



## STAFF REPORT

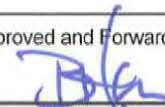
**Date:** Tuesday, July 8, 2014

**To:** Bryan H. Montgomery, City Manager

**From:** Joshua McMurray, Senior Planner

**Subject:** **Starbucks - Tentative Parcel Map (TPM 01-14), Conditional Use Permit (CUP 02-14) and Design Review (DR 05-14)**

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

### Summary

The applicant is requesting approval of a Conditional Use Permit and Design Review application to construct a new Starbucks with a drive-thru and walk-up window on the southern portion of the property. The building is 617 square feet and will not have an inside area to order or sit down. The site will be fully improved with a pad remaining on the north portion of the property for a future retail building. The applicant is also proposing to split the approximately 1.1-acre parcel into two parcels (Parcel 1 would be approximately 20,377 square feet and Parcel 2 would be approximately 24,903 square feet). The project site is designated in the General Plan as Commercial and is zoned R-B (Retail Business) District which allows for commercial uses.

Staff recommends the City Council adopt the Resolution approving Tentative Parcel Map (TPM 01-14) to subdivide the 1.1-acre site into two parcels, Conditional Use Permit (CUP 02-14) to establish and Design Review (DR 05-14) for the construction of a new 617 square foot drive-thru Starbucks on a site located at 900 Main Street, just west of 914 Main Street, at APN 051-052-063, as conditioned.

### Background

On May 7, 2014, the applicant submitted an application for a Conditional Use Permit (CUP 02-14) and Design Review (DR 05-14) to construct a new 617 square foot drive-thru Starbucks. The submittal included the overall development of the 1.1-acre site with landscaping, parking and a 5,712 square foot pad reserved for a future retail building. The City worked with the applicant to refine the site plan and address minor storm water control plan issues through the application completeness review. On June 12, 2014 the applicant submitted a revised site plan and storm water control plan and on June 13, 2014 the applicant submitted a Tentative Parcel Map (TPM 01-14) to subdivide the 1.1-acre site into two parcels. On June 23, 2014 the application was deemed complete and scheduled for a public hearing.

The review and analysis of this Tentative Parcel Map, 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 and Industrial Design Guidelines.

**Subject: Starbucks (900 Main Street)**

**Date: July 8, 2014**

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### **General Plan/Zoning Compliance**

The project site is designate in the Oakley 2020 General Plan as Commercial. The site is zoned R-B (Retail Business) District, which is in compliance with the General Plan land use designation of Commercial. The R-B (retail Business) 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 1.1-acres in size. The site is currently undeveloped, relatively flat and of a rectangular shape. A PG&E easement, approximately 55 feet wide, extends along the western side of the property.

The project consists of three different components as follows:

#### **Tentative Parcel Map**

The project proposal includes a Tentative Parcel Map to split the approximately 1.1-acre parcel into two parcels (Parcel 1 would be approximately 20,337 square feet and Parcel 2 would be approximately 24,903 square feet). The proposed Starbucks drive-thru would be located on Parcel 1 Parcel A while Parcel 2 would remain vacant (with a graded pad, parking areas, and landscaping) and ready for retail development at a future time. At that time, a new project would need to be submitted for review and approval by the City Council.

#### **Conditional Use Permit**

The proposed use is defined as a "Drive-thru Restaurants and Services" use, which is allowed in the RB (Retail Business) 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 Commission<sup>1</sup>. The proposed new Starbucks drive-thru building and site development fit the criteria above and require Design Review.

### **Analysis**

#### **Land Use Compatibility**

Surrounding uses include Highway 160 to the direct west of the site, a hotel to the north, a gas station and a fast food restaurant with drive-thru to the east, and a gas station and a fast food restaurant with a drive-thru to the south. The surrounding properties are all zoned either C (General Commercial) or P-1 (Planned Development) District which allow for commercial uses as described above.

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<sup>1</sup> City Council acts as the Planning Commission per Ordinance No. 06-09

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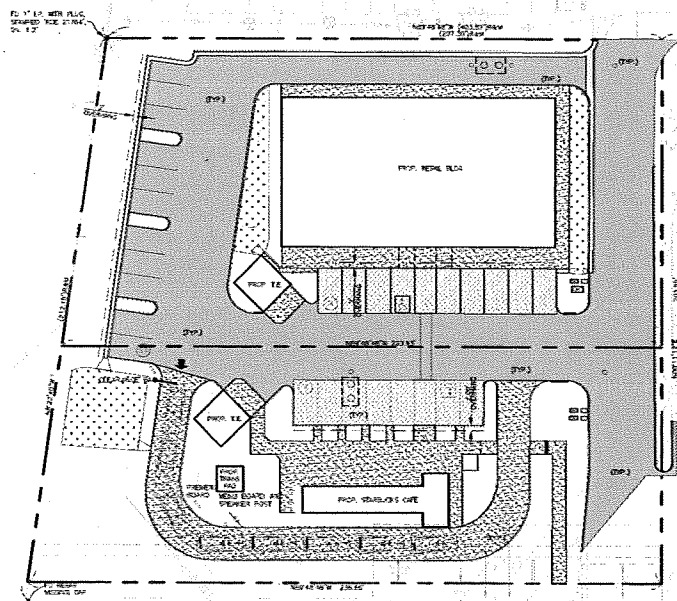
The proposed project site is located at the southern entrance of the City, from Antioch. The proposed Starbucks drive-thru is consistent and compatible with the other existing uses in the vicinity. Furthermore the entire site will be developed with the exception of a vacant pad area that is going to be reserved for development at a later date. The project would also bring an added benefit and amenity to the City of Oakley by means of job creation and property taxes.

### Circulation/Parking

The proposed project will be accessed off Main Street, using an existing driveway location on the property that the neighboring McDonalds drive thru restaurant also uses. The project is proposing to construct a total of 27 parking spaces, including 2 van accessible spaces. Since the proposed Starbucks building is primarily serving drive-thru traffic, the parking on site has also accommodated for the retail pad in the rear of the lot. The project meets the requirement for parking spaces which breaks down as follows:

- Future Retail Pad – 5,712 square feet of building @ 1 parking space per 250 square feet of floor area totals 23 parking spaces
- Starbucks - 617 square feet of building @ 1 parking space per 150 square feet of net public area totals 5 parking spaces (Area is outdoors only and can change depending on the number of tables and chairs used for outdoor seating.)

The propose project meets all of the code requirements in terms of parking and circulation. Since the use on Parcel 2 has not been defined and is not permitted with this project, Staff will ensure that any development on that parcel meets the applicable parking requirements with that future development application. The image below shows the proposed layout of the project site.



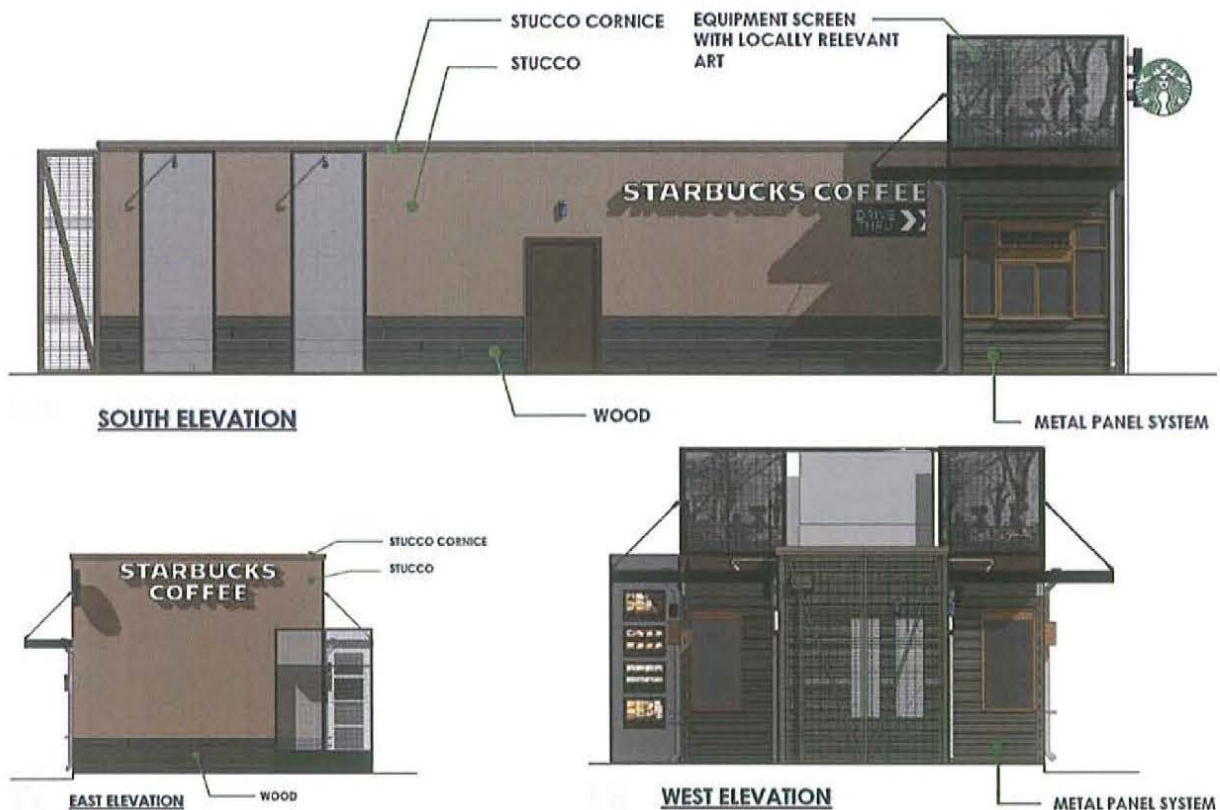
Subject: Starbucks (900 Main Street)

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Building/Site Design

Starbucks is using their newly designed and smaller scale drive-thru and walk up only store. The building is going to be constructed using a “moment frame”, which uses steel supports with panelized construction. The panels can be textured, painted, or clad with any type of material. The building features a primarily stucco exterior using two paint colors, El Ray Stucco “Sahara” for the base and Sherwin Williams Weathervane (SW – 2927) for the trim, cornice, and metal awnings. A reclaimed Windfall Douglas Fir wainscot will be applied to the base of the structure. The equipment screens located above the drive-thru and walk up windows will utilize relevant local art to provide a unique solution to standard equipment screens. A rendering of south, west and east elevations (view from Main Street) for the project is provided below.



As stated previously Starbucks intends to develop the entire site at one time which will leave a pad on the north portion of the site (Parcel 2) for a future retail building. The project has been conditioned to require a subsequent City Council action when that project is submitted. 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

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landscaping, both bushes and plantings, are used along the project frontage to further minimize the visual impact of the drive-thru queue.

### **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**

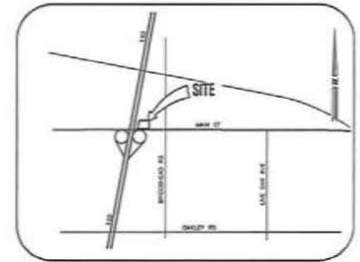
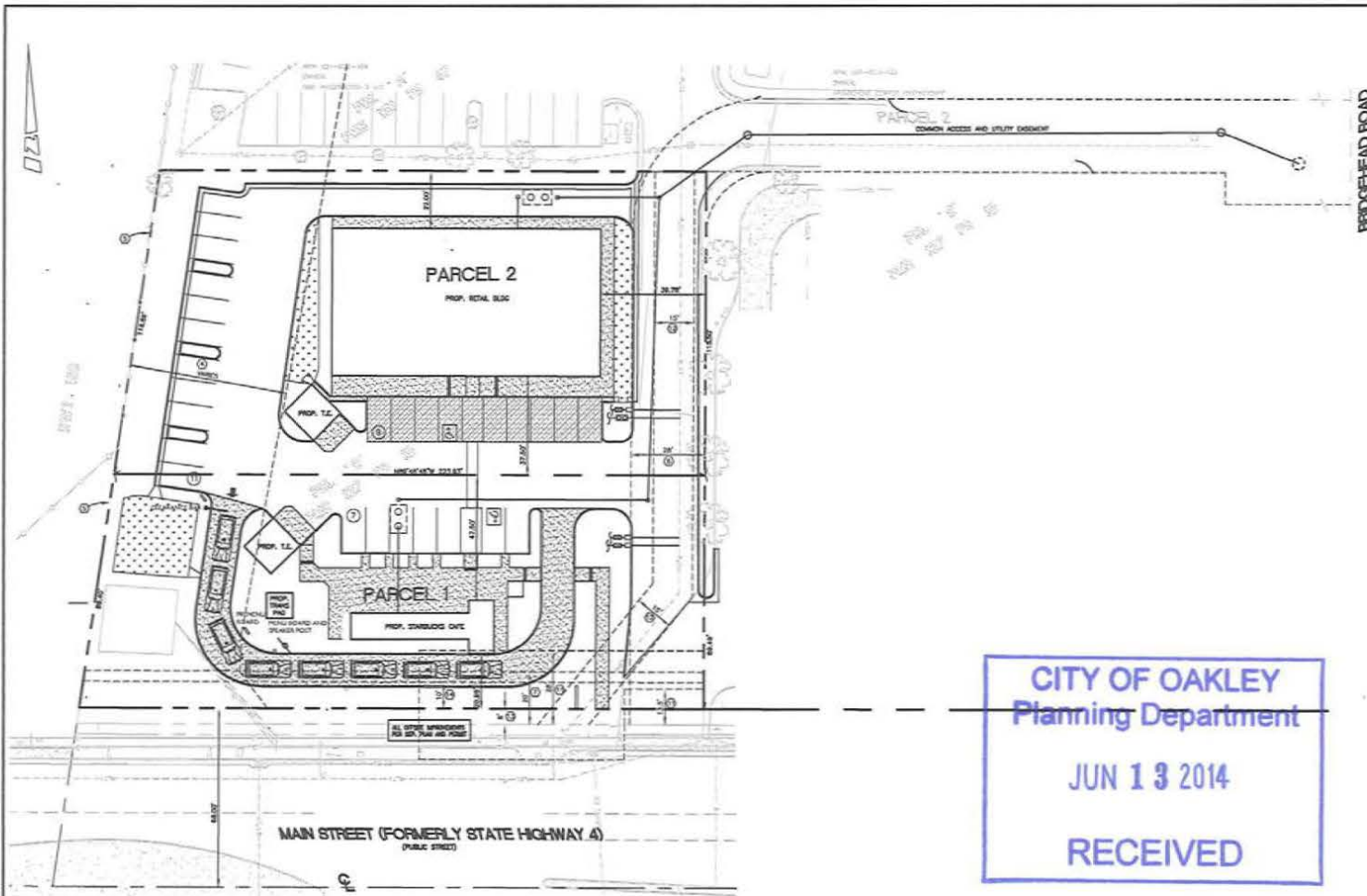
Staff recommends the City Council adopt the Resolution approving Tentative Parcel Map (TPM 01-14) to subdivide the 1.04-acre site into two parcels, Conditional Use Permit (CUP 02-14) to establish and Design Review (DR 05-14) for the construction of a new 617 square foot drive-thru Starbucks on a site located at 900 Main Street, just west of 914 Main Street, at APN 051-052-063, as conditioned.

### **Attachments**

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

Starbucks  
Tentative Parcel Map (TPM 01-14), Conditional Use Permit (CUP 02-14) and Design Review (DR 05-14)  
Vicinity Map  
APN: 051-052-063





VICINITY MAP

THE PROPERTY DESCRIBED ON THIS SURVEY LIES WITHIN A SPECIAL FLOOD HAZARD AREA (SFHZA) AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE PROPERTY LIES WITHIN FLOOD ZONE "X" AS IDENTIFIED BY THE FLOODED INSURANCE RATE MAP COMMUNITY PANEL NO. 0601000504W BEARING AN EFFECTIVE DATE OF JUNE 16, 2009.

**LEGAL DESCRIPTION:**  
 THE LAND REFERRED TO HEREIN BEING IS SITUATED IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:  
 PARCEL 2 AND  
 PARCEL 1, STARBUCKS DRIVE-THROUGH, STARBUCKS CORPORATION, AS SHOWN ON THE PARCEL MAP, FILED APRIL 8, 1987, IN BOOK 127 OF PARCEL MAPS, PAGE 10, CONTRA COSTA COUNTY RECORDS.  
 THESE PARCELS DESIGNATED AS "AREA DEDICATED TO CONTRA COSTA COUNTY FOR ROADWAY PURPOSES" ON THE PARCEL MAP, FILED APRIL 8, 1987, IN BOOK 127 OF PARCEL MAPS, PAGE 10, CONTRA COSTA COUNTY RECORDS, PARCEL 1 AND  
 A NON-EXCLUSIVE EASEMENT FOR INTERIOR ACCESS, PARKING, UTILITIES AND DRAINAGE APPURTENANCE TO PARCEL 1, AND INTERIOR ACCESS, DRAINAGE, AND OTHER PURPOSES OF PARCELS 1 AND 2, REFERENCED AS "COMMON ACCESS EASEMENT" AS SHOWN ON PARCEL MAP FILED APRIL 8, 1987 IN MAP BOOK 127 OF PARCEL MAPS, PAGE 10, CONTRA COSTA COUNTY RECORDS.

APN: 051-052-083

ITEM NUMBERS SHOWN HEREIN CORRESPOND TO COSMOSHEALTH LAND TITLE INSURANCE COMPANY'S PRELIMINARY TITLE REPORT NO. 60000363-468-02 DATED FEBRUARY 4, 2014.

NO RESPONSIBILITY FOR COMPLETENESS, ACCURACY OR CONTENT OF SAID PRELIMINARY TITLE REPORT IS ASSUMED BY THIS MAP.

ITEM NUMBERS INDICATED WITH A HEXAGON (◻) REFLECT ITEMS WHICH ARE PLOTTED HEREIN.

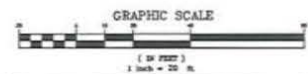
- SCHEDULE B**  
 1-3 TAXES  
 4 AN EASEMENT FOR ELECTRICAL, TRANSMISSION LINES AND TENDERS TO PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION DATED NOVEMBER 15, 1988 RECORDED AS INSTRUMENT NO. 85061 IN BOOK 3751 PAGE 95 OF OFFICIAL RECORDS.  
 5 OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET. IMPROVEMENT OR FURTHER ADJUSTING THE WESTERLY LINE OF SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY THE DOCUMENT RECORDED NOVEMBER 15, 1988 AS INSTRUMENT NO. 85061 IN BOOK 3751, PAGE 127 OF OFFICIAL RECORDS.  
 6 AN EASEMENT FOR COMMON ACCESS PER PARCEL MAP RECORDED AS 127 PM 11.  
 7 A DETACH LINE AS SHOWN ON PARCEL MAP RECORDED AS 127 PM 11.  
 8 DEFERRED IMPROVEMENT AGREEMENT, DOCUMENT STATES THAT IMPROVEMENTS REQUIRED BY THE COUNTY / CITY SHALL BE CONSTRUCTED AT TIME OF DEVELOPMENT OF SUBJECT PROPERTY.  
 9 AN EASEMENT FOR VEHICULAR AND PEDESTRIAN IMPROVEMENTS AND EGRESS RECORDED MARCH 25, 1993 AS PER INSTRUMENT NO. 89-70287 OF OFFICIAL RECORDS.  
 10 AN EASEMENT FOR WATERLINE GRANTED TO SHIELDS WATER DISTRICT, A LOCAL GOVERNMENT AGENCY OF THE STATE OF CALIFORNIA RECORDED APRIL 2, 2003 AS INSTRUMENT NO. 2003-015190 OF OFFICIAL RECORDS.  
 11 AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR ROADWAY, RECORDED DECEMBER 4, 2007 AS INSTRUMENT NO. 2007-020028 OF OFFICIAL RECORDS.  
 12 AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR PUBLIC UTILITIES, RECORDED NOVEMBER 18, 2007 AS INSTRUMENT NO. 2007-020028 OF OFFICIAL RECORDS.

**SUBJECT/NOTES:**  
 1. LOT AREA LOT 1 20472.8 SF 0.47 ACRE  
 LOT 2 25504.3 SF 0.58 ACRE  
 2. UTILITIES  
 WATER SHIELDS WATER DISTRICT  
 SEWER TECHNOLOGICAL SANITATION  
 ELECTRIC PG&E  
 GAS PG&E  
 TELEPHONE AT&T  
 CABLE COMCAST

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 Planning Department  
 JUN 13 2014  
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**LEGEND:**

AC ASPHALT CONCRETE	ICV IRRIGATION CONTROL VALVE	SLPB STREET LIGHT PULLBOX
AP ANGLE POINT	INT INTERSECTION	SMH SEWER MANHOLE
BF BACK FLOW	MB MANHOLE	SS SANITARY SEWER
CBY CABLE TV BOX	HCY HORIZONTAL	TE TRASH ENCLOSURE
CONC CONCRETE	PL PROPERTY LINE	TRNG TRANSFORMER
CP CURB	PLNK PLANKER	TS TRAFFIC SIGNAL
CPY CEMENT	PP POWER POLE	TSPB TRAFFIC SIGNAL PULL BOX
ET EXTERIOR	PMT PAVEMENT	TYP TYPICAL
FD FOUND	SO STORMDRAIN	ULT VALVE
FM FIRE HYDRANT	SO STORMDRAIN MANHOLE	W WATER
GM GAS METER	SOB SOUNDING	WLT WESTERLY
GRY GUTTER	SWF SPRINKLER AND WASHER	WM WATER METER



**UNDERGROUND UTILITY LEGEND:**

G GAS
W WATER
SS SANITARY SEWER
SD STORM DRAIN
T TELEPHONE
C GAS/OIL
E ELECTRICAL
CTV CABLE TV

PREPARED FOR

**STARBUCKS COFFEE COMPANY**

2001 JENNI AVENUE SUITE 200  
 SEATTLE, WA 98134  
 TELEPHONE: (206) 424-1800

ENGINEER

**DC ENGINEERING, INC.**

LAND SURVEYING & CIVIL ENGINEERING  
 AND CIVIL ENGINEERING, SITE &  
 SURVEYING, CA REGISTERED  
 LICENSE NO. 111811 - 111812 - 111813 - 111814

REVISIONS			REVISIONS	
DATE	BY	DESCRIPTION	NO.	DATE

CONTRA COSTA COUNTY SHW 1488  
 PERIOD AFTER 10:00 AM, APRIL 8, 1987  
 SET IN CONFORMITY WITH THE  
 NORTH OF THE INTERSECTION LINE  
 SHW 1488 AND RECORD 4 WEST  
 OF OAKLEY, (SEE SHAW 1488)  
 ELEVATION = 28.183 FEET

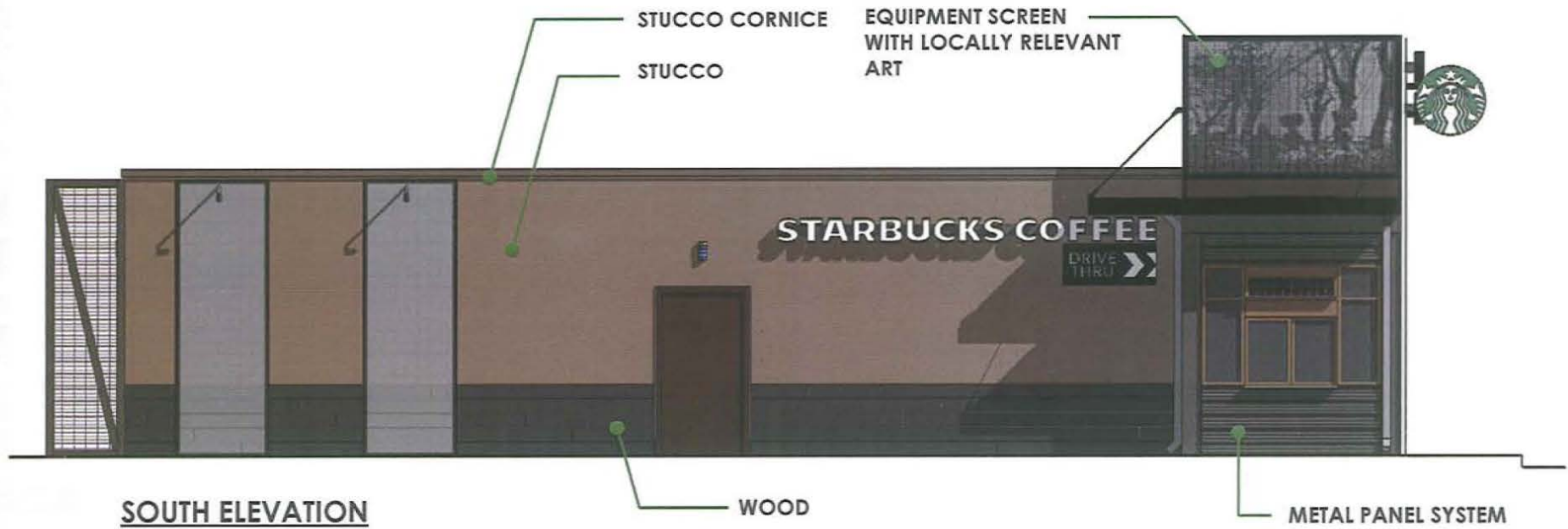
CITY OF OAKLEY

**STARBUCKS DRIVE-THROUGH TENTATIVE PARCEL MAP**

800-912 MAIN STREET  
 OAKLEY, CA

APPROVED \_\_\_\_\_  
 DATE \_\_\_\_\_

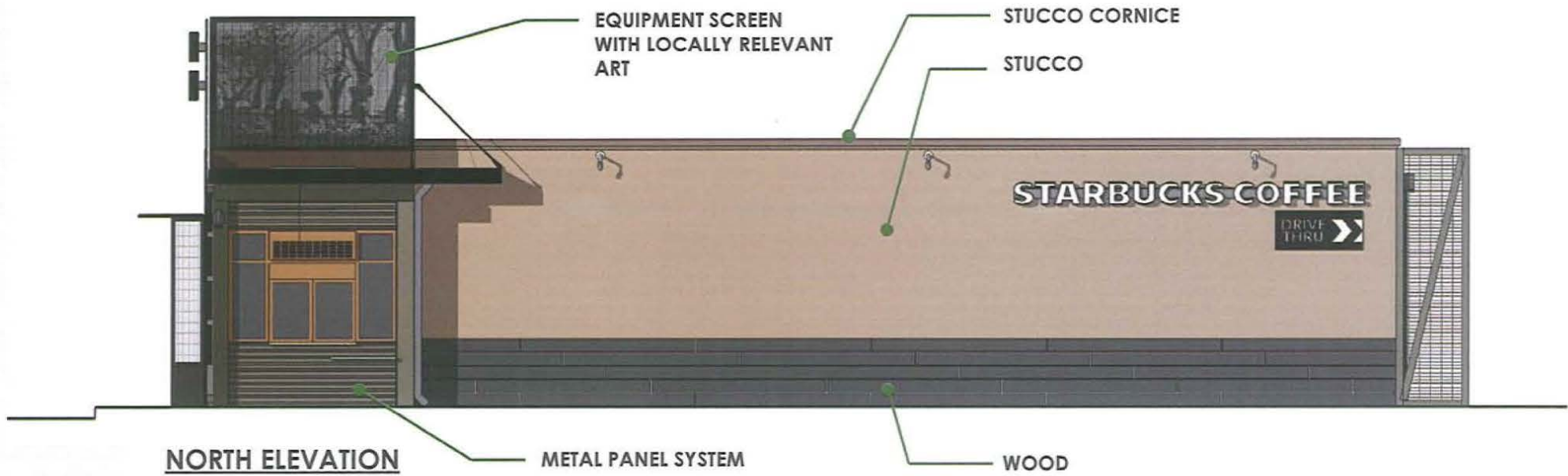
SHEET: 1 OF 3



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 Planning Department  
 JUN 12 2014  
 RECEIVED





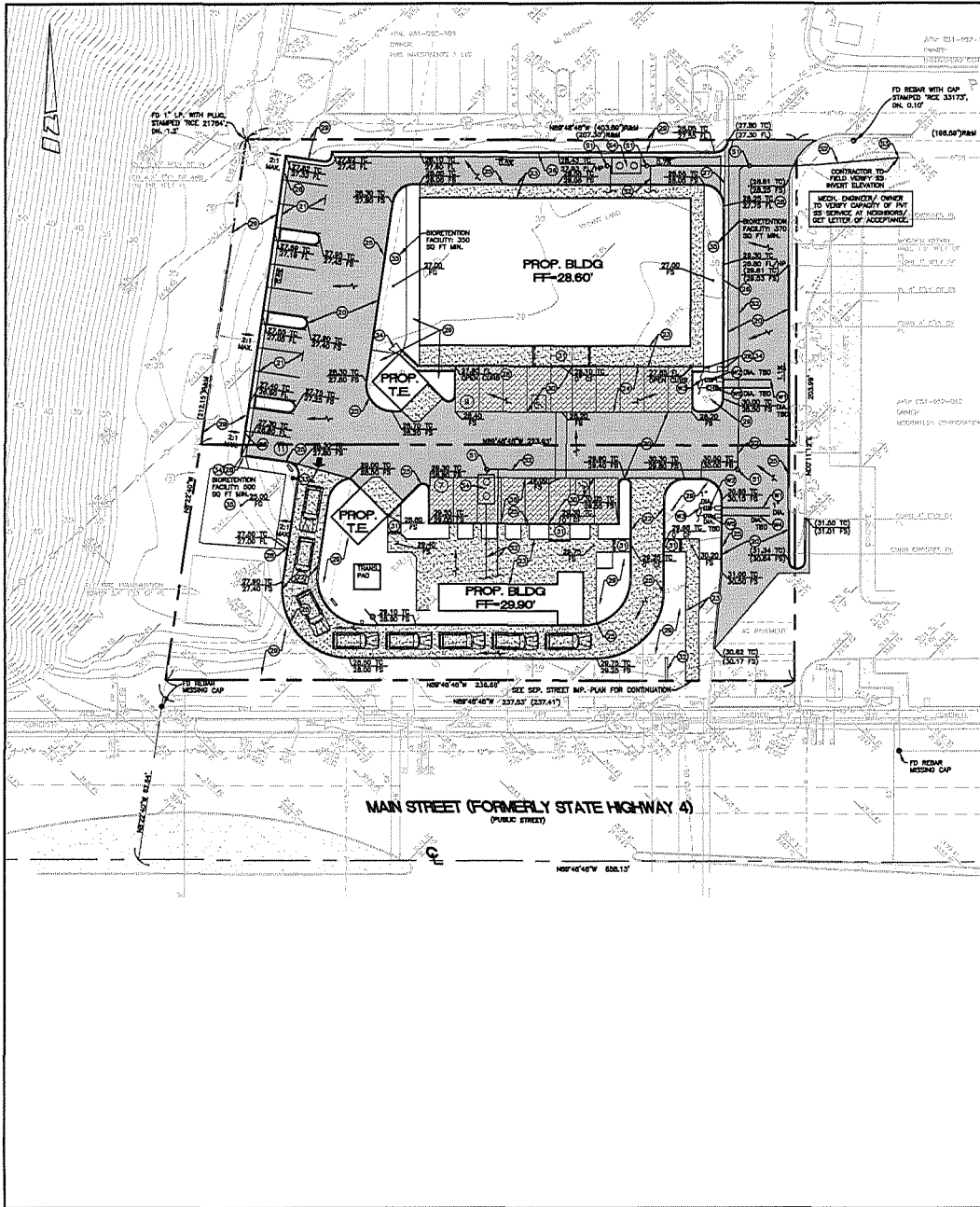


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 Planning Department  
 JUN 12 2014  
 RECEIVED









**GRADING PLAN  
CONSTRUCTION NOTES**

- (01) CONSTRUCT "A" AC PAVEMENT OVER "A" AD (DRYDOWN) \*\*
- (02) CONSTRUCT "A" AC PAVEMENT OVER "A" AD (DRYDOWN) \*\*
- (03) CONSTRUCT "A" POC PAVEMENT OVER "A" AD \*\*
- (04) CONSTRUCT "A" CONCRETE SIDEWALK OVER "A" AD \*\*
- (05) CONSTRUCT PERVIOUS PAVERS (MANUFACTURER ORCO, G.A.E.) OVER 12" AD \*
- (06) CONSTRUCT CONC. CURB ONLY PER GREENBOOK STD. 120 A1-6.
- (07) CONSTRUCT CONC. CURB AND GUTTER PER GREENBOOK STD. 120 A2-6.
- (08) CONSTRUCT 3/8" CONCRETE GUTTER PER DETAIL SHEET.
- (09) CONSTRUCT 12" FLOW-THROUGH CONC. CURB \*
- (10) INSTALL LANDSCAPING PER LANDSCAPE ARCH. PLANS.
- (11) STRIPE ACCESSIBLE PARKING PER CIRC2010, SECTION 1129B \*
- (12) CONSTRUCT CURB RAMP PER CIRC2010, SECTION 1127B.6.
- (13) INSTALL STARBUCKS MONUMENT PER SDP, PLAN/ PDRMT.
- (14) ARROW MARKER PER DETAIL SHEET.
- (15) INSTALL REPRAP PER DETAIL SHEET.
- (16) INSTALL BIODRETION PLANTER PER C.3 GUIDEBOOK CHAPTER 4 AND DET. ON SHEET 1.
- (17) CONSTRUCT PAVERS (MANUFACTURER ORCO, G.A.E.) OVER "A" AD.

\*\* SEE DETAIL SHEET.  
\* PER SOILS REPORT. (PENDING)

**UTILITY NOTES**

**WATER NOTES:**

- (W1) FURNISH AND INSTALL WATER SERVICE, METER AND BOX.
- (W2) FURNISH AND INSTALL CA APPROVED BACKFLOW DEVICE.
- (W3) FURNISH AND INSTALL CTS 300 PLASTIC TUBE.
- (W4) FURNISH AND INSTALL PRIVATE IRRIGATION BOX AND METER.
- (W5) FURNISH AND INSTALL CA APPROVED BACKFLOW DEVICE.
- (W6) FURNISH AND INSTALL FIRE SERVICE AND OCGA W/ FDC PER FIRE DEPT.

**SEWER NOTES:**

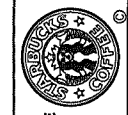
- (S1) CONSTRUCT PVC SEWER CLEANOUT PER DETAIL SHEET.
- (S2) CONSTRUCT 4" PVC SEWER PIPE (SDR 35).
- (S3) TIE INTO EX. LATERAL - SEE NOTE BELOW.
- (S4) INSTALL GREASE INTERCEPTOR PER MECH. ENG. PLAN.

CONTRACTOR TO FIELD VERIFY INVERT ELEVATION, LOCATION, AND CONDITION.

MED. ENGINEER/ OWNER TO VERIFY CAPACITY OF PVT SEW SERVICE AT NECESSARY/ SEE LETTER OF ACCEPTANCE.

NO.	DATE	DESCRIPTION	BY
1	07/27/14	KEEP D.I. IN PLACE - PROVIDE SEALED TRASH BIN.	

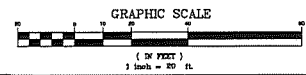
PREPARED BY:  
**DC ENGINEERING, INC.**  
1145 S. MAIN ST. SUITE 200  
OAKLEY, CA 94621  
PHONE: (707) 776-5858 FAX: (707) 776-5888

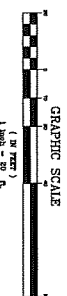
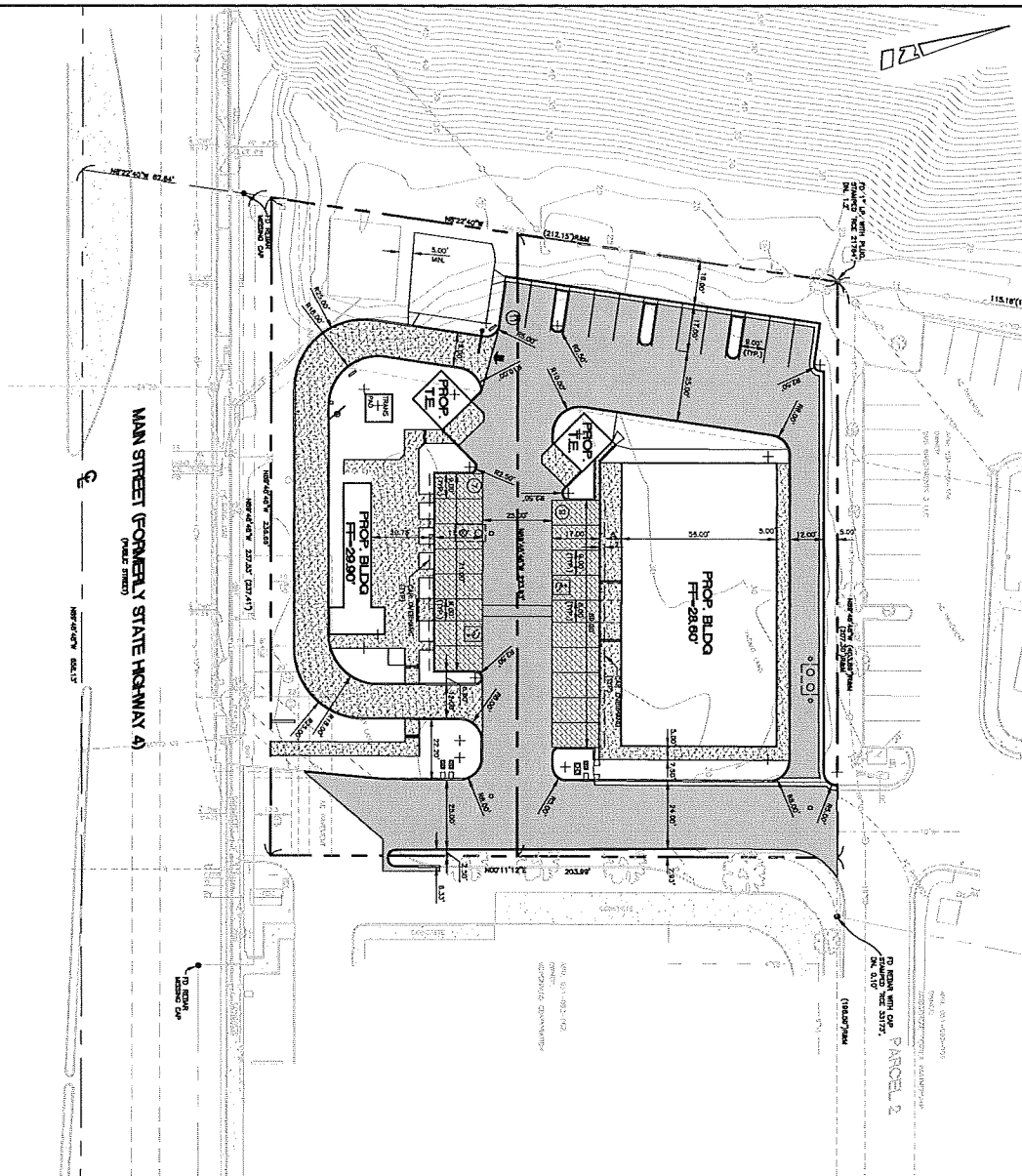


PREPARED FOR:  
**STARBUCKS COFFEE COMPANY**  
1000 BROADWAY SUITE 600  
OAKLEY, CA 94621  
PHONE: (916) 434-1100

**CONCEPTUAL GRADING PLAN**  
STARBUCKS DRIVE THROUGH  
900-912 MAIN STREET  
CITY OF OAKLEY  
IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA


SCALE: 1" = 20'	DATE: 05/11/14
DRAWN BY: DCI	CHECKED BY: DCI
DRAWING TITLE: 114.11	
SHEET 2	OF 4





**HORIZONTAL CONTROL PLAN**  
**STARBUCKS DRIVE THROUGH**  
 900-912 MAIN STREET  
 CITY OF OAKLEY  
 IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

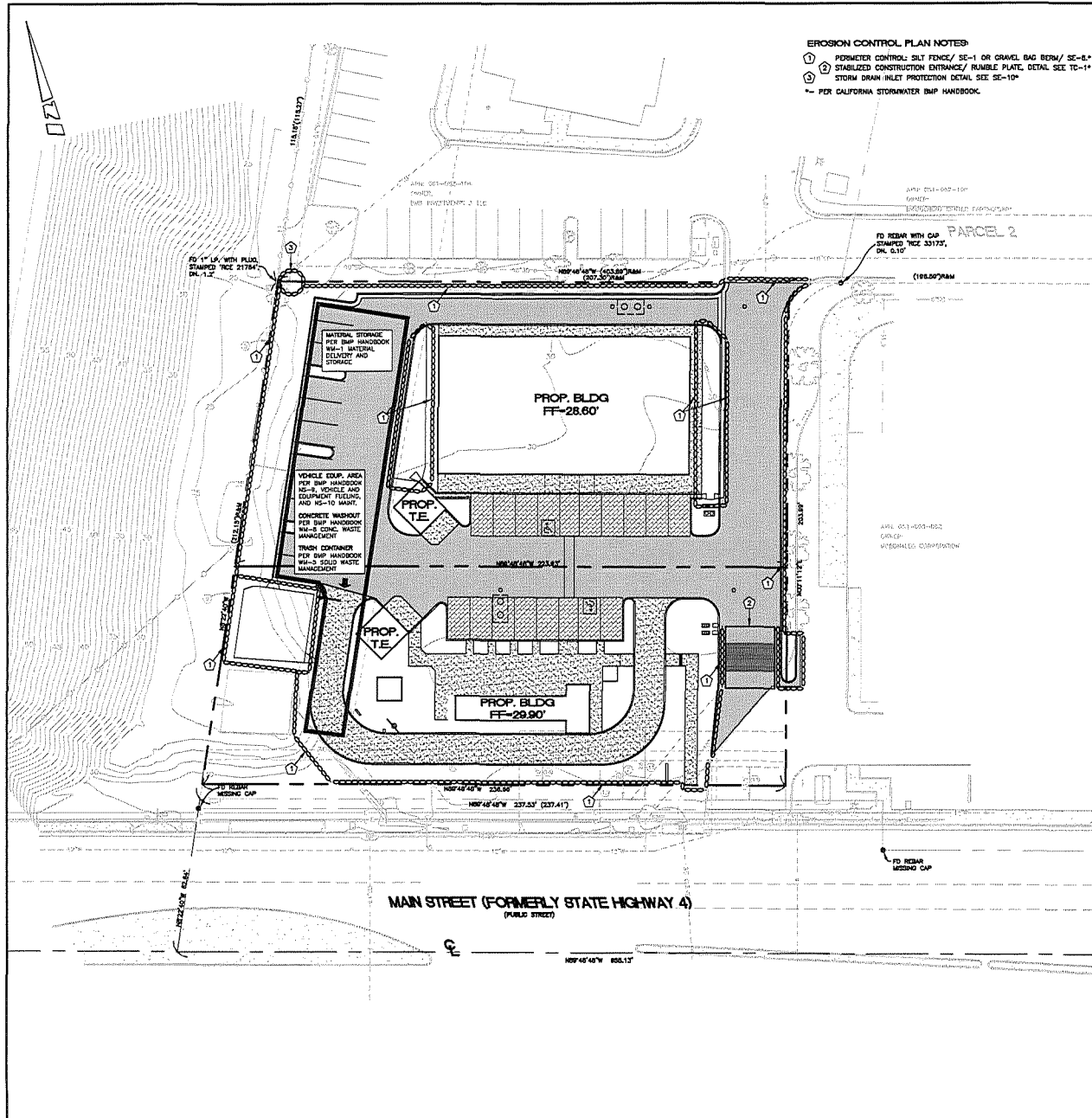
PREPARED FOR  
**STARBUCKS COFFEE COMPANY**  
 2401 USW AVENUE SOUTH, SUITE 800  
 SEATTLE, WA 98134  
 TELEPHONE: (214) 424-1900



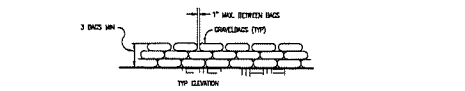
PREPARED BY  
**DC ENGINEERING, INC.**  
 LAND SURVEYING & CIVIL ENGINEERING  
 4100 E. BARKER AVENUE, SUITE 4  
 ANAHEIM, CA 92807  
 PHONE: (714) 779-3028 FAX: (714) 779-3023

NO.	DATE	DESCRIPTION	BY

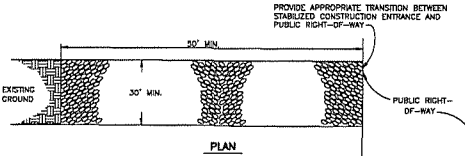
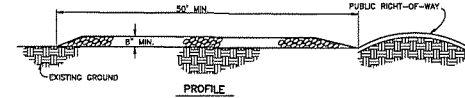
SHEET 3 OF 4



- EROSION CONTROL PLAN NOTES**
- 1 PERIMETER CONTROL: SILT FENCE/ SE-1 OR GRAVEL BAG BERM/ SE-E\*
  - 2 STABILIZED CONSTRUCTION ENTRANCE/ RUMBLE PLATE, DETAIL SEE TC-1\*
  - 3 STORM DRAIN INLET PROTECTION DETAIL SEE SE-10\*
- \* PER CALIFORNIA STORMWATER BMP HANDBOOK.

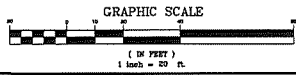


**GRAVELBAG DETAIL**  
NOT TO SCALE



**STABILIZED CONSTRUCTION ENTRANCE**  
NOT TO SCALE

- NPDES NOTES:**
1. CONSTRUCTION SITE BEST MANAGEMENT PRACTICES (BMPs) FOR THE MANAGEMENT OF STORM WATER AND NON-STORMWATER DISCHARGES SHALL BE DOCUMENTED ON THE GRADING PLAN WHICH THEREBY BECOMES THE SITE STORM WATER POLLUTION PREVENTION PLAN (SWPPP). ARRANGEMENTS SHALL BE MADE BY THE DEVELOPER TO RETAIN THE SWPPP ON THE JOB SITE THROUGHOUT THE TIME OF CONSTRUCTION AND THE IMPLEMENTATION AND MAINTENANCE OF SITE BMPs IS REQUIRED TO MINIMIZE JOB SITE EROSION AND SEDIMENTATION. CERTAIN BMPs MAY BE REQUIRED TO REMAIN IN PLACE THROUGHOUT THE YEAR TO MINIMIZE EROSION AND SEDIMENTATION. ARRANGEMENTS SHALL BE MADE BY THE DEVELOPER TO MAINTAIN THOSE BMPs THROUGHOUT THE TIME OF CONSTRUCTION.
  2. EROSION CONTROL BMPs SHALL BE IMPLEMENTED AND MAINTAINED TO MINIMIZE THE DETRIMENT OF SOIL IN RUNOFF FROM DISTURBED SOIL AREAS ON CONSTRUCTION SITES.
  3. SEDIMENT CONTROL BMPs SHALL BE IMPLEMENTED AND MAINTAINED TO MINIMIZE THE TRANSPORT OF SOIL FROM THE CONSTRUCTION SITE.
  4. GRADING SHALL BE PHASED TO LIMIT THE AMOUNT OF DISTURBED AREAS EXPOSED TO THE EXTENT FEASIBLE.
  5. AREAS THAT ARE CLEARED AND GRADED SHALL BE LIMITED TO ONLY THE PORTION OF THE SITE THAT IS NECESSARY FOR CONSTRUCTION. THE CONSTRUCTION SITE SHALL BE MANAGED TO MINIMIZE THE EXPOSURE TIME OF DISTURBED SOIL AREAS THROUGH PHASING AND SCHEDULING OF GRADING AND THE USE OF TEMPORARY AND PERMANENT SOIL STABILIZATION.
  6. ONCE DISTURBED, SLOPES (TEMPORARY OR PERMANENT) SHALL BE STABILIZED IF THEY WILL NOT BE WORKED WITHIN 21 DAYS. DURING THE STORM SEASON, ALL SLOPES SHALL BE STABILIZED PRIOR TO A PREDICTED STORM EVENT. CONSTRUCTION SITES SHALL BE REVEGETATED AS EARLY AS FEASIBLE AFTER SOIL DISTURBANCE.
  7. STOCKPILES OF SOIL SHALL BE PROPERLY CONTAINED TO ELIMINATE OR REDUCE SEDIMENT TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES OR ADJACENT PROPERTIES VIA RUNOFF, VEHICLE TRACKING, OR WIND.
  8. CONSTRUCTION SITES SHALL BE MAINTAINED IN SUCH A CONDITION THAT A STORM DOES NOT CARRY WASTES OR POLLUTANTS OFF THE SITE. DISCHARGES OTHER THAN STORMWATER (NON-STORMWATER DISCHARGES) ARE PROHIBITED, EXCEPT AS AUTHORIZED BY AN INDIVIDUAL NOTICE PERMIT. THE STATEWIDE GENERAL PERMIT-CONSTRUCTION ACTIVITY. POTENTIAL POLLUTANTS INCLUDE, BUT ARE NOT LIMITED TO: SOLID OR LIQUID CHEMICAL SPILLS; WASTES FROM PAINTS, STAINS, SEALANTS, SOLVENTS, DETERGENTS, GLUES, LIME, PESTICIDES, HERBICIDES, FERTILIZERS, WOOD PRESERVATIVES, AND ABRASIVE FIBERS; PAINT FLUXES ON STEEL; FRAGMENTS, FUELS, OILS LUBRICANTS, AND HORMONAL, RADIATOR OR BATTERY FLUIDS; CONCRETE AND RELATED CUTTING OR CURING RESIDUES; FLAMMABLE WASTES FROM OILING/EQUIPMENT STEAM CLEANING OR CHEMICAL DEGRASSING; WASTES FROM STREET CLEANING AND SUPER-OXIDIZED POTABLE WATER FROM LINE FLUSHING AND TESTING. DURING CONSTRUCTION, DISPOSAL OF SUCH MATERIALS SHOULD OCCUR IN A SPECIFIED AND CONTROLLED TEMPORARY AREA ON-SITE, PHYSICALLY SEPARATED FROM POTENTIAL STORMWATER RUNOFF, WITH ULTIMATE DISPOSAL IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS.
  9. RUNOFF FROM EQUIPMENT AND VEHICLE WASHING SHALL BE CONTAINED AT CONSTRUCTION SITE AND MUST NOT BE DISCHARGED TO RECEIVING WATERS OR THE LOCAL STORM DRAIN SYSTEM.
  10. APPROPRIATE BMPs FOR CONSTRUCTION-RELATED MATERIALS, WASTES, SPILLS OR RESIDUES SHALL BE IMPLEMENTED TO ELIMINATE OR REDUCE TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES, OR ADJACENT PROPERTIES BY WIND OR RUNOFF.
  11. ALL CONSTRUCTION CONTRACTORS AND SUBCONTRACTOR PERSONNEL ARE TO BE MADE AWARE OF THE REQUIRED BMPs AND GOOD HOUSEKEEPING MEASURES FOR THE PROJECT SITE AND ANY ASSOCIATED CONSTRUCTION STAGING AREAS.
  12. DISCHARGING CONTAMINATED GROUNDWATER PRODUCED BY DEWATERING GROUNDWATER THAT HAS INFILTRATED INTO THE CONSTRUCTION SITE IS PROHIBITED. DISCHARGING OF CONTAMINATED SOILS VIA SURFACE EROSION IS ALSO PROHIBITED. DISCHARGING NON-CONTAMINATED GROUNDWATER PRODUCED BY DEWATERING ACTIVITIES MAY REQUIRE A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FROM THE REGIONAL WATER QUALITY CONTROL BOARD.
  13. BMPs SHALL BE MAINTAINED AT ALL TIMES. IN ADDITION, BMPs SHALL BE INSPECTED PRIOR TO PREDICTED STORM EVENTS AND FOLLOWING STORM EVENTS.
  14. AT THE END OF EACH DAY OF CONSTRUCTION ACTIVITY, ALL CONSTRUCTION DEBRIS AND WASTE MATERIALS SHALL BE COLLECTED AND PROPERLY DISPOSED OF IN TRUCK OR RECYCLE BINS.



	NO. DATE DESCRIPTION BY
<b>STARBUCKS COFFEE COMPANY</b> 2401 UNIV AVENUE SOUTH, SUITE 800 BOSTON, MA 02114 TELEPHONE: (617) 464-1900	
<b>STARBUCKS DRIVE THROUGH</b> 900-912 MAIN STREET CITY OF OAKLEY IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA	
PREPARED FOR <b>STARBUCKS COFFEE COMPANY</b>	
PREPARED BY <b>DC ENGINEERING, INC.</b> LAND SURVEYING & CIVIL ENGINEERING 1000 UNIVERSITY AVENUE, SUITE 100 OAKLAND, CA 94612	
SCALE 1" = 10' DRAWN BY DCI DRAWING 111611	DATE 05/11/14 CHECKED BY DCI SHEET 4 OF 4

**RESOLUTION NO. XX-14**

**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE TENTATIVE PARCEL MAP (TPM 01-14) TO SUBDIVIDE THE 1.1-ACRE SITE INTO TWO PARCELS, CONDITIONAL USE PERMIT (CUP 02-14) TO ESTABLISH AND DESIGN REVIEW (DR 05-14) FOR THE CONSTRUCTION OF A NEW 617 SQUARE FOOT DRIVE-THRU STARBUCKS ON A SITE LOCATED AT 900 MAIN STREET, AT APN 051-052-063**

**WHEREAS**, on May 7, 2014, Lisa Sunderland (“Applicant”), submitted an application for a Tentative Parcel Map (TPM 01-14) to subdivide the 1.1-acre site into two parcels, Conditional Use Permit (CUP 02-14) to establish and Design Review (DR 05-14) for the construction of a new 617 square foot drive-thru Starbucks on a site located at 900 Main Street, at APN 051-052-063 (“Project”); and

**WHEREAS**, on June 23, 2014, 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 R-B (Retail Business) District; and

**WHEREAS**, on June 27, 2014, the Notice of Public Hearing for the project was posted at the project site, Oakley City Hall, Freedom High School, and at 204 2nd Street (City Annex). The notice was also mailed out to all owners of property within a 300-foot radius of the subject property’s boundaries, and to parties requesting such notice, and published in the East County Times newspaper; 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 July 8, 2014, 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 July 8, 2014 meeting, both written and

information submitted to the City Council at its July 8, 2014 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. Regarding the application requesting approval of a Tentative Parcel Map to subdivide the 1.1-acre site into two parcels (Parcel 1 would be approximately 20,377 square feet and Parcel 2 would be approximately 24,903 square feet), the City Council finds that:
1. The proposed Tentative Parcel Map, together with the provisions of its design and improvements, is consistent with the Zoning Ordinance, and applicable portions of the Commercial General Plan Land Use Designations, as approved by City Council for the Project, in that it allows for orderly commercial development in a commercial area that meets the General Plan in terms of the uses allowed and complies with the minimum lot size, lot width, and lot depth and all other applicable regulations set forth in the project's R-B (Retail Business) District;
  2. The site is physically suitable for the type of development in that the proposed Tentative Parcel Map meets all of the applicable development standards in the Project's R-B (Retail Business) District and is compatible with the surrounding commercial uses;
  3. The site is physically suitable for the proposed project in terms of the proposed lot sizes and the proposed development and use;
  4. The 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.
  5. The design of the subdivision and type of improvements are not likely to cause serious public health problems in that the proposed subdivision consists of two (2) commercial lots. Construction and grading of the project are subject to building or grading permits, and violations of any such permits are subject to appropriate enforcement;
  6. The design of the subdivision includes conditions which will require the public right-of-way improvements; and



7. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. The Tentative Parcel Map does not conflict with easements acquired by the public for access and utilities.
- B. In regards to the application requesting approval of a Conditional Use Permit (CUP 02-14) to establish and Design Review (DR 05-14) for the construction of a new 617 square foot drive-thru Starbucks on a site located at 900 Main Street, at APN 051-052-063:
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 1.1-acres and the R-B (Retail Business) 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, 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 R-B (Retail Business) Zoning District with the approval of a Conditional Use Permit. The use will comply with the noise standards set forth in the Oakley Municipal Code, 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.

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 of the Applicant's request for a Conditional Use Permit, subject to the following Conditions of Approval:

**Conditions of Approval**

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Community Development Department on **June 12, 2014 (Site Plan, Building Elevations, Landscape Plan and Stormwater Plan)** and **June 13, 2014 (Tentative Parcel Map)**, 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 **Tentative Parcel Map (TPM 01-14), Conditional Use Permit (CUP 02-14), and Design Review (DR 05-14)** is approved, as shown on the revised plans, date stamped by the Community Development Department on **June 12, 2014 (Site Plan, Building Elevations, Landscape Plan and Stormwater Plan)** and **June 13, 2014 (Tentative Parcel Map)**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval for **Tentative Parcel Map (TPM 01-14), Conditional Use Permit (CUP 02-14), and Design Review (DR 05-14)** shall be effectuated within a period of one (3) years from the effective date of this resolution by pulling a building permit and if not effectuated shall expire on **July 8, 2017**. 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 **June 12, 2014 (Site Plan, Building Elevations, Landscape Plan and Stormwater Plan)** and **June 13, 2014 (Tentative Parcel Map)**.

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 development of the retail pad on Parcel 2 is not approved with this application and shall require a separate application at the time of development.

**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. Any new light poles shall match the final approved poles for the existing center and 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.

**Waste Management Plan:**

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

***Building Division Conditions***

26. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy Requirements per the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625 – 7005.

27. 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:**

28. 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. The design of Main Street along the

project frontage will need to be coordinated with the City Public Works and Engineering Department and will need to be to the satisfaction of the City Engineer.

29. 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.
30. 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.
31. Execute any agreements required by the Stormwater Control Plan which pertain to the transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan prior to the final inspection of the first house within the subdivision.

**Roadway Improvements:**

32. Construct the frontage along Main Street to comply with the design described above in Condition of Approval No. 28. Improvements will include concrete curb, gutter and sidewalk, pavement widening, necessary longitudinal and transverse drainage, conforms to existing improvements and undergrounding of existing overhead and proposed utilities described in Condition of Approval No. 54 below. Construction of frontage improvements may be deferred at the discretion of the City Engineer and, in this case, a Deferred Improvement Agreement would need to be executed between the City and the developer.
33. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.

**Road Alignment/Sight Distance:**

34. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Main Street. 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 45 miles per hour. The plan shall extend a minimum of 150 feet ± beyond the limits of the proposed work.

**Road Dedications:**

35. Convey to the City, by offer of dedication, the right of way as needed for the Main Street project frontage.

36. Relinquish abutter's rights of access along Main Street except for the existing driveway location.

**Access to Adjoining Property:**

37. Furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

38. Obtain an encroachment permit from Caltrans for construction of any improvements within the State right of way.

39. Applicant shall only be allowed access to the project site at the existing Main Street driveway and the existing shared driveway along the north side of the site.

40. Develop for the City's review and approval and enter into a private joint access agreement that allows the adjacent parcels within the project to utilize common drive aisles.

**On-Site Improvements:**

41. Provide a minimum outside turning radius of 45 feet and a minimum inside turning radius of 28 feet within the parking lot.

42. Develop for the City's review and approval and enter into a private maintenance agreement that ensures that joint use drive aisles, parking areas, and common landscaping will be maintained to a standard agreed upon by the City and that each separate parcel shall share in the funding of the maintenance.

**Landscaping in the Public Right of Way:**

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

**Street Lights:**

44. Install streetlights along the project Main Street 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 General Electric spun aluminum "cobra head" style.

**Grading:**

45. 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.
46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.



52. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.

53. The burying of any construction debris is prohibited on construction sites.

**Utilities/Undergrounding:**

54. Underground all new and existing utility distribution facilities, including those along the frontage of Main Street. 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.

55. 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.

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

**Drainage Improvements:**

57. 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 29G as prepared by the Contra Costa County Flood Control and Water Conservation District.

58. 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.

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

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

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

## **National Pollutant Discharge Elimination System (NPDES):**

62. 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](http://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:**

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

- A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);

- B. Regional Transportation Development Impact Mitigation Fee or any future alternative regional fee adopted by the City (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);
- C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
- D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);
- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);
- F. Fire Facilities Impact Fee, collected by the City (adopted by Ordinance No. 09-01);
- G. General Plan Fee (adopted by Resolution No. 53-03): and
- H. East Contra Costa County Habitat Conservation Plan Fee (adopted by Resolution No. 112-07 & 124-07)

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.

- 64. 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.
- 65. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide landscaping and park maintenance, subject to an assessment for maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to issuance of a certificate of occupancy. The Applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 66. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide street lighting costs and maintenance, subject to an assessment for street light maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall

be completed prior to issuance of a certificate of occupancy. The applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.

67. Participate in the provision of funding to maintain police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to filing of the final map. Should the building be occupied prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rata share for the remainder of the tax year prior to the City conducting a final inspection.
68. Participate in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting. The appropriate funding mechanism shall be determined by the City and may include, but not be limited to, an assessment district, community services district, or community facilities district. The funding mechanism shall be formed prior to issuance of a certificate of occupancy, and the project proponent shall fund all costs of the formation.
69. Applicant shall comply with the drainage fee requirements for Drainage Area 29G 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 8<sup>th</sup> of July, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

\_\_\_\_\_  
Randy Pope, Mayor                      Date

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk                      Date