




STAFF REPORT

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Date: Tuesday, July 8, 2014
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, Public Works Director/City Engineer
Subject: Elimination of Condition of Approval #52 of Resolution No. 27-04 (Requiring the Developer to contribute toward the cost of traffic signals at Laurel Road & Quail Valley Run and Laurel Road & Teton Road) Related to Subdivision 8737 – Located east of Marsh Creek and south of Parklands at Laurel Creek (Subdivision 6963)

Summary and Background

On January 10, 2000 the Oakley City Council approved Resolution 01-00 which amended Vesting Tentative Map 6963 and set conditions of approval for the map. Condition 26-C required the developer to have a traffic signal warrant study prepared and, if the study required construction of a signal or signals, to contribute toward the cost of the traffic signal construction. A study dated November 8, 1999 was completed by DKS Associates, and the study concluded that signals on Laurel Road at Quail Valley Run and at Teton Road were warranted, but not until the connection of Laurel Road and Cypress Road was completed. At that time, the Contra Costa County General Plan contemplated a future extension of Laurel Road to the east and a connection with Cypress Road.

On July 17, 2003, the Council approved Resolution 43-03 which authorized the City Manager to execute an agreement with Harris & Associates (Harris) related to the preparation of the South Oakley Infrastructure Master Plan (SOIMP). In the course of preparing the SOIMP, Harris looked at several infrastructure deficiencies in the area south of Laurel Road; and developed schematic layouts and other information for mitigation of these deficiencies. One item included in the SOIMP was to study a possible easterly extension of Laurel Road to Sellers Avenue, rather than the connection to Cypress Road that the County General Plan had adopted.

On April 12, 2004 the Council approved Resolution 27-04, which approved with conditions the tentative map for Subdivision 8737. Condition #52 requires a fair share contribution by the developer for the traffic signals described by the DKS study; unless during the preparation of the SOIMP, it was determined that one or both of the traffic signals are not warranted.

On March 14, 2005, City Engineer Jason Vogan presented a staff report that provided several different configurations of the easterly extension of Laurel Road as it crosses the railroad tracks. According to the minutes for that meeting, "It was the general consensus of the City Council to support alternative C (45 mph overpass) and to direct staff to address noise and aesthetic mitigation measures." No resolution was approved by the Council related to this report.

Based on Resolutions 01-00 and 27-04, the several phases of Subdivision 6963 and the first phase of Subdivision 8737 were conditioned to make fair share contributions toward the cost of the two future traffic signals on Laurel Road described above, unless during the preparation of the SOIMP, it was determined that one or both of the signals are not warranted. Based on a review of City documents, no additional studies were conducted that looked at these signals; however, based on the document review, no fair share contributions were made related to Subdivision 6963 or Subdivision 8737.

On November 14, 2005, the Council approved Resolution 117-05 which approved, with conditions, the tentative map for Subdivision 8973. Subdivision 8973 runs across the south of Subdivision 8737 and has two street connections to it including one at Teton Road. Subdivision 8973 does not have a requirement to participate in the cost sharing for the traffic signals.

On March 27, 2006, the Council approved Resolution 53-06 which approved, with conditions, the tentative map for Subdivision 9016. Subdivision 9016 is adjacent to the east side of the railroad tracks and is bordered on the north side by the proposed Alternative C of the Laurel Road extension. Subdivision 9016 also does not have a requirement to participate in the cost sharing.

When former City Engineer Jason Vogan was recently contacted to discuss this, his recollection was that, because the cost estimate for the overcrossing was so high, the Council did not express much interest in any of the alternative railroad crossings that were presented, although they did select one of them for further study. Mr. Vogan also expressed that this all took place many years ago, and his recollections may not be precisely correct or complete.

Fiscal Impact

Approval of the resolution will eliminate Condition of Approval #52 from City Council Resolution 27-04. Elimination of this Condition will relieve the current owner/developer of Subdivision 8994, the second phase of Subdivision 8737, of any responsibility to make a fair share contribution toward the cost of the two traffic signals. There is no fiscal impact associated with eliminating this Condition. However, if at some time in the future a decision is made to construct either or both of the signals, a new funding source will need to be identified.

Recommendation

Adopt the resolution approving the elimination of Condition of Approval #52 from City Council Resolution 27-04.

Attachments

1. Vicinity Map
2. Resolution 27-04
3. Resolution Eliminating Condition #52



Main Street

Laurel Road

Vicinity Map

8737 Tentative Map Area

RESOLUTION NO. 27-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS TO APPROVE SUBDIVISION 8737, LOCATED ON EAST OF MARSH CREEK AND SOUTH OF PARKLANDS AT LAUREL CREEK (SUBDIVISION 6963) INCLUDING A REZONE, TENTATIVE MAP, DESIGN REVIEW, LAND USE PERMIT AND A TREE PERMIT

FINDINGS

A. Teton Group, on behalf of the property owners (together, "Applicants"), have submitted applications to develop approximately 40 acres, located east of Marsh Creek and south of Parklands at Laurel Creek Subdivision, with 166 single-family units (the "Project"). The Project application includes requests for approval of the following:

- Rezoning the property from General Agriculture (A-3) to R-6 (residential minimum lot size of 6,000 square feet);
- Tentative Map 8737, which would subdivide the one 40-acre parcel into 166 single-family lots;
- Design Review for the 166 single-family homes;
- Land Use Permit to allow up to a 12 foot fence/wall combinations;
- A Tree Permit to allow for the removal of 1 protected tree from the Project site.

B. The Project site is designated Single-Family High (SH) in the Oakley 2020 General Plan. The proposed unit densities of the Project are consistent with those General Plan designations.

C. The City prepared a Negative Declaration dated January 16, 2004, which reflected the independent judgment of the City as to the potential environmental effects of the Project. The City circulated a Notice of Intent for the Mitigated Negative Declaration on January 16, 2004. The Notice of Intent was circulated for the required 30-day public review period, from January 16, 2004 through February 16, 2004.

D. On February 17, 2004 and March 1, 2004, the Planning Commission held a properly noticed public hearing at which it received a report from City staff, oral and written testimony from the Applicants and the public, and deliberated on the applications. At the conclusion of its deliberations, the Commission took a straw vote and unanimously expressed its opinion that the applications should be approved, subject to the conditions recommended by staff and as revised by the Commission during its deliberations.

E. On March 22, 2004, the City Council held a properly noticed public hearing at which it received a report from staff, oral and written testimony from the applicant and the public, and deliberated on the application. The Council waived the reading and introduced the Ordinance on the Rezone and directed staff to write a resolution approving the Tentative Map, Design Review, Land Use Permit, Tree Permit and Negative Declaration. A copy of the Tentative Map Exhibit and Negative

Declaration are attached as Exhibits A and B.

F. On March 1, 2004 the Planning Commission approved Resolution 05-04 recommending approval of the Rezone, Tentative Map, Design Review, Land Use Permit, Tree Permit and Negative Declaration to the City Council.

G. The property has been rezoned by the City Council per Ordinance No. 06-04 approved by the City Council on April 12, 2004.

H. These Findings are based on the City's General Plan, the City's Zoning and Subdivision Ordinances, Residential Design Guidelines, and the information submitted to the Planning Commission at its February 17, 2004 and March 1, 2004 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 Subdivision (hereafter the "Record").

NOW, THEREFORE, on the basis of the above Findings and the entire Record, the Planning Commission recommends that the City Council make the following additional findings in support of the recommended approvals:

1. Regarding the certification of the Negative Declaration, the Commission recommends that the Council certify the Negative declaration.

2. Regarding the rezoning of the Property from A-3 to R-6, the Commission recommends that the Council find that:

a. The change in zoning will comply with the General Plan, which prescribes single-family development on the Project property with densities consistent with those proposed for the Project;

b. The uses proposed in the land use district are compatible within the district and to uses authorized in adjacent districts. All proposed uses within the district are for single-family housing, with adequate buffers for the adjacent school. Development on adjacent property will also be residential; and

c. A community need has been demonstrated for the proposed use. The Project will result in the construction of additional housing units, which is necessary to meet demand in the community.

3. Regarding the approval of Tentative Map 8737, the Commission recommends that the Council find that the proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan. The number of units, layout of lots and streets, identified improvements and dedications, and other technical requirements comply with the density prescribed by the General Plan and its applicable policies.

4. The Project complies with Measure C Growth Management requirements.

5. Recommend to the City Council, adoption of the three findings of fact for

the Design Review for Subdivision 8737:

a. The proposed development of 166 single-family homes is consistent with the General Plan designation.

b. The proposed development of 166 single-family homes complies with all applicable Zoning regulations.

c. The proposed design and materials of the single-family homes are compatible with the surrounding area.

6. Regarding the Land Use Permit for up to a twelve-foot fence/wall combinations the Commission recommends that the Council find that:

a. The retaining wall/fence combinations will provide adequate six-foot good neighbor fences for all existing and future residents to ensure the general welfare and safety of residents within the City.

b. The proposed use will not adversely affect the orderly development of property within the City. The construction of fence/walls over six feet will not affect the orderly development of the City and will ensure all residents have adequate privacy fencing.

c. The construction of the fence/wall combinations will not affect property values or does not have any relation to the tax base in the City. Therefore, the proposed use will not adversely affect the preservation of property values and protection of tax base within the City.

d. The General Plan sets up policies for future development and looks to the Zoning Ordinance for specific development standards. The Zoning Ordinance states that fences and walls shall be a maximum height of 6'. Any fences or walls above 6' require a Land Use Permit. Therefore, the approval of this project will not adversely affect the policies and goals set by the General Plan.

e. The construction of six foot fences or higher provide adequate security and privacy for home owners. The approval of this permit would not create any nuisances or enforcement problems within the City.

f. The proposed Land Use Permit is in association with the development of a 166-lot subdivision. The subdivision meets all of the standards of the City of Oakley as set forth in the Zoning and Subdivision Ordinances. The proposed use will not encourage marginal development.

g. The locations of the retaining wall/fence combinations are located at the edge of the property adjacent to existing development and properties not slated for development at this time. The retaining walls will provide for adequate drainage on-site and will allow for 6' good neighbor fences. These unique characteristics at the edge of the property make the Land Use Permit necessary.

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the Planning Commission recommends that, subject to the conditions listed below, the City Council take the following actions:

- Rezone the Project property from A-3 to R-6;
- Approve Tentative Map;
- Approve the Design Review;
- Approve the Land Use Permit; and
- Approve the Tree Permit.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the Planning Commission recommends approving the Applicants' request for the rezoning of the Property, the Vesting Tentative Map, the Design Review, the Land Use Permit and the Tree Permit with the following conditions:

CONDITIONS OF APPROVAL

Rezone & Subdivision

1. This Rezone, Subdivision, Land Use Permit, Development Plan, Design Review, and Tree Permit are approved, as shown on the exhibits (dated February 25, 2004) and attachments, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This Rezone, Subdivision, Land Use Permit, Development Plan, Design Review, and Tree Permit approval shall be effectuated within a period of three (3) years from this date and if not effectuated shall expire on **(three years from City Council approval)**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of three years from **(three years from City Council approval)**.
3. 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.
4. The subdivision shall be regulated by the requirements found in the R-6 zoning district.
5. The park dedication requirement will be in the form of a \$5,644 fee per house. The total fees can be offset by the cost of constructing a pedestrian bridge.
6. The applicant must coordinate and receive all necessary approvals and permits through the Contra Costa County Flood Control District and the East Bay Regional Parks District for the construction of the pedestrian bridge.
7. The streetscape adjacent to Teton Road shall be 15' on the west side of Teton Road and range from 12' to 16' on the east side of Teton Road. A portion of the streetscape at lot 110 and the entire streetscape adjacent to lots 100 to 105 shall be at 12' along Teton Road. There shall not be a meandering feature of the

sidewalk and soft-trail feature shall be added along the west side of Teton Road.

8. Evergreen and deciduous trees shall be planted in the area between the curb and sound wall along Teton Road. The area shall provide groundcover with a minimum 5-gallon shrubs and 15-gallon trees.
9. Parcel A located between lots 7 and 8 shall be extended to include lots 8-13.
10. The applicant shall work with the Parks and Recreation Manager to have the linear greenbelt (Parcel A) approved. The park shall be constructed prior to the issuance of the 30th building permit.
11. The applicant shall obtain all necessary documents for the approval of the construction of the pedestrian bridge connecting Subdivision 8737 with the west side of Marsh Creek at Honey Lane. The bridge shall be constructed and functional prior to the issuance of the 87th building permit.
12. The sound wall along Teton Road shall be two-tone, with a decorative cap and constructed of masonry per the Design Guidelines and approved by the Community Development Department.
13. The height of the sound wall shall be determined by an acoustical study that will be submitted to and approved by the Community Development Director.
14. The design of the monument sign shall be submitted and approved by the Community Development Director.
15. A fencing plan will be submitted and approved by the Community Development Director prior to the issuance of any building permits.
16. All retaining wall/fence combinations shall be a maximum height of 12' and the retaining walls shall be of masonry construction.
17. A masonry sound wall shall be placed along the entire eastern property line. The sound wall shall be constructed to the standards found in Condition #12.
18. The applicant shall provide mitigation for 62 inches of protected trees. The mitigation shall be provided by either paying an in-lieu fee of \$75 per inch or replacement plantings with a credit of one inch for every 15-gallon tree planted above trees required for the project or for increasing the size from a 15-gallon to 24" box tree, per the approval of the Community Development Director.
19. All stone veneer applied to the front elevation shall be balanced and continued along the side elevation to the fence line.
20. No side or rear street facing elevations shall have blank expansions and shall include architectural embellishments,
21. The following changes shall be made to the proposed house plans:

- Plan 1 – The right elevation shall have additional windows located in the tandem garage/the flex room/media office/bedroom 4
- Plan 2 – The right elevation shall have an additional window or windows located in the tandem garage/media room/drive-thru garage
- Plan 3 – Bedroom 4 shall have two smaller windows on left elevation
- Plan 4 – Bedroom 6 option shall have two smaller windows on right elevation
- Plan 4 – Bedroom 2 shall have two smaller windows on left elevation
- All 2-story units – need to add banding or some other design feature to delineate the two levels of the house.

22. As stated in the Design Guidelines, 20% of the subdivision shall be single-story homes.

23. The use decorative garage doors with glass details and molding is required on 50% of lots.

24. The additional Plan 5 shall be a side-facing garage home and shall be included with the 1st Phase.

25. As stated in the Design Review Guidelines, the Development Plan (lot layout) shall incorporate varied setbacks (staggering) of the front yard setback to avoid “walls” of buildings along the street”.

26. A development plan shall be submitted prior to each phase showing the placement of homes and the mixture of homes. No more than two of the same plan may be on adjacent lots or across the street from each other and that the elevations and options shall be different.

27. 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 may be modified on prior written approval by the Community Development Director.

28. 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.

29. A landscaping and irrigation plan for all areas shown on the landscape plan shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. Landscaping shall conform to the Oakley Landscape Guidelines and the City's Water Conservation Landscape Ordinance 82-26 and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance.

30. California native drought tolerant plants shall be used as much as possible. All trees shall be a minimum 15-gallon size and all shrubs shall be a minimum 5-gallon size, except as otherwise noted.
31. Each lot shall have a minimum of two different types of trees along the street frontage, with the exception of corner lots, which shall have four.
32. All trees and shrubs proposed in the public right of way shall be selected from the list provided in the Design Guidelines.
33. A final landscaping plan for the project shall be submitted for approval by the Community Development Director.
34. The applicant shall maintain all landscaping until occupancy and shall annex the site into a landscaping and lighting district. The applicant is required to annex to a lighting and landscaping district and notify future homeowners by deed, notice of the fact that the land is within a landscaping and lighting district.
35. The street trees shall be inter-mixed throughout the subdivision, so there are a variety of trees on every street.
36. All homes constructed within 1,250 feet of the railroad tracks shall be constructed with sound dampening materials per the approval of the Community Development Director.
37. The street names shall be approved by the Community Development Department and the East Contra Costa Fire District.
38. Where a lot/parcel is located within 300' of a high voltage electric transmission line, the applicant shall record the following notice:

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

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

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

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

40. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).

Public Works and Engineering Conditions

Applicant shall comply with the requirements of Title 8, 9, and 10 of the Ordinance Code. Any Ordinance Code exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan received by the Community Development Department and dated February 25, 2004.

The following conditions of approval shall be satisfied prior to filing any final map unless otherwise noted:

General:

41. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and pay the appropriate processing costs in accordance with the Ordinance Code and these conditions of approval.
42. Submit a final map prepared by a licensed land surveyor or qualified registered civil engineer to the City Engineer for review and pay processing costs in accordance with the Ordinance Code and these conditions of approval.
43. 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 Ordinance Code and these conditions of approval.
44. 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 Ordinance Code and these conditions of approval.
45. Building permits for house construction shall not be issued until the subdivision streets serving the lots have been paved.

Roadway Improvements:

46. Construct the project streets to City public road standards and as shown on the Tentative Maps with the following exceptions:

A. Teton Road shall be constructed as a 40-foot wide roadway within a 67 to 71-foot right of way including a meandering five-foot walk and public landscaping, and a masonry wall on either side. The traffic calming features shown on Teton Road and throughout the subdivision shall be subject to the review and approval of the City Engineer.

B. The radius of C Street near Teton Road shall be made as large as possible. The configuration of the curve and the intersection is subject to the review and approval of the City Engineer.

47. Install traffic control devices such as stop signs and other signing and striping on the project streets to the satisfaction of the City Engineer. Parking shall be prohibited along Teton Road.

48. Install traffic calming measures such as speed tables and curb extensions along Teton Road and within the project to the satisfaction of the City Engineer.

49. Submit a phasing plan for the project streets to the City Engineer for review if the street improvement will be phased. The plan shall include provisions for emergency vehicle access, temporary turn-around facilities, and access to the occupied lots.

50. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.

51. Install signs at the terminus of both Kings Canyon Road and Teton Road notifying residents that the streets may be extended in the future.

52. Contribute the project's fair share to the design and construction of the traffic signals at the Laurel Road and Teton Road intersection and the Laurel Road and Quail Valley Run intersection. The signals were determined to be warranted by a traffic study completed by DKS Associates dated November 8, 1999 in conjunction with Subdivision 6963. The warrants analysis for these traffic signals will be reconfirmed as part of the South Oakley Infrastructure Master Plan and if either or both of the traffic signals are determined to be unwarranted then the fair share contribution for this project shall be adjusted and excess contributions, minus administrative costs, will be refunded.

Road Alignment/Sight Distance:

53. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Teton Road and the sight distance at the side street intersections.

Road and Easement Dedications:

54. Convey to the City, by Offer of Dedication, the right-of-way for the project streets.

55. Furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road, utility and drainage improvements.
56. Relinquish abutter's rights for non-primary frontages to the satisfaction of the City Engineer. This shall include access to the rear yards for all lots backing onto Teton Road.

Street Lights:

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

Grading:

58. 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.
59. 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.
60. 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.
61. Grade all pads so that they drain directly to the public street at a minimum of one percent without the use of private drainage systems through rear and side yards.
62. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities.
63. Submit a haul route plan to the City Engineer for review and approval if grading activities require 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.

64. 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.
65. 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.
66. Comply with the requirements of the City's Floodplain Management Ordinance. The property is located within a Special Flood Hazard Area Zone X and may be subject to flooding of depths less than 1 foot during a 100-year rainfall event. The grading plans should demonstrate that building pads are protected from the 100-year design storm with appropriate freeboard required by the ordinance.

Utilities/Undergrounding:

67. Underground all new and existing utility distribution facilities. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures. The joint trench composite plans must be endorsed by the City Engineer prior to the approval of the Improvement Plans for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.
68. 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.

Drainage Improvements:

69. Collect and convey all stormwater entering and/or originating on these properties, 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, in accordance with Division 914 of the Ordinance Code. Satisfaction of this condition shall be in accordance with the Drainage Area 52D plan and any deviations or modifications to the plan as approved by the Contra Costa County Flood Control and Water Conservation District.
70. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system to the City Engineer for review and approval.

71. Design and construct all storm drainage facilities in compliance with the Ordinance Code and City design standards.
72. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
73. Dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets.

Landscaping in the Public Right of Way:

74. Install public right of way landscaping along Teton Road. Public right of way landscaping along the project streets shall be installed prior to occupancy of homes adjacent to that street.
75. Maintain all landscaping within the public right of way until such time that the adjacent roadway improvements have been accepted for maintenance.

National Pollutant Discharge Elimination System (NPDES):

76. 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, or any of its Regional Water Quality Control Boards (Central Valley - Region IV).

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

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

Fees/Assessments:

77. Comply with the requirements of the development impact fees listed below, in addition to those noticed by the City Council in Resolution 00-85 and 08-03. The applicant shall pay the fees in the amounts in effect at the time each building permit is issued.

- A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
- B. Eastern Contra Costa Sub-Regional Transportation Mitigation Fee (adopted by Ordinance Nos. 7-99, 18-99, and 23-99) and the East County Transportation Improvement Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution No. 05-02);
- 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); and
- F. Child Care Facilities "In Lieu" Fee (adopted by Ordinance Nos. 18-99 and 23-99).
- G. Fire Impact Fee collected on behalf of the East Contra Costa Fire Protection District (adopted by Resolution No. 09-01)
- H. South Oakley Infrastructure Master Plan Fee (adopted by Resolution No. 52-03).
- I. General Plan Fee (adopted by Resolution No. 53-03).

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. The applicant may be eligible for a credit against the East County Transportation Improvement Impact Fee that is equal to the amount of the Eastern Contra Costa Sub-Regional Transportation Mitigation Fee paid. The Applicant may also be eligible for a credit against the Park Land Acquisition component of the Park Impact Fee that is equal to the amount of the Park Land Dedication In-Lieu Fee paid.

78. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide landscaping and park maintenance, subject to an assessment for maintenance based on the assessment methodology described in the Engineer's Report for the District. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to approval of the final map. The Applicant shall apply for annexation and provide all information and documents required by the City or its agents in processing the annexation. All costs of annexation shall be paid by Applicant.

79. Annex the property to the City of Oakley Landscape and Lighting District No. 1

for citywide street lighting costs and maintenance, subject to an assessment for street light maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the Final Map. The applicant shall apply for annexation and provide all information and documents required by the City or its agents in processing the annexation. All costs of annexation shall be paid by Applicant.

80. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for project specific landscaping maintenance, subject to an assessment for landscape operation and maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the Final Map. The applicant shall apply for annexation and provide all information and documents required by the City or its agents in processing the annexation. All costs of annexation shall be paid by Applicant.

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

82. Participate in the formation of an assessment district for the construction of off-site improvements should the City deem such a mechanism necessary. The assessment district shall be formed prior to the filing of any final or parcel map, and the project proponent shall fund all costs of formation.

83. Participate in the City's South Oakley Infrastructure Master Plan both by cooperating with the City's consultant team in the design and implementation of specific infrastructure projects and by providing this project's fair share contribution to the costs of preparing the study. The Master Plan will re-do the warrants analysis for the traffic signals at the Laurel Road and Teton Road intersection and the Laurel Road and Quail Valley Run intersection that was performed by DKS Associates in conjunction with Subdivision 6963 to confirm if either or both of the traffic signals are necessary. The fair share contribution shall be paid in accordance with Resolution Number 52-03.

ADVISORY NOTES

THE FOLLOWING ADVISORY NOTES ARE PROVIDED TO THE APPLICANT AS A COURTESY BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL.

ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.


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

PASSED AND ADOPTED THIS 12th day of April 2004, by the following vote:

AYES:	Anderson, Huffaker, Nix, Romick, Rios
NOES:	None
ABSTENTIONS:	None
ABSENT:	None

APPROVED:

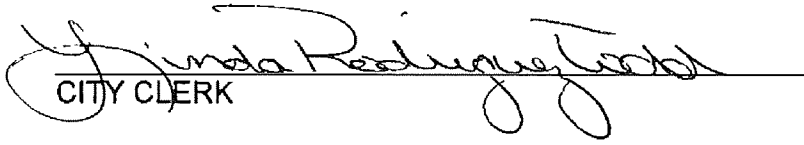
MAYOR



A handwritten signature in cursive script, appearing to read "Carol Lee", written over a horizontal line.

ATTEST:

CITY CLERK



A handwritten signature in cursive script, appearing to read "Linda Rodriguez", written over a horizontal line.

RESOLUTION NO. __-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE ELIMINATION OF CONDITION OF APPROVAL NUMBER 52 OF RESOLUTION 27-04 (SUBDIVISION 8737, EAST OF MARSH CREEK, SOUTH OF PARKLANDS AT LAUREL CREEK (SUBDIVISION 6963))

WHEREAS, the City Council approved with conditions Subdivision 8737 on April 12, 2004 by Resolution 27-04; and

WHEREAS, Teton Group, the developer for Subdivision 8737, abandoned the project in 2008 and later filed for bankruptcy protection; and

WHEREAS, Blue Mountain Homes, LLC acquired Subdivision 8994, the second phase of Subdivision 8737, in late 2013 during a bank auction; and

WHEREAS, Blue Mountain Homes, LLC desires to complete the construction of Subdivision 8994; and

WHEREAS, Blue Mountain Homes, LLC requested City staff review the background and history of Condition #52 which required a fair share contribution toward the cost of constructing traffic signals on Laurel Road at Quail Valley Run and at Teton Road but not until the easterly extension of Laurel Road was completed; and

WHEREAS, during the review of Condition #52 staff concluded that the cost of the easterly extension of Laurel Road was extremely high, that it would not be built in the foreseeable future, that other subdivisions with a similar requirement to contribute had not made contributions, that two subdivisions approved later that had similar circumstances were not conditioned to participate in the cost sharing and that it would be unfair to hold Blue Mountain Homes, LLC to this requirement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that Condition of Approval #52 of City Council Resolution 27-04 is hereby eliminated. The remainder of the conditions of approval in Resolution 27-04 remains in full force and effect.

PASSED AND ADOPTED by the City Council of the City of Oakley, California,
this 8th day of July 2014 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date