



STAFF REPORT

Approved and forwarded to City Council

A handwritten signature in blue ink, appearing to read "B. Montgomery", is written over a horizontal line.

Bryan H. Montgomery, City Manager

Date: February 10, 2015
To: Bryan H. Montgomery, City Manager
From: Kenneth W. Strelow, Senior Planner
SUBJECT: **Bella Estates Minor Subdivision 14-978 (TPM 03-14, VA 02-14)**

Summary

This is a request by Charles Capp of Bellecci and Associates, Inc. ("Applicant") for approval of 1) a tentative parcel map (MS 14-978) to split one 5-acre lot into four lots for future single family residential development plus one remainder lot, and 2) a variance allowing two of the lots to not meet the 1-acre minimum lot size required by the subject zoning district ("Project"). The variance would allow the project to meet the maximum gross density allowed by the Oakley 2020 General Plan. The site currently has one single family home, which would continue to occupy the remainder lot. The project is located at 1289 Laurel Road and is zoned AL (Limited Agriculture) District. APN 034-080-034.

Staff recommends the City Council adopt the resolution approving TPM 03-14 and VA 02-14, as conditioned.

Background

Previous Preliminary General Plan Amendment

On September 10, 2013, the City Council deliberated on a preliminary General Plan Amendment for the project site. At that meeting, the property owner requested feedback on the potential to apply for a General Plan land use amendment to re-designate the property to Single Family Medium Density ("SM") and eventually subdivide the property into 16-18 residential parcels. The result of the Council deliberations led the property owner to not pursue the General Plan amendment, and instead request a subdivision of the property under the existing General Plan land use designation and zoning district.

General Plan and Zoning

The General Plan Land Use Designation for the project site is *Agricultural Limited* ("AL") as depicted in the Oakley 2020 General Plan Figure 2-2 (Land Use Diagram). AL designation allows for a maximum density of 1.0 dwelling units per gross acre, per General Plan Table 2-1 (Land Use Designations Densities and Intensities). The site is zoned AL (Limited Agriculture) District, which allows for one detached single family dwelling unit per parcel as a permitted use (Oakley Municipal Code ("OMC") section 9.1.402(b)(2)). Also, General Plan Table 2-6 (General Plan/Zoning Compatibility Matrix) shows the AL District to be consistent with the AL land use designation.

Surrounding Uses

The project site is located on the eastern edge of an approximately 86-acre area known as the "agricultural core" area of Oakley. This area, situated south of Laurel Road, east of Brown Road and north of Carpenter Road is the largest conglomeration of agriculturally designated and zoned parcels within the City of Oakley. Single family residential and rural residential home sites, as well as Laurel Elementary School, just to the northeast of the project site, surround the property on all sides.

Project Description

Tentative Parcel Map and Variance

The tentative parcel map (MS 14-978) shows the 5-acre property as five lots of approximately 1-acre each, with frontages of approximately 130 feet each. The maximum allowable density per the Agricultural Limited land use in the General Plan is 1.0 dwelling unit per acre, and the minimum lot size allowed by the AL District (Oakley Municipal Code section 9.1.402 (e)) is 1-acre (or 43,560 sf.). The two southern most lots, which will front Daniel Drive, are proposed at exactly 1-acre each (43,560 sf.) prior to the dedication of Daniel Drive. After dedication of Daniel Drive, these two lots will equal 39,609 sf (Parcel A), and 38,960 sf. (Parcel B). Since the minimum lot size required by the AL District is 1-acre or 43,560 sf., and lot sizes are measured after any required dedications, a variance must be approved to allow a less than minimum lot size (or "substandard lot") for both parcels.

The Subdivision Map Act (California Government Code section 66424.6) allows property owners to subdivide their property and leave a remainder lot that does not count toward the total number of lots on paper, when the intent is not to sell, lease or finance the remainder lot. In this case, the applicant is creating a five lot subdivision, with one remainder lot, and that lot contains the existing house and a few accessory buildings. The existing house and accessory structures on the remainder lot will meet the minimum setbacks of the AL District.

Parcel D, the northern-most parcel, will include an existing barn. Since accessory structures are required to be accessory to a main building, this barn would become a non-conforming structure once the parcel map is recorded. Potential zoning inconsistencies with a stand-

alone, non-conforming barn on an undeveloped parcel are related to use of the barn and property in a manner inconsistent with the AL District use regulations.

Daniel Drive Dedication

As a condition of the parcel map, the applicant is required to improve and dedicate the remaining portion of Daniel Drive, which fronts Parcels A and B. Daniel Drive will be constructed to City public road standards for a 40-foot wide roadway within a 60-foot right-of-way, including curb, five-foot monolithic sidewalk.

Environmental Review

This project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 (In-fill Development). The project meets the requirements of this exemption because:

- The project is consistent with the applicable General Plan land use designation (Agricultural Limited) and applicable General Plan policies as well as with applicable zoning designation and regulations (Limited Agriculture District);
- The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses (residential public uses);
- The project site has no value as habitat for endangered, rare or threatened species (designated as "urban" on HCP/NCCP map);
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- The site can be adequately served by all required utilities and public services.

Required Findings

The tentative parcel map and variance request were analyzed in relation to the required findings found in the City's subdivision ordinance (adopted County ordinance by reference) and zoning ordinance.

The City Council shall not approve a tentative map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general plan required by law. When approving the tentative map for a minor subdivision, the advisory agency shall make findings as required concerning the fulfillment of construction requirements.

The City Council shall find the following conditions must exist prior to approval of a variance application:

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

Analysis and Findings

Tentative Parcel Map

The proposed tentative parcel map represents a subdivision of land that is consistent with the applicable General Plan policies and guidelines in that it results in a gross density of one dwelling unit per acre, which is at the maximum allowable gross density for the Agricultural Limited land use designation, and also consistent the sizes of several other parcels in the vicinity and of the same land use designation. Also, the subdivision will result in the completed improvements to Daniel Drive in a manner consistent with Oakley's right of way improvement design standards.

Variance

The variance being requested will allow the property to be subdivided to the maximum allowable gross density. If the variance were to be denied, the property could still be subdivided, but in a manner resulting in four parcels, rather than five. That could be done with three 1-acre parcels and one parcel of nearly two acres; with four parcels of approximately 1.25-acres; or with an option somewhere in between.

It is fairly common to find properties in the AL, R-40 and R-20 Districts to be just below the minimum lot size requirements, and normally this is caused by the eventual dedication of right of way after creation of the parcel. In order for this variance to be granted, there can be no special privilege provided to this project that is not generally available to other properties in the vicinity and of the same land use designation. There must also be a special circumstance, due to size, shape, or topography, that does not allow this property the same rights enjoyed by others. And finally, the variance shall substantially meet the intent and purpose of the Agricultural Limited land use designation.

Staff recommends approval of this variance request because, 1) although two of the five parcels are proposed at under one acre, there are several other parcels within this agricultural land use area that are less than one acre. At least two properties on Holmes

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Date: February 10, 2015

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Road and two on Carpenter Road are also less than one acre, and smaller than the proposed Parcels A and B, 2) because of the requirement to dedicate Daniel Drive, the net size of the property is restricted is restricted to just under 5-acres. With approval of the variance, Daniel Drive will eventually be improved, which will benefit other properties, as well as the subject property, and 3) the subdivision will meet the intent of the Agricultural Limited land use designation in that it will result in five approximately 1-acre lots and comply, without variance, to the maximum allowable gross density of 1.0 unit per acre.

Findings

Complete draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt the resolution approving Bella Estates Minor Subdivision 14-978 (TPM 03-14 and VA 02-14), as conditioned.

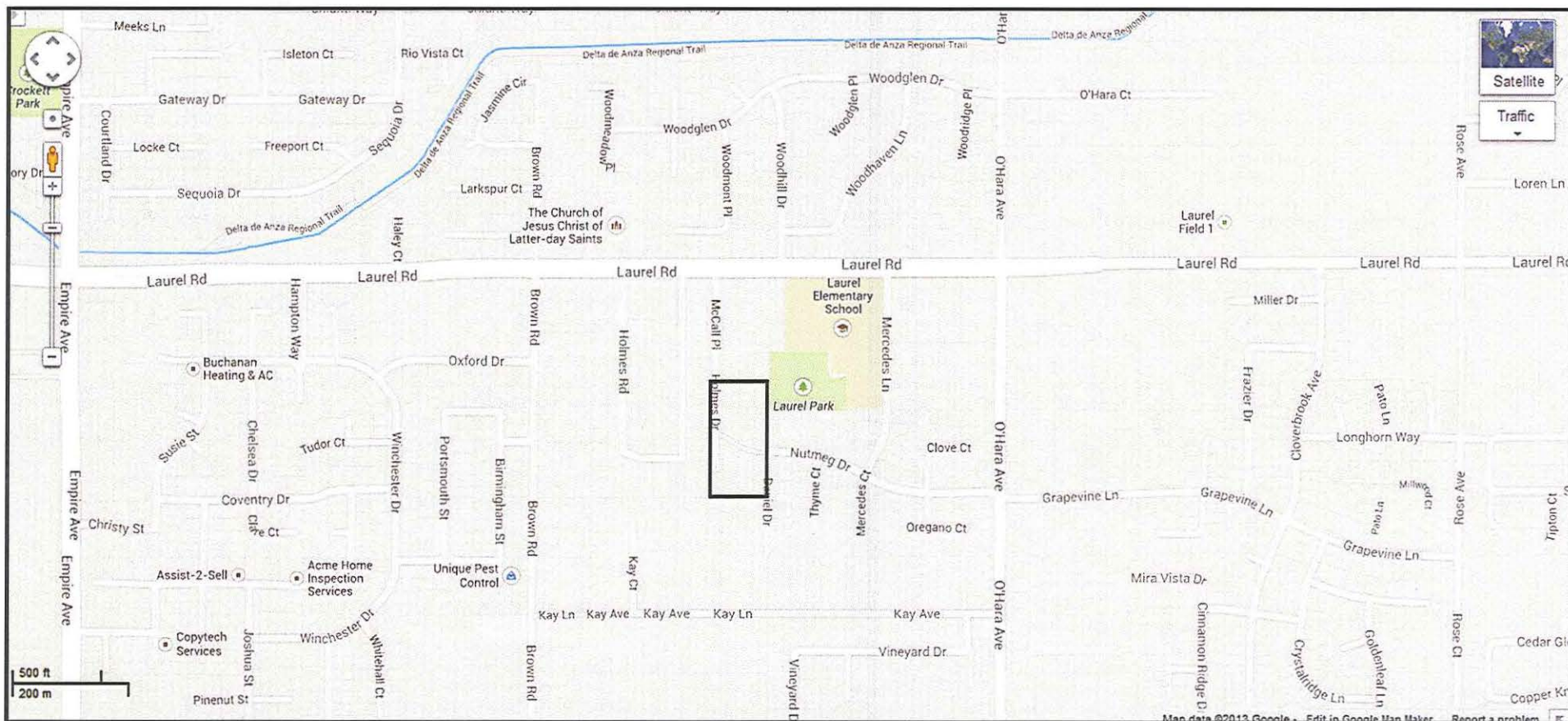
Attachments

1. Vicinity Map
2. Public Hearing Notice
3. Applicant's Plans
4. Draft Resolution

VICINITY MAP

Bella Estates Minor Subdivision 14-978 (TPM 03-14, VA 02-14)

1289 Laurel Road (APN 034-080-034)





City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

NOTICE OF PUBLIC HEARING

Notice is hereby given that on February 10, 2015 at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering an application for design review approval.

Project Name: Bella Estates (TPM 03-14, VA 02-14).

Project Location: The project is located at 1289 Laurel Road. APN 034-080-034.

Applicant: Charles Capp of Bellecci and Associates, Inc. 2290 Diamond Blvd. Suite 100, Concord, CA 94520. ccapp@bellecci.com

Request: This is a public hearing on a request for 1) a tentative parcel map (MS 14-978) to split one 5.04-acre lot into four lots for future single family residential development plus one remainder lot, and 2) a variance allowing two of the lots to not meet the 1-acre minimum lot size required by the subject zoning district. The variance would allow the project to meet the maximum gross density allowed by the general plan after dedication of right of way. The site currently has one single family home, which would continue to occupy the remainder lot. The site is zoned AL (Limited Agriculture) District.

The Staff Report and its attachments will be available for public review, on or after February 6, 2015 at City Hall, 3231 Main Street, Oakley, CA 94561 or on the City's website www.oakleyinfo.com.

Interested persons are invited to submit written comments prior to and may testify at the public hearing. **Written comments may be submitted to Ken Strelor, Senior Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to strelor@ci.oakley.ca.us.**

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Council Secretary at, or prior to, the Public Hearing.

MINOR SUBDIVISION MS 14-978

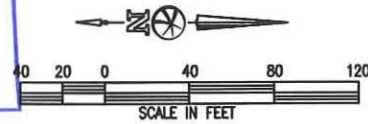
BELLA EATATES

TENTATIVE PARCEL MAP

A RESUBDIVISION OF PARCEL "A" PER BOOK 62, PARCEL MAPS, PAGE 42, CONTRA COSTA COUNTY RECORDS.

CITY OF OAKLEY
 CONTRA COSTA COUNTY, CALIFORNIA
 OCTOBER 2014 SCALE: 1"=40'
 BELLECCI & ASSOCIATES, INC.

CITY OF OAKLEY
 Planning Department
 OCT 15 2014
 RECEIVED

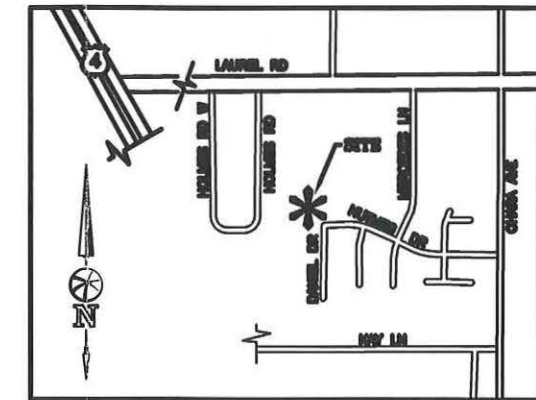
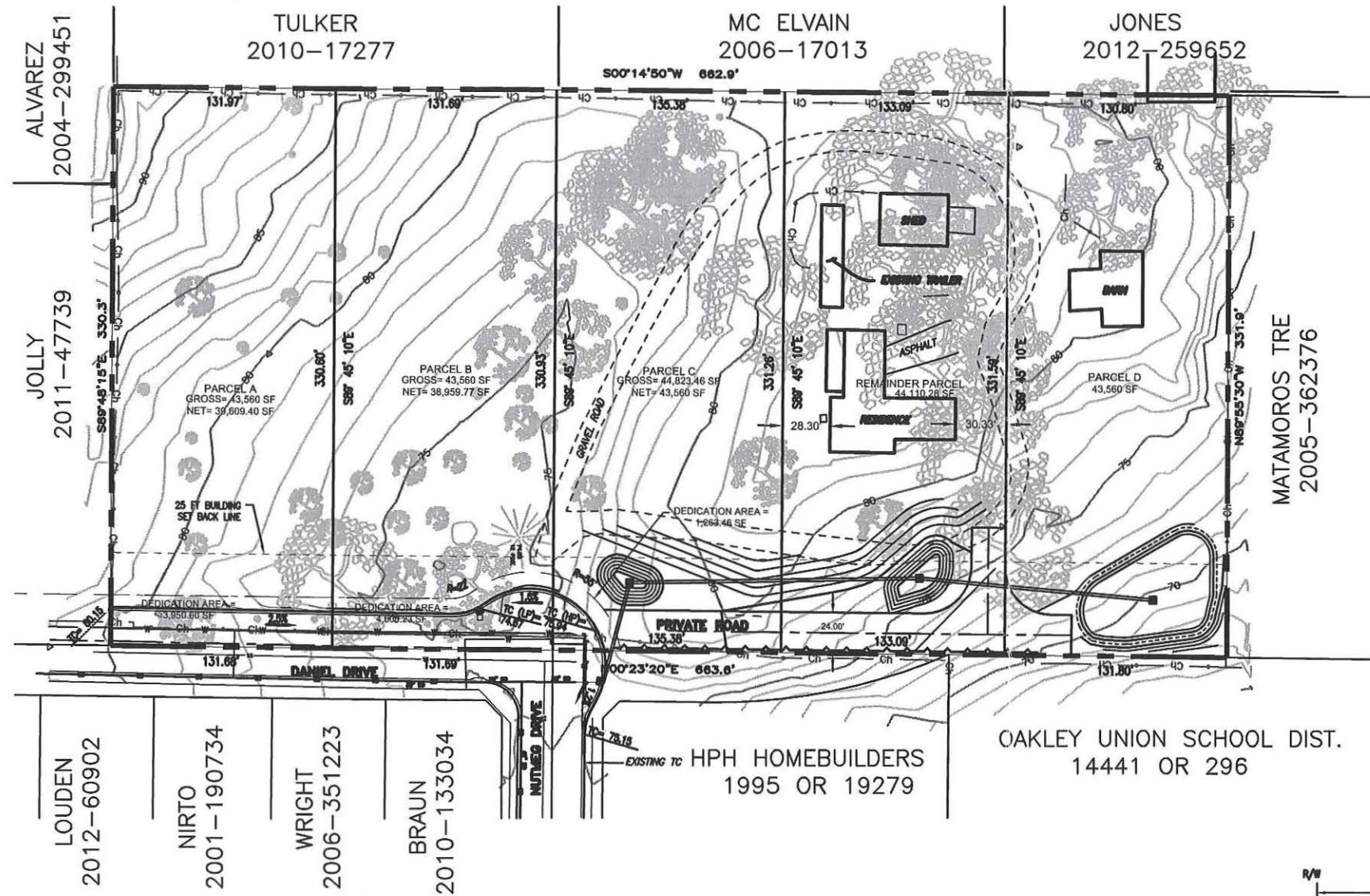


BASIS OF ELEVATION

THE TOPOGRAPHIC SURVEY ELEVATIONS ARE BASED ON NAVD 88 DATUM PER A SUBSCRIBED GPS NETWORK MAINTAINED BY "CALIFORNIA SURVEYING AND DRAFTING".

BASIS OF BEARINGS

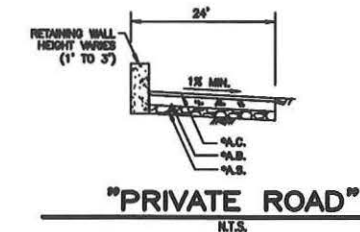
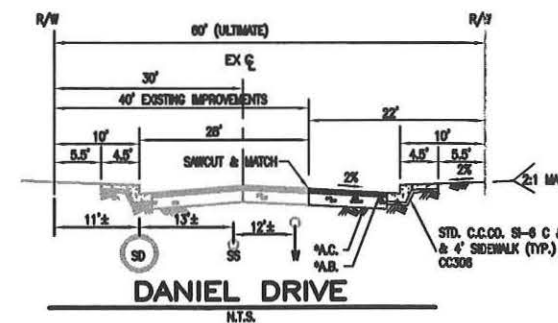
TAKEN AS N 00°23'26" E ALONG THE LINE OF TWO FOUND 5/8" REBAR & CAP I.S. 3424, AS SAID IRON PIPES ARE SHOWN ON THE NE & SE CORNERS OF PARCEL A (62 PM 42).



VICINITY MAP
 NOT TO SCALE

GENERAL NOTES

OWNER/DEVELOPER:	JAMES & TATIANA ARELLANO 3035 TORRE RAMEL LANE OAKLEY, CA 94561-3938
ENGINEER:	BELLECCI & ASSOCIATES, INC. 2290 DIAMOND BLVD., SUITE 100 CONCORD, CA 94520
APH:	034-000-034-1
GENERAL PLAN:	AL - AGRICULTURAL LIMITED
EXISTING ZONING:	(AL) - LIMITED AGRICULTURAL
PROPOSED ZONING:	(AL) - LIMITED AGRICULTURAL
EXISTING LAND USE:	S/F RESIDENCE ON 5 ACRE LOT
PROPOSED LAND USE:	4 PARCELS & REMAINDER
MIN. LOT SIZE:	43,560 SF
MAX. LOT SIZE:	44,823 SF
AVE. LOT SIZE:	43,560 SF
WATER SUPPLY:	DIABLO WATER DISTRICT
SEWAGE:	IRONHOUSE SANITARY DISTRICT
BOUNDARY:	BOUNDARY INFORMATION SHOWN HEREON WAS COMPILED FROM A FIELD RESURVEY OF RECORD INFORMATION FOR PARCEL "A" OF THAT CERTAIN PARCEL MAP FILED IN BOOK 62 OF PARCEL MAPS, AT PAGE 42, C.C.CO. RECORDS.
TOPOGRAPHY:	TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED THROUGH A FIELD SURVEY CONDUCTED IN AUGUST OF 2014.



RESOLUTION NO. XX-15

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING A TENTATIVE PARCEL MAP AND VARIANCE FOR "BELLA ESTATES MINOR SUBDIVISION 14-978" LOCATED AT 1289 LAUREL ROAD APN 034-080-034 (TPM 03-14, VA 02-14)**FINDINGS**

WHEREAS, on October 15, 2014, Charles Capp of Bellecci and Associates ("Applicant") filed an application requesting approval of 1) a tentative parcel map (MS 14-978) to split one 5.04-acre lot into four lots for future single family residential development plus one remainder lot, and 2) a variance allowing two of the lots to not meet the 1-acre minimum lot size required by the subject zoning district ("Project"). The site is located at 1289 Laurel Road and zoned AL (Limited Agriculture) District. APN 034-080-034; and

WHEREAS, the variance would allow the project to meet the maximum gross density allowed by the Oakley 2020 General Plan; and

WHEREAS, the site currently has one single family home, which would continue to occupy the remainder lot; and

WHEREAS, the applicant's plans include the Tentative Parcel Map titled "Minor Subdivision MS 14-978 Bella Estates Tentative Parcel Map," received October 15, 2014 and attached to the project staff report ("Plans"); and

WHEREAS, on January 14, 2015 the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site is designated Agricultural Limited on the Oakley 2020 General Plan Land Use Map, and zoned Limited Agriculture (AL) District; and

WHEREAS, the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 (In-fill Development); and

WHEREAS, on January 30, 2015, the Notice of Public Hearing for the project was posted at Oakley City Hall, Freedom High School, 204 2nd Street (City Annex), and at the project site. The notice was also mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on February 10, 2015, the City Council opened the public hearing and received a report from City Staff, oral and written testimony from the applicant and public, 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 revised by the City Council during its deliberations; 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 on the City's General Plan, the City's Zoning and Subdivision Ordinances, and the information submitted to the City Council at its February 10, 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 (hereafter the "Record").

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

- A. Regarding the application requesting approval of Minor Subdivision 14-978 for the project titled, "Bella Estates Minor Subdivision 14-978 (TPM 03-14, VA 02-14)", the City Council finds that:
 1. The proposed tentative parcel map represents a subdivision of land that is consistent with the applicable General Plan policies and guidelines in that it results in a gross density of one dwelling unit per acre, which is at the maximum allowable gross density for the Agricultural Limited land use designation, and also consistent the sizes of other parcels in the vicinity and of the same land use designation; and
 2. The subdivision will result in the completed improvements to Daniel Drive in a manner consistent with Oakley's right of way improvement design standards.
- B. Regarding the application requesting approval of a Variance to allow the subdivision to include two substandard lots for the project titled, "Bella Estates Minor Subdivision 14-978 (TPM 03-14, VA 02-14)", the City Council finds that:
 1. The variance does not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located in that although two of the five parcels are proposed at less than one acre, there are several other parcels within this agricultural land use area that are less than one acre. At least two properties on Holmes Road and two on Carpenter Road are also less than an acre, and smaller than the proposed Parcels A and B; and

2. Because of the requirement to dedicate Daniel Drive, the net size of the property is restricted to just under five acres. With approval of the variance, the property will be subdivided in a manner consistent with the allowable density, and Daniel Drive will eventually be improved, which will benefit other properties, as well as the subject property; and
3. The variance will allow a subdivision that will substantially meet the intent and purpose of the Agricultural Limited land use designation in that the subdivision provides for five approximately 1-acre lots and complies, without variance, to the maximum allowable gross density of one unit per acre.

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

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves the applicant's request for approval of a Tentative Parcel Map and Variance for "Bella Estates Minor Subdivision 14-978 (TPM 03-14, VA 02-14)", subject to the following conditions:

Applicant shall comply with the requirements of the Oakley Municipal Code, unless otherwise stipulated in this resolution. Conditions of Approval are based on the plans received by the Community Development Department and made a part of the City Council's meeting packet for February 10, 2015.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED (BOLD CONDITIONS ADDED OR AMENDED AT PUBLIC HEARING):

Planning Department Conditions

General:

1. This Tentative Parcel Map and Variance are approved as shown on the plans date stamped by the Planning Department on October 15, 2014, and as conditioned below.
2. This approval shall be effectuated within a period of three (3) years from the effective date of this resolution and if not effectuated shall expire on February 10, 2018. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code and Subdivision Map Act.
3. The Parcel Map submitted for acceptance shall be in substantial compliance with the plans presented to and approved by the City Council on February 10, 2015, and conditioned herein.

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 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).

Landscaping:

8. Right-of-way 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.
9. California native drought tolerant plants shall be used as much as possible. All trees shall be a mix of 15-gallon and 24-inch box; all shrubs shall be a minimum five-gallon size, except as otherwise noted.
10. All landscaped areas not covered by shrubs or groundcover shall be covered with bark or acceptable alternative as reviewed and approved by the Community Development Director. On slopes greater than 3 to 1, the applicant shall use an alternative to bark per the review and approval of the Community Development Director.
11. The applicant shall maintain all private landscaping until occupancy.

Subdivision Disclosures:

12. 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.

13. 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.

Waste Management Plan:

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

Public Works and Engineering Conditions

THE FOLLOWING PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE APPROVAL OF A FINAL PARCEL MAP UNLESS OTHERWISE NOTED:

General:

15. 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.

16. Submit a final parcel map prepared by a licensed land surveyor or qualified registered civil engineer to the City Engineer and pay appropriate fees in accordance with the Code and these conditions of approval.
17. 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.
18. 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.
19. Building permits for house construction shall not be issued until the Daniel Drive widening and private driveway serving the lots have been paved.

Roadway Improvements:

20. Construct the frontage of Daniel Drive to City public road standards for a 40-foot wide roadway within a 60-foot right-of-way, including curb, five-foot monolithic sidewalk (width measured from curb face), any necessary longitudinal and transverse drainage and conforms to existing improvements. The face of curb shall be located 20 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. Existing pavement shall be saw cut along a line parallel with the centerline at a location specified by the City Engineer or his designee in the field.
21. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.

Road Alignment/Sight Distance:

22. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Daniel Drive. The sketch plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance for a design speed of 25 miles per hour. The plan shall extend a minimum of 150 feet \pm beyond the limits of the proposed work.

Road Dedications:

23. Convey to the City, by Offer of Dedication, the right of way for Daniel Drive.
24. 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.

Street Lights:

25. Install streetlights along Daniel Drive frontage. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. The lights shall be LED General Electric spun aluminum "cobra head"

Grading:

26. 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.
27. 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.
28. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer.
29. 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.
30. 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.

31. 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.
32. 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.
33. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.
34. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

35. Underground all new and existing utility distribution facilities, including those along the frontage of Daniel Drive. 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.
36. 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.
37. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

38. 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 30A and Drainage Area 130 as prepared by the Contra Costa County Flood Control and Water Conservation District.

39. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
40. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

Landscaping in the Public Right of Way:

41. Public right of way landscaping along the project streets shall be installed prior to occupancy of homes adjacent to that street.
42. 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):

43. 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:

- Offer pavers for household driveways and/or walkways as an option to buyers.
- 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.
- Distribute public information items regarding the Clean Water Program to buyers.
- Other alternatives as approved by the City Engineer.

Fees/Assessments:

44. 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 Ordinance No. 09-01);
 - g. South Oakley Infrastructure Master Plan Fee (adopted by Resolution No. 52-03); and
 - h. 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.

45. The applicant shall be responsible for paying the County Recorder's fee for the Notice of Determination as well as the State Department of Fish and Game's filing fee.
46. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide landscaping and park maintenance, subject to an assessment for maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to approval of the final map. The Applicant shall apply for annexation and provide all information and

- documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
47. 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 to process the annexation. All costs of annexation shall be paid by Applicant.
 48. 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 to process the annexation. All costs of annexation shall be paid by Applicant.
 49. 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.
 50. Applicant shall comply with the drainage fee requirements for Drainage Area 30A and for Drainage Area 130 as adopted by the County Board of Supervisors. The applicant shall pay the fee in effect at the time of final map approval. 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.
 51. 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 fair share contribution shall be paid in accordance with Resolution 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 Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, 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.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 10th day of February, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date