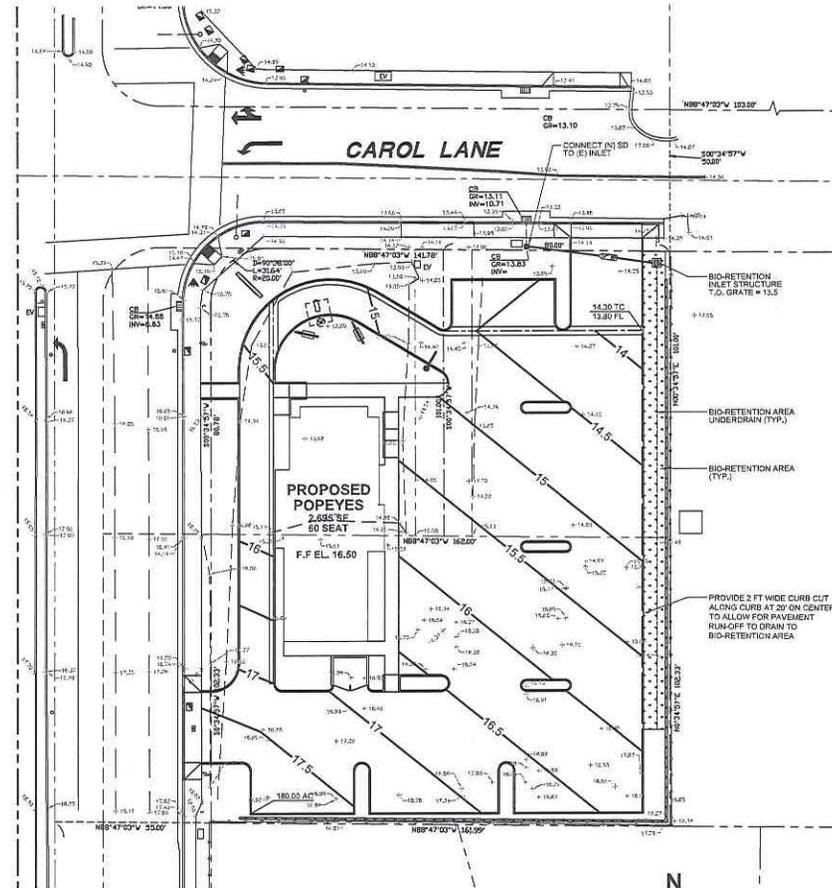
SITE PLAN

DATE: 02/21/15

DD2

CHECKED: JT

MAIN ST. (FORMERLY STATE HIGHWAY 4)



PRELIMINARY GRADING PLAN

1" = 20'



M
Milestone
Associates
Imageneering
1000 HIGHL ROAD, SUITE 4022
IRVINE, CA 92614
TEL: 949-755-4173
FAX: 949-755-4687

**NORCAL CAJUN
FOODS II, INC.**
2100 MENDHAM PARK BLVD.
SUITE G
CONCORD, CA 94520
(925) 446-6805

POPEYES
RESTAURANTS
40 YEARS OF SERVICE
ALWAYS IN YOUR
NEIGHBORHOOD

**POPEYES LOUISIANA KITCHEN
LK1260-DL-PLUS (REVERSE)
STUCCO / SIMULATED STONE**
101 CAROL LANE
OAKLEY, CALIFORNIA 94611

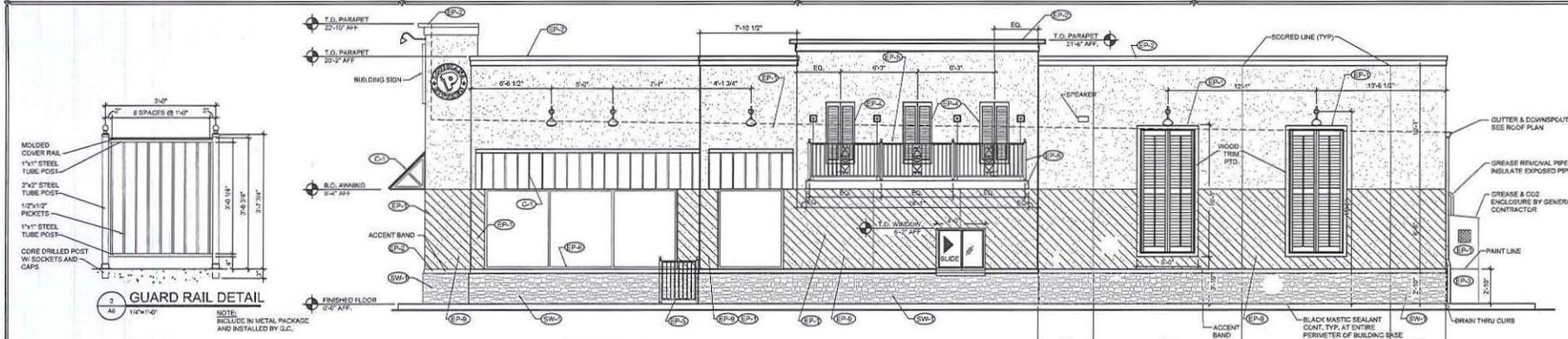
REVISIONS:

PRELIMINARY
GRADING PLAN

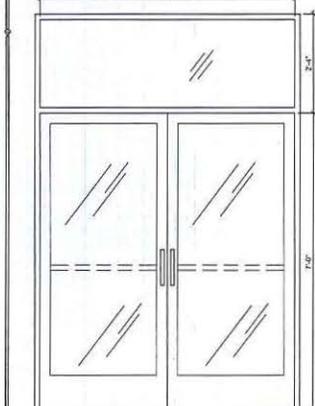
DATE: 02/5/15

DD3

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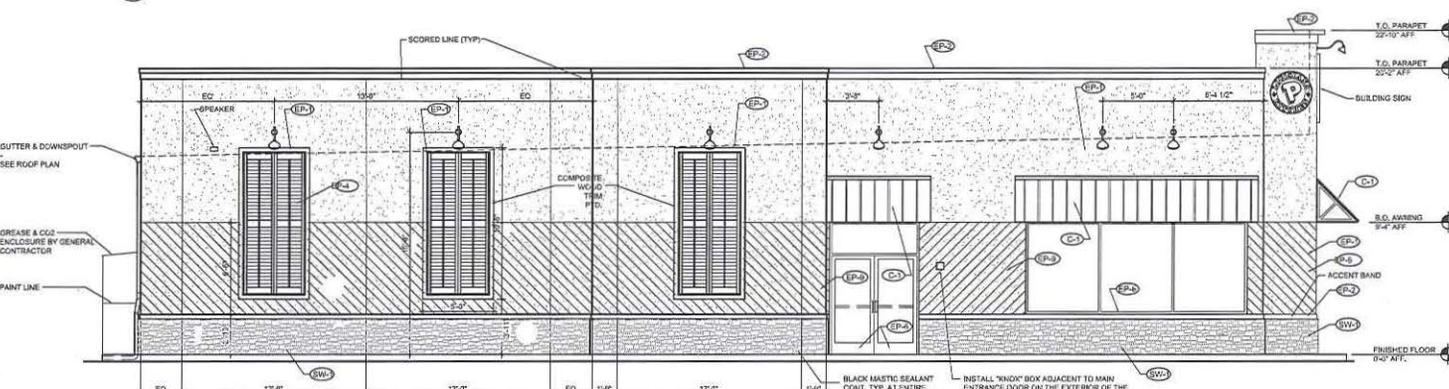
1 RIGHT SIDE ELEVATION (WEST)
A4 1/8"=1'-0"



DOOR ELEVATION
NOTE: CONTRACTOR TO FIELD VERIFY DIMENSIONS.

4 STOREFRONT DETAIL
A4 1/8"=1'-0"

2 LEFT SIDE ELEVATION (EAST)
A4 1/8"=1'-0"



POPEYES LOUISIANA KITCHEN
New Construction and Reminging

POPEYES LOUISIANA KITCHEN		Exterior Finish Schedule				
New Construction and Reminging		Update 5/3/2012				
Mark	Location	Supplier / Manuf.	Material	Specification	Color	Finish / Notes
EP-1	MAIN WALL SURFACE ABOVE ACCENT TRIM		PAINT OR EPS FORMULA	#2156-30	DELIGHTFUL GOLDEN	185 Low Lustre
EP-2	WALL SURFACE ACCENT / SHUTTER BORDERS	BENJAMIN MOORE	PAINT OR EPS FORMULA	#2066-10	EXOTIC RED	185 Low Lustre
EP-3	WAINSCOT BELOW ACCENT TRIM		EPS / METAL / PAINT	#2107-20	MOCHA BROWN	185 Low Lustre
EP-4	SHUTTERS	SHUTTERCONTRACTOR.COM	14 1/2"x60" VINYL SHUTTERS (8/1000)	L2 - VINYL	UNFINISHED	030 - PAINTABLE
			25 1/2"x118" VINYL SHUTTERS (Building)	L76 - VINYL	UNFINISHED	030 - PAINTABLE
		BENJAMIN MOORE	PAINT	#2040-10	RAINFORREST FOLIAGE	170 Semi Gloss
EP-5	BALCONY AND RAILINGS	RAILING VENDOR / TIGER DRYLAC	METAL / POWDER COAT	RAL 6009	PLANTER GREEN	SMOOTH
EP-5 (ALT)		BENJAMIN MOORE	METAL / PAINT	#2040-10	RAINFORREST FOLIAGE	P-25 DTM Semi Gloss
EP-6	STORE FRONT GLAZING	YKK AP	ANODIZED ALUMINUM	BY58N	DARK BRONZE	21-28 DAYS
EP-6 (ALT)				#64 (2134-20)	RM BRONZETONE	P-29 DTM Semi Gloss
EP-7	DUMPSTER WALLS / GATES	BENJAMIN MOORE	METAL / PAINT	#2107-20	MOCHA BROWN	185 Low Lustre
EP-8	BOLLARDS / LOT STRIPING		METAL / ASPHALT / PAINT	SAFETY & ZONE	ACRYLIC MARKING	RM SAFETY YELLOW
SW-1	STONE WAINSCOT	CORONADO STONE	SIMULATED STONE VENEER		CASCADE MOUNTAIN LEDGE	FOUR RIVERS
SG-1	STANDING SEAM CANOPY	QUIKRETE	VEENER STONE MORTAR		POLYMER MODIFIED	MOCHA BROWN
G-1	ANNING GRATE (OPT.)	ANNING SUPPLIER	METAL / POWDER COAT	RAL 6009	PLANTER GREEN	SMOOTH
C-1	STANDING SEAM CANOPY	COPPER SALES, INC.	UNA-CLAD		UC-4 ALUMINUM	REGAL RED
EP-9	ANTI-GRAFFITI	BENJAMIN MOORE	PAINT		ALIPHATIC ACRYLIC URETHANE	CLEAR GLOSS

SPECIFICATIONS

SECTION 8A: ALUMINUM ENTRANCE, STOREFRONT
GENERAL PROVISIONS
SCOPE: FURNISH AND INSTALL THE ALUMINUM ENTRANCE AND STOREFRONT SYSTEMS PER NATIONAL ACCOUNTS AND APPLICABLE DRAWINGS.
MATERIALS
1. ALUMINUM STOREFRONT AND ENTRANCE FRAMES: REFER TO CONSTRUCTION DRAWINGS AND SPECIFICATIONS.
2. ALUMINUM ENTRANCE DOORS: REFER TO CONSTRUCTION DRAWINGS AND SPECIFICATIONS.
3. PANIC HARDWARE: WHEN PANIC HARDWARE IS REQUIRED ON EXTERIOR DOORS.
4. DRIVE-THRU SERVICE WINDOW: THE DRIVE-THRU SERVICE WINDOW WILL BE SUPPLIED & INSTALLED BY G.C. VERIFY EXACT TYPE OF WINDOW WITH PLANS, BRANZE FINISH.
WINDOW TO BE:
A. BASE BID - "KNOX" SERV. M.C.S. WINDOW FLUSH MOUNT.
B. OPTION (VERIFY WITH OWNER) - READY ACCESS
5. MISCELLANEOUS FLASHING TRIM, ALUMINUM HEAD, SILL, COLUMN AND WALL TRIM. SEE EXTERIOR ELEVATIONS FOR FINISH.
PERFORMANCE
1. INSTALLATION: INSTALL IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTION. PLACE IN CORRECT LOCATION AS SHOWN IN THE DETAILS. LEVEL, SQUARE, AND PLUMB AT PROPER ELEVATIONS AND IN ALIGNMENT WITH OTHER WORK. MAINTAIN SPACE IN HEAD POCKET FOR 1/4" HEAD DEFLECTION. INSURE FRAMING PROFILES MEET INSTALLATION REQUIREMENTS OF GLAZING UNITS TO MAINTAIN WARRANTY. SEE SECTION 8A) GLAZING.

SECTION 8D: GLAZING

GENERAL PROVISIONS
1. SCOPE: FURNISH AND INSTALL GLASS IN STOREFRONT AND DRIVE-THRU SERVICE WINDOW.
2. QUALITY CONTROL: ALL GLASS BROKEN DURING INSTALLATION OR DURING CONSTRUCTION PRIOR TO FINAL DELIVERY OF THE BUILDING TO THE OWNER SHALL BE REPLACED AT NO ADDITIONAL EXPENSE TO THE OWNER. GLASS SHOULD BE DELIVERED WITH LABELS PROMINENTLY DISPLAYED AND THEY SHALL BE LEFT IN PLACE UNTIL THE OWNER'S REPRESENTATIVE INSPECTS IT.
MATERIALS
1. STOREFRONT GLAZING - REFER TO CONSTRUCTION DRAWINGS AND SPECIFICATIONS.
PERFORMANCE
1. INSTALLATION: INSTALL GLAZING WITH MANUFACTURER'S INSTRUCTIONS TO PROVIDE COMPLIANCE WITH LOCAL CODE REQUIREMENTS INCLUDING WIND RESISTANCE, 25 PSF MIN. SNOW LOAD, 20 PSF MIN. GLAZING PANELS SHALL BE INSTALLED.
2. ULTRA VIOLET DEGRADATION LEVELS ARE TO MEET MANUFACTURER'S REQUIREMENTS TO VALIDATE MATERIALS REPLACEMENT WARRANTY.
3. GUARANTEES AND WARRANTIES: AT THE COMPLETION OF THE GLAZING, PROVIDE THE INSTALLATION WATER-TIGHT BY SPRAYING ALL JOINTS WITH A GARDEN HOSE WITH NOZZLE SET FOR MAXIMUM PRESSURE. PROVIDE ADDITIONAL CALLING OR SEALANT, OR RESET GLASS AS NECESSARY TO EFFECT A WATER-TIGHT JOB.

EXTERIOR FINISH NOTES

EIF.S. WALL TEXTURE FINISH	STD COLORS
NAME: TYPICAL	NA16015 - SOLID PINK GOLDEN
STD: STD ESSENCE SWRL	NA14561 - EXOTIC RED
DRYVT: QUARTZ PUTZ	NA16497 - MOCHA BROWN
FINISH NOTES	DRYVT COLORS
THE FOLLOWING COMPONENTS CAN BE PURCHASED FROM THE APPROVED SIGN VENDORS:	POPEYES20 - BURGUNDIA GOLDEN
* STAINING SEAM ROSE	POPEYES25 - LADYBIRD
* BALCONY RAILING	POPEYES25S - MOCHA BROWN
* CLEARANCE BAR	
* MENU CANOPY	
* GLAZING TRIM	
* AWNING	
* SHUTTERS	
THE FOLLOWING COMPONENTS TO BE MANUFACTURED AND INSTALLED BY THE GENERAL CONTRACTOR	
* LASSER	
* DUMPSTER GATES	

Milestone Associates
Imagincing
1005 LINCOLN BLVD, SUITE 1002
IRVINE, CA, CALIFORNIA 92614
TEL: 949-753-4700
FAX: 949-753-4055

NORCAL CAJUN FOODS II, INC.
2180 MERIDIAN PARK BLVD.
SUITE G
CONCORD, CA 94520
(925) 446-8005

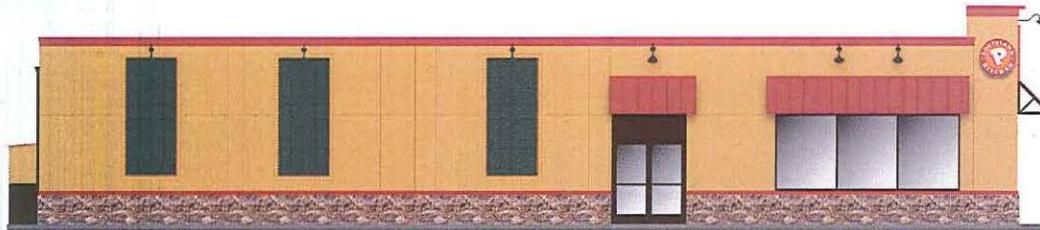
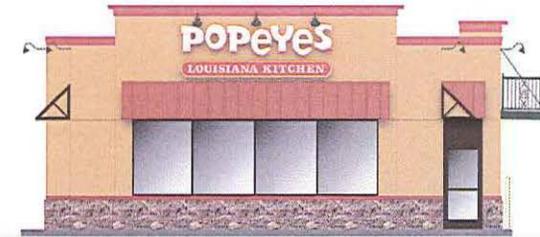
POPEYES
LOUISIANA RESTAURANT
4750 W. 138th STREET
MIRAMONTE, CA 94549

POPEYES LOUISIANA KITCHEN
LK1260-DL-PLUS (REVERSE)
STUCCO / SIMULATED STONE
101 CAROL LANE
DANLEY, CALIFORNIA 94501



REVISIONS:
EXTERIOR ELEVATIONS

DATE: 9/25/15
DD6.1
CHECKED: JT



Popeyes Louisiana Kitchen
 LK1260DL-Seat Prototype
 Exterior Design Concept
 05.05.2014

- Benjamin Moore 2158-30 : Delightful Golden
- Benjamin Moore 2107-20 : Mocha Brown
- Benjamin Moore 2040-10 : Rainforest Foliage
- Benjamin Moore 2041-10 : Hunter Green
- Benjamin Moore 2086-10 : Exotic Red
- Benjamin Moore RM : Bronzestone
- Coronado Stone - Cascade : Four Rivers



Milestone Associates
Imageneering

1915 LINDSEY ROAD, SUITE 100
 NEW CANYON, ARIZONA 86310
 TEL: 520-753-4300
 FAX: 520-753-4300

NORCAL CAJUN FOODS II, INC.
 2100 MERIDIAN PARK BLVD.
 SUITE 0
 CONCORD, CA 94520
 (925) 446-0005



**POPEYES LOUISIANA KITCHEN
 LK1260-DL-PLUS (REVERSE)
 STUCCO / SIMULATED STONE**
 101 CAROL LANE
 OAKLEY, CALIFORNIA 94551



REVISIONS:

COLORED ELEVATIONS

DATE: 05-07-15

DD7

CHECKED: JT



WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

25 September 2015

Mr. Sandy Mann
Norcal Cajun Foods II, Inc.
2190 Meridian Park Dr., Suite G
Concord, CA 94520

CITY OF OAKLEY
Planning Department

SEP 25 2015

RECEIVED

Subject: **Popeye's Drive-Thru Speaker Noise Assessment**
101 Carol Lane, Oakley, CA

Dear Mr. Mann:

This letter presents the results of the noise assessment for the drive-thru speaker of the proposed Popeye's Louisiana Kitchen to be located at 101 Carol Lane in Oakley, CA. The intent of this assessment is to determine if the speaker for the drive-thru requires shielding or other noise attenuation measures to meet the noise level restrictions listed in the City of Oakley General Plan Noise Element. Noise measurements were made on the site in September 2015 by Wilson Ihrig to establish the site specific noise levels.

NOISE STANDARD

The City of Oakley General Plan Noise Element, Chapter 9, provides performance standards for new projects including non-transportation noise sources as follows:

City of Oakley General Plan, Noise Element Policy 9.1.3

Noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 9-1 as measured immediately within the property line of lands designated for noise sensitive uses.

Table 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}^1 , dB	55	45																								
<p>1. Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting 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).</p> <p>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.</p> <p>3. Fixed noise sources which are typically of concern include, but are not limited to the following:</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">HVAC Systems</td> <td style="width: 33%;">Cooling Towers/Evaporative</td> <td style="width: 33%;">Air Compressors</td> </tr> <tr> <td>Pump Stations</td> <td>Condensers</td> <td>Heavy Equipment</td> </tr> <tr> <td>Emergency Generators</td> <td>Lift Stations</td> <td>Conveyor Systems</td> </tr> <tr> <td>Steam Valves</td> <td>Boilers</td> <td>Transformers</td> </tr> <tr> <td>Generators</td> <td>Steam Turbines</td> <td>Pile Drivers</td> </tr> <tr> <td>Gas or Diesel Motors</td> <td>Fans</td> <td>Grinders</td> </tr> <tr> <td>Outdoor Speakers</td> <td>Welders</td> <td>Drill Rigs</td> </tr> <tr> <td></td> <td>Blowers</td> <td>Cutting Equipment</td> </tr> </table> <p>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 fabrication 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.</p>			HVAC Systems	Cooling Towers/Evaporative	Air Compressors	Pump Stations	Condensers	Heavy Equipment	Emergency Generators	Lift Stations	Conveyor Systems	Steam Valves	Boilers	Transformers	Generators	Steam Turbines	Pile Drivers	Gas or Diesel Motors	Fans	Grinders	Outdoor Speakers	Welders	Drill Rigs		Blowers	Cutting Equipment
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Source: City of Oakley 2020 General Plan, Noise Element, Table 9-1

Therefore, per Note 1 of Table 1, the noise limits at the adjacent residential properties for this project would be as indicated in Table 2.

Table 2: adjusted noise limits for recurring impulsive noise source (outdoor speaker)

Noise Level Descriptor	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Hourly L_{eq} , dB	50	40

¹ L_{eq} is the nomenclature for Equivalent Sound Level which is the energy average sound level.

PROJECT CONDITIONS

The project is located at the intersection of Main Street and Carol Lane in Oakley, California. There are existing residences directly adjacent to the project to the east and south, as well as across Carol Lane to the northeast. It is our understanding that as part of the project development, an eight (8) foot tall CMU block wall will be constructed along the east and south property lines adjoining the residential properties. This wall is not currently shown in the project documents, however, Milestone Associates have indicated that this wall is part of the project construction.

Multi-day, long-term measurements (LT-1 and LT-2) of the ambient noise levels were made at two separate locations on the project site from 10 September to 14 September 2015. These measurements were made to establish the existing hourly L_{eq} across the project site. LT-1 was located along Main Street on a utility pole and LT-2 was located mid-lot on a tree. See Figure 1 for a diagram of the measurement locations, and Figure 2 for a plot of the hourly noise levels measured at both long-term locations.

The maximum hourly L_{eq} noise levels, during the day time and nighttime hours, measured at each location are indicated in Table 3:

Table 3: Highest Measured Hourly L_{eq}

Measurement Location	Highest Hourly L_{eq} Measured	
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
LT-1 (Main St.)	72 dBA	70 dBA
LT-2 (Mid-lot)	65 dBA	62 dBA

DRIVE-THRU SPEAKER NOISE ASSESSMENT

Establishing the existing noise levels at the project site is important because the noise level at which the outdoor speaker will be operated will depend on the existing environmental noise levels for intelligibility. The outdoor speaker will need to operate at or above the existing noise levels so that the patrons using the drive-thru can hear what is being said over the speaker.

Per the Site Plan by Milestone Associates dated 7 September 2015, the speaker and order confirmation post will be located near the intersection of Main Street and Carol Lane, see Figure 3. Therefore, the highest noise levels measured at LT-1, as indicated in Table 3 above, are the levels at which the speaker noise level is assessed for worst case scenarios.

The speaker specified to be used for this project, per Milestone Associates, is HM Electronics (HME) model SPP2. Per HME, this speaker can incorporate automatic volume control (AVC), which will adjust the outbound volume based on the outdoor ambient noise level. With the AVC, if the outdoor noise level is 45 dBA, then the speaker will adjust the volume of the system to 45 dBA for a resulting 48dBA overall sound pressure level² at a distance of 4 ft. Without the AVC option, the sound pressure level generated by the speaker is 72 dBA at 4 ft, regardless of

² Per HME Memo Re: Drive-Thru Sound Pressure Levels From the Menu Board or Speaker Post as provided by Milestone Associates, 21 September 2015.

the outdoor noise level. Therefore, we recommend that the AVC option is included and implemented in the project speaker system.

Given the parameters of the HME SPP2 speaker, with the AVC option, and the measured existing noise levels; the calculated noise levels at the residential property lines due to the drive-thru speaker are as indicated in Table 4 below. These levels do not take into consideration the attenuation provided by the 8 ft CMU wall to be constructed at the residential property lines.

Table 4: Calculated Noise Levels from Drive-thru Speaker with the AVC Option at Adjacent Residential Property Lines

Residence Address	Dist. from speaker to property line	Daytime noise level, Hourly L_{eq}	Nighttime noise level, Hourly L_{eq}	Daytime Criteria Hourly L_{eq}	Nighttime Criteria Hourly L_{eq}
121 Carol Ln.	118 ft.	46 dBA	44 dBA	50 dBA	40 dBA
120 Carol Ln.	122 ft.	42 dBA	40 dBA		
1938 Teresa Ln.*	202 ft.	41 dBA	39 dBA		
* This residence is partially shielded by the project building. Distance given is for the nearest unshielded, line-of-site between the speaker post and residential property line. The residence to the west of this property, 1946 Teresa Lane is fully shielded by the project building and is therefore not assessed.					
The bolded levels are those levels that are above the criteria.					

As indicated above, the noise level from the drive-thru speaker is above the nighttime criteria at the closest residential property. However, the 8 ft. CMU wall that is to be constructed at the property line will provide 8 to 10 dB of attenuation resulting in a nighttime noise level of approximately 34 to 36 dBA, which is within the nighttime criteria.

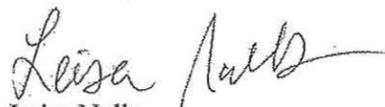
CONCLUSION

Based on the speaker manufacturer sound data, the implementation of the AVC option for the speaker system, the existing ambient noise levels at the project site, the orientation of the project, and the construction of 8 ft CMU walls at the residential property lines the drive-thru speaker system will be within the City of Oakley General Plan Noise Limits on the residential side of the property line. No additional noise mitigation measures are required.

Please contact us if you have any questions or comments about this report.

Very truly yours,

WILSON, IHRIG & ASSOCIATES, INC.



Leisa Nalls
Senior Consultant

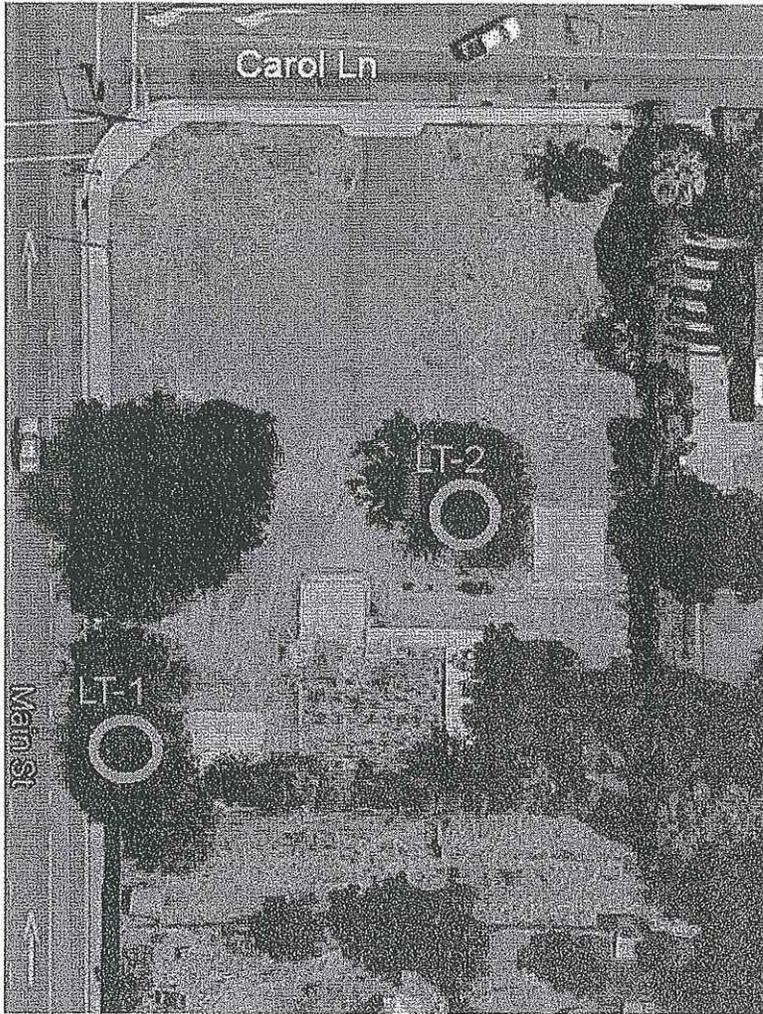


Figure 1: Long-Term Measurement Locations at Project Site

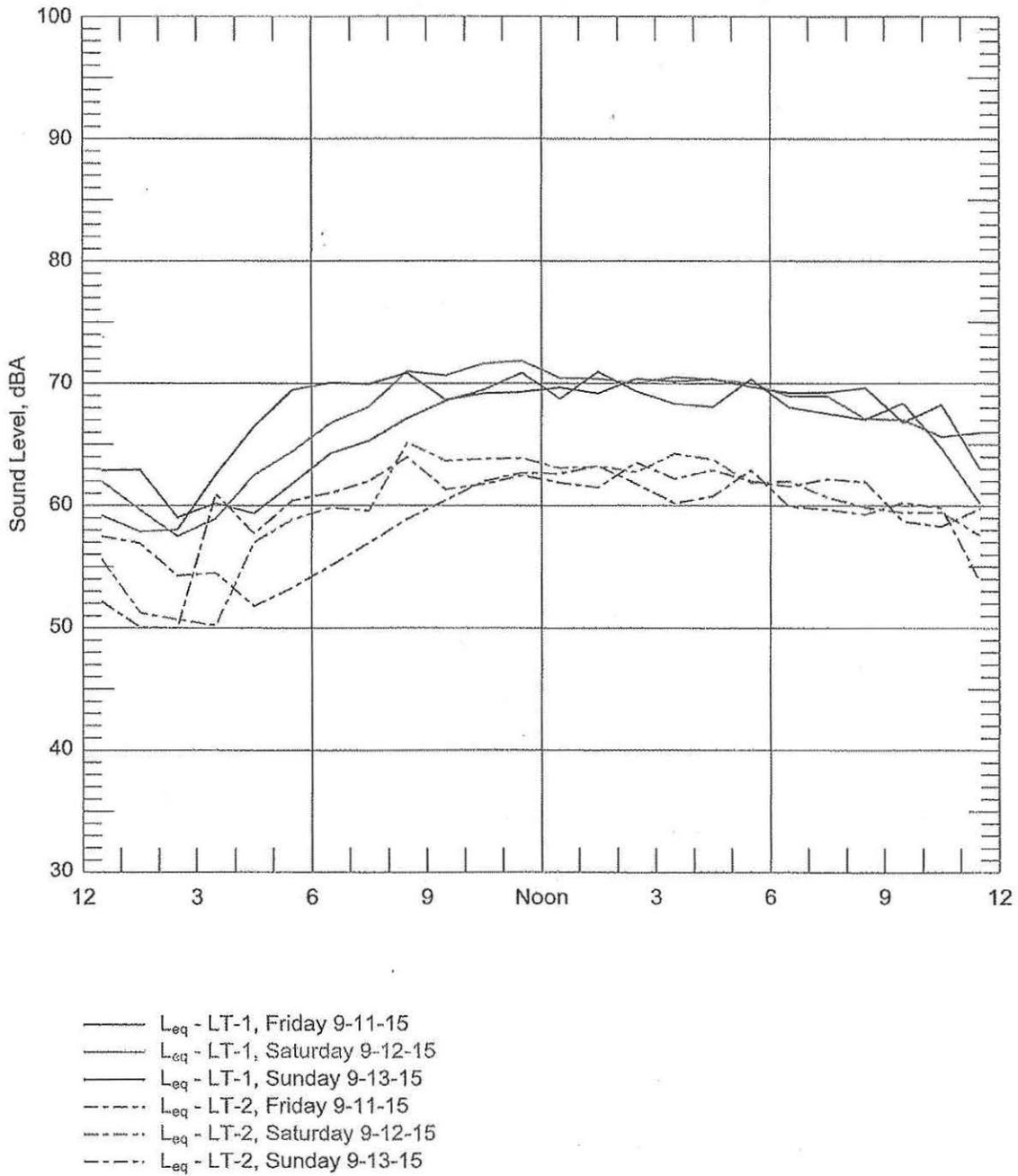


Figure 2: Hourly Statistical Summary of Noise Levels Measured at LT-1 and LT-2

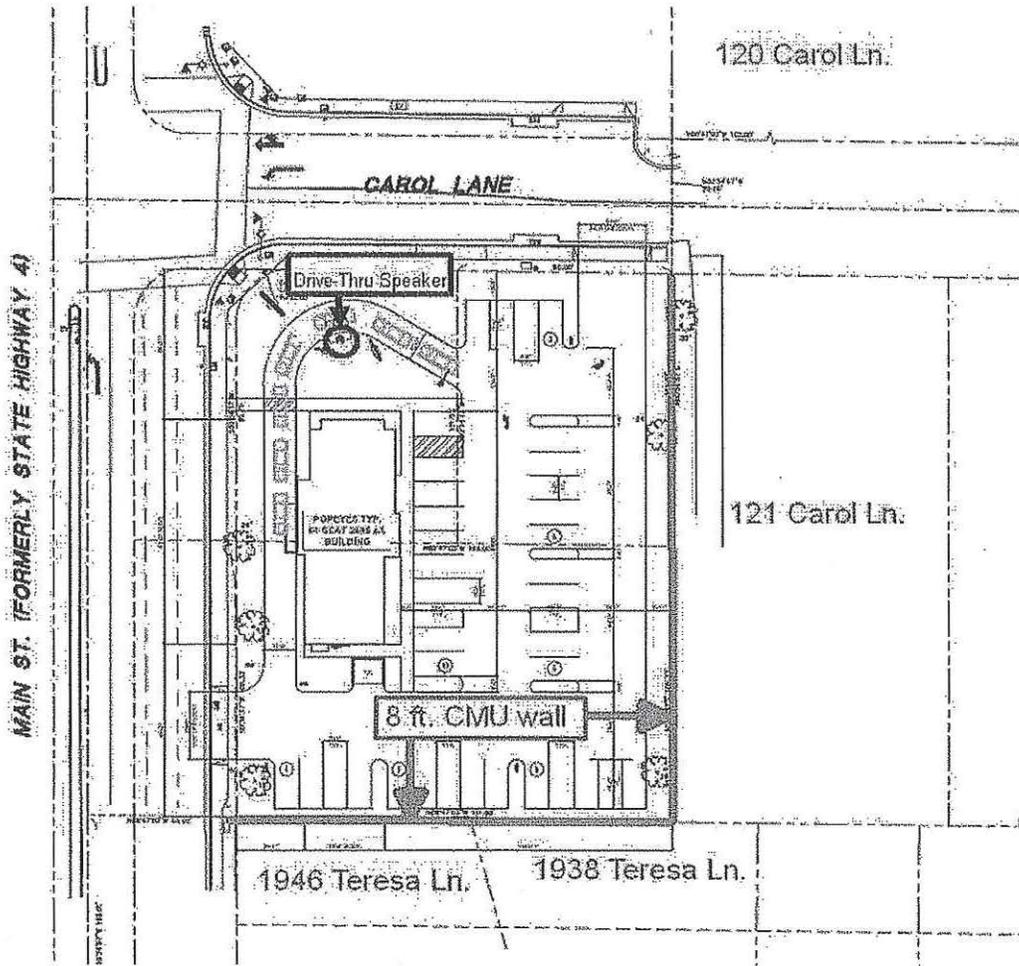


Figure 3: Project Site Plan with CMU wall and Residential Receptors Identified

RESOLUTION NO. XX-15**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE CONDITIONAL USE PERMIT (CUP 03-15) TO ESTABLISH AND DESIGN REVIEW (DR 10-15) FOR THE CONSTRUCTION OF A NEW 2,695 SQUARE FOOT DRIVE-THRU POPEYES LOUISIANA KITCHEN RESTAURANT ON A 0.76-ACRE SITE LOCATED AT 101 AND 111 CAROL LANE (APN'S: 037-132-037 AND 038**

WHEREAS, on September 25, 2015, Charanjiv Dhaliwal ("Applicant"), submitted an application for a Conditional Use Permit (CUP 03-15) to establish and Design Review (DR 10-15) for the construction of a new 2,695 square foot drive-thru Popeyes Louisiana Kitchen restaurant on a 0.76-Acre site located at 101 and 111 Carol Lane (APN's: 037-132-037 and 038) ("Project"); and

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

WHEREAS, the project is designated as *Commercial* in the Oakley 2020 General Plan, and zoned C (General Commercial) District; and

WHEREAS, on November 25, 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, 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 December 8, 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 December 8, 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 a Conditional Use Permit (CUP 03-15) to establish and Design Review (DR 10-15) for the construction of a new 2,695 square foot drive-thru Popeyes Louisiana Kitchen restaurant on a 0.76-Acre site located at 101 and 111 Carol Lane (APN's: 037-132-037 and 038):
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 approximately 0.76-Acres and the C (General Commercial) Zoning District allows for the proposed development with the approval of a Conditional Use Permit and Design Review. The new building and site improvements will provide a significant aesthetic upgrade to the property, and help facilitate the economic development activities of the City;
 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 Main Street and Carol Lane, which is 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 permitted in the C (General Commercial) Zoning District with the approval of a Conditional Use Permit and Design Review. The use will comply with the noise standards set forth in the Oakley Municipal Code, will provide all parking on-site, and will bring a new business into the City;
 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 it provides a new business which will bring jobs to the City. 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 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 and Design Review, 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 **September 25, 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 CONSTRUCTION OF THE BUILDING UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This **Conditional Use Permit (CUP 03-15)**, and **Design Review (DR 10-15)** is approved, as shown on the plans, date stamped by the Planning Division on **September 25, 2015**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval for **Conditional Use Permit (CUP 03-15)**, and **Design Review (DR 10-15)** 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 **December 8, 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 **December 8, 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.
8. The City will require the State Department of Finance approval of the Long Range property Management Plan prior to the issuance of any building or grading permits.

Site Plan:

9. All parking stall striping shall be double striped. Parking stalls shall be 9 feet wide by 19 feet deep with an allowed 2 foot overhang in some cases and all drive aisles shall be a minimum 24 feet in width as reviewed and approved by the Community Development Director.
10. A lighting and photometric plan shall be submitted prior to the issuance of building permits. The minimum requirement shall be one foot of candle light within public parking areas and pedestrian pathways.
11. Light poles shall be a maximum height of 20 feet and shall provide glare shields where adjacent to existing residences per the review and approval of the Community Development Director.
12. A trash enclosure shall match Oakley Disposal and City standards and shall provide adequate space to accommodate both trash and recycling. Also, trash enclosures shall be constructed with a roof to match the building design and materials, have metal gates, and when appropriate be surrounded by landscaping with climbing vines on three sides per the review and approval of the Community Development Director.

13. Storage shall be contained inside the building. Storage containers are not allowed and pallets, boxes, cardboard etc. shall not be stored outside.

Architecture:

14. Roof-mounted equipment shall be architecturally screened from view.
15. The light fixtures on the commercial building shall be decorative fixtures per the review and approval of the Community Development Director.

Landscaping Requirements:

16. A landscaping and irrigation plan for all areas shown on the site plan shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. The landscaping plan shall include the project's frontage and side yards. Landscaping shall conform to the Oakley Water Efficient Landscape Ordinance and the Guidelines for Implementation of the City of Oakley Water Efficient Landscape Ordinance and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance.
17. 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.
18. Parking lot trees shall provide 50 percent shading of the parking areas at tree maturity.
19. Prior to occupancy, an on-site inspection shall be made of privately owned lands by a licensed landscape architect to determine compliance with the approved landscape plan. A signed certification of completion shall be submitted to the Community Development Director for review and approval.
20. 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.
21. Landscaping shall be maintained as shown on the landscape plan in perpetuity.

Signage:

22. 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.
23. 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.
24. 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.

Walls

25. Anti-graffiti techniques shall be used on the wall constructed along the east and south property lines.
26. The material of the 8' foot block wall along the east and south property lines is subject to the review and approval of the Community Development Director.

Waste Management Plan:

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

Building Division Conditions

28. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy Requirements per the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625-7002.
29. 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).
30. 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:

31. 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.
32. 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.
33. 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.
34. 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.
35. Applicant is responsible for repairs to existing frontage improvements including but not limited to concrete curbs, gutters and sidewalks whether due to pre-existing conditions or damage occurring during the construction of this project.
36. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.
37. Locate the project signs so as to not obstruct sight distance at the intersection of Main Street and Carol Lane and the project driveways.
38. Applicant shall only be allowed access to the project site at the two locations shown on the approved site plan.

Landscaping in the Public Right of Way:

39. 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.

Grading:

40. 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.
41. 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.
42. 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.
43. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities.
44. 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.
45. 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.
46. 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.

Utilities/Undergrounding:

47. Underground all new and existing utility distribution facilities, including those along the frontage of Main Street and Carol Lane. 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.
48. 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.
49. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

50. 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 29C as prepared by the Contra Costa County Flood Control and Water Conservation District.
51. 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.
52. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
53. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

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 85-00 and 08-03. The applicant shall pay the fees in the amounts in effect at the time each building permit is issued.

- A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
- B. Regional Transportation Development Impact Mitigation Fee or any future alternative regional fee adopted by the City (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);
- C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
- D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);
- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);

F. Fire Facilities Impact Fee, collected by the City (adopted by Resolution No. 09-01);

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

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

56. The applicant shall be responsible for paying the County Recorder's fee for the Notice of Exemption.

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

58. Participate in the provision of funding to maintain police services by voting to approve a special tax for the project parcel. 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 issuance of a certificate of occupancy. 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.

59. Applicant shall comply with the drainage fee requirements for Drainage Area 29C 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 8th of December, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date