

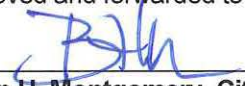


Agenda Date: 02/24/2015

Agenda Item: 4.2

STAFF REPORT

Approved and forwarded to City Council


Bryan H. Montgomery, City Manager

Date: February 24, 2015
To: Bryan H. Montgomery, City Manager
From: Kenneth W. Strelo, Senior Planner
SUBJECT: 3351 Doyle Road Minor Subdivision 14-977 (TPM 02-14)

Summary

This is a request by Stephen Cockman ("Applicant") for approval of a tentative parcel map (MS 14-977) to split one 2.64-acre lot into two lots of 0.98-acres and 1.18-acres (after dedications). The project is located on the southwest corner of Doyle Road and Hill Avenue ([3351 Doyle Road](#)), and is zoned R-40 (Single Family Residential) District. APN: 033-080-017.

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

Background

General Plan and Zoning

The General Plan Land Use Designation for the project site is *Single Family Very Low* ("SV") as depicted in the [Oakley 2020 General Plan](#) Figure 2-2 (Land Use Diagram). The SV 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 [R-40 \(Single Family Residential\) District](#), which allows for one detached single family dwelling unit per parcel as a permitted use (Oakley Municipal Code ("OMC") section 9.1.404(b)(1)). Also, General Plan Table 2-6 (General Plan/Zoning Compatibility Matrix) shows the R-40 District to be consistent with the SV land use designation.

Surrounding Uses

The uses surrounding the property are residential. The residential uses are further broken down into some rural residential properties to the east, south and west, and tract homes

north of Hill Avenue, which represents a clear division between the higher density single family residential to the north, and the lower density single family to the south. An approximately 2-acre developed neighborhood park lies just east of the project site and adjacent to Hill Avenue's southern edge (see Figure 1. Aerial Photo of Project Site).

Figure 1. Aerial Photo of Project Site



Project Description

Tentative Parcel Map

The proposed tentative parcel map (MS 14-977) shows the approximately 2.64-acre property subdivided into two parcels. Parcel A is proposed at approximately 0.98-acres (42,689 square feet), and Parcel B is proposed at approximately 1.18-acres (51,401 square feet). Those sizes represent the net areas after dedication of Doyle Road.

Road Improvements and Dedications

Per proposed conditions of approval on the tentative parcel map, the applicant will be required to improve and dedicate a portion of Doyle Road and Hill Avenue prior to acceptance of the final parcel map. Doyle Road currently ends in a cul-de-sac approximately 110 feet south of Hill Avenue. After dedications and improvements of right-of-way, Doyle Road will continue north to Hill Avenue, and both streets will result in a 28 foot wide half width, which includes street, curb, gutter and sidewalk.

Nonconforming Structure Status of Existing Home

The site currently has one single family residence. The existing house does not meet the current side yard setback (on the western property line) for the R-40 District, which is 20 feet minimum. Assuming the map is approved and eventually recorded, that same western property line will become the rear property line for Parcel A, and a portion of the house will not meet the rear setback for the R-40 District, which is 15 feet minimum. Pursuant to [OMC section 9.1.1502 "Nonconforming Structure Regulations"](#), the nonconforming residence may be repaired or altered so long as the repairs or alterations do not expand the nonconformity. In other words, the floor area of the house may be expanded, so long as the new floor area meets the required setbacks for the R-40 District.

Environmental Review

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Class 15 – Minor Land Divisions) of the State CEQA Guidelines. This project can be classified as Class 15 in that:

- The project is a division of land in an urbanized area zoned for residential use into four or fewer parcels;
- The division is in conformance with the General Plan and zoning ordinance, and no variances or exceptions are required; and
- All services and access to the proposed parcels to local standards are available, and the parcel was not involved in a larger subdivision within the last two years.

Required Findings

The tentative parcel map was analyzed in relation to the required findings found in the City's subdivision ordinance (adopted County ordinance by reference), which generally state, "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 proposed parcels must also comply with the regulations set forth in the R-40 District.

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 Single Family Very Low land use designation. Also, the subdivision will result in the completed

improvements to, and connection of, Hill Avenue and Doyle Road in a manner consistent with Oakley's right of way improvement design standards.

Findings

Complete draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt the resolution approving 3351 Doyle Road Minor Subdivision 14-977 (TPM 02-14), as conditioned.

Attachments

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

VICINITY MAP

3351 Doyle Road Minor Subdivision 14-977 (TPM 02-14)

3351 Doyle Road (APN 033-080-017)





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

NOTICE OF PUBLIC HEARING

Notice is hereby given that on February 24, 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: 3351 Doyle Road Minor Subdivision 14-977 (TPM 02-14).

Project Location: The project is located at 3351 Doyle Road. APN 033-080-017.

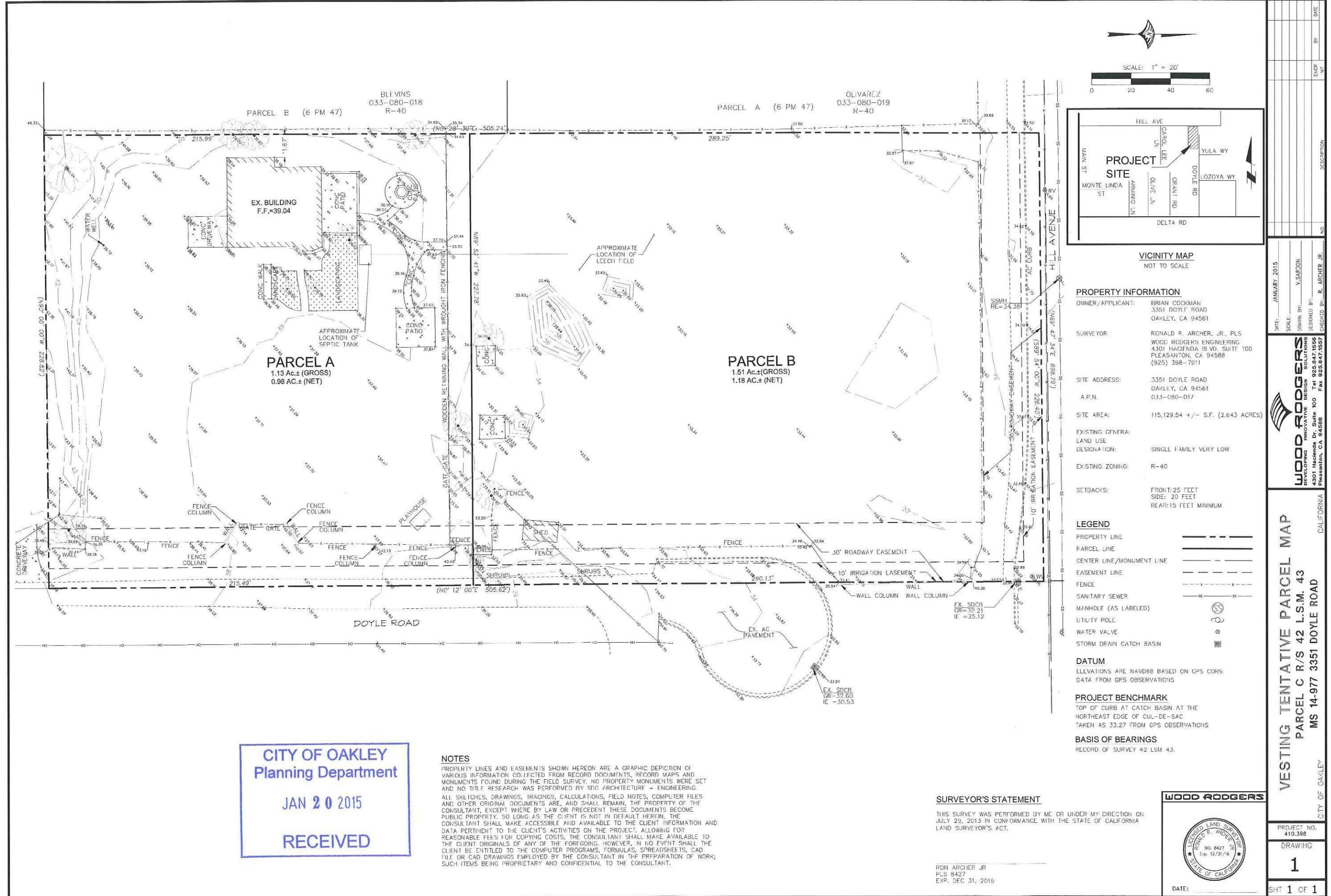
Applicant: Stephen Cockman (owner). bcockman@mocproducts.com

Request: This is a public hearing on a request for approval of a tentative parcel map (MS 14-977) to split one 2.64-acre lot into two lots of 0.98-acres and 1.18-acres (after dedications). The site currently has one single family home. Subdivision would allow for a separate single family home to be developed, as a permitted use, on the resulting 1.18-acre site. The project is located on the southwest corner of Doyle Road and Hill Avenue (3351 Doyle Road), and is zoned R-40 (Single Family Residential) District. APN: 033-080-017.

The Staff Report and its attachments will be available for public review, on or after February 20, 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 Strelo, Senior Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to strelo@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.



RESOLUTION NO. XX-15**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS
AND APPROVING A TENTATIVE PARCEL MAP FOR "3351 DOYLE ROAD MINOR
SUBDIVISION 14-977" LOCATED AT 3351 DOYLE ROAD
APN 033-080-017 (TPM 02-14)****FINDINGS**

WHEREAS, on September 18, 2014, Stephen Cockman ("Applicant") filed an application requesting approval of a tentative parcel map (MS 14-977) to split one 2.64-acre lot into two lots of 0.98-acres and 1.18-acres (after dedications). The project is located on the southwest corner of Doyle Road and Hill Avenue (3351 Doyle Road), and is zoned R-40 (Single Family Residential) District. APN: 033-080-017; and

WHEREAS, the site currently has one single family home, which would continue to occupy proposed Parcel "A"; and

WHEREAS, the applicant's plans include the Tentative Parcel Map titled "Vesting Tentative Parcel Map MS 14-977 3351 Doyle Road," updated and received on January 20, 2015, and attached to the project staff report ("Plans"); and

WHEREAS, on January 20, 2015 the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site is designated "Single Family Very Low" on the Oakley 2020 General Plan Land Use Map, and zoned R-40 (Single Family Residential) District; and

WHEREAS, the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15315 (Class 15 – Minor Land Divisions); and

WHEREAS, on February 13, 2015, the Notice of Public Hearing for the project was posted in the Contra Costa Times, at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on February 24, 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 24, 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 14-977 for the project titled, "3351 Doyle Road Minor Subdivision 14-977 (TPM 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 "Single Family Very Low" land use designation; and
2. The subdivision will result in the completed improvements to, and connection of, Hill Avenue and Doyle Road in a manner consistent with Oakley's right of way improvement design standards.

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

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves the applicant's request for approval of a Tentative Parcel Map for "3351 Doyle Road Minor Subdivision 14-977 (TPM 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 Planning Division and made a part of the City Council's meeting packet for February 24, 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 Division Conditions

General:

1. This tentative parcel map is approved, as shown on the revised plans, date stamped by the Planning Division on January 20, 2015, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval shall be effectuated within a period of three (3) years from the effective date of this resolution by the recording of a final map and if not effectuated shall expire on February 24, 2018. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal 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 February 24, 2015.
4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.
6. Should archaeological materials be uncovered during grading, trenching or other on- site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
7. The applicant shall 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).
8. The applicant shall post a copy of the City of Oakley General Plan 2020 Land Use Diagram, in a conspicuous place, within the model homes or sales office.

Landscaping:

9. A mix of evergreen and deciduous trees as well as shrubs and ground cover shall be planted along the street frontage as specified in the Residential Design Guidelines per the review and approval of the Community Development Director.
10. A landscaping and irrigation plan for all areas of the right of way to be landscaped shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. Landscaping shall conform to the Oakley Landscape Guidelines and the City's Water Conservation Landscape Ordinance 82-26 and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance.
11. California native drought tolerant plants shall be used as much as possible. All trees shall be a mix of fifteen-gallon and 24" box; all shrubs shall be a minimum five-gallon size, except as otherwise noted.
12. 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.

Subdivision Disclosures:

13. 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.

14. 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:

15. 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 MAP UNLESS OTHERWISE NOTED:

General:

16. 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. In lieu of submitting the improvement plans, the applicant shall be allowed to enter into a deferred improvement agreement to be approved by the City Council prior to filing of the parcel map.
17. 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.
18. 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. Consistent with Condition No. 16, the applicant shall be allowed to enter into a deferred improvement agreement for submitting grading plans.
19. 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. Consistent with Condition No. 16, the applicant shall be allowed to enter into a deferred improvement agreement for submitting landscaping plans.

20. 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.
21. Building permits for house construction shall not be issued until the subdivision streets serving the lots have been paved.

Roadway Improvements:

22. Construct the frontage of Doyle Road and Hill Avenue to City public road standards for a 36-foot wide roadway within a 56-foot right-of-way, including curb, five-foot monolithic sidewalk (width measured from curb face), necessary longitudinal and transverse drainage, pavement widening to a minimum of 28 feet, and conforms to existing improvements. The face of curb shall be located 18 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project.
23. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.

Road Alignment/Sight Distance:

24. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Doyle Road and Hill Avenue. 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:

25. Convey to the City, by offer of dedication, the right of way for Doyle Road and Hill Avenue for the planned future half width of 28-feet along the project frontages.
26. Relinquish abutter's rights of access along the Hill Avenue frontage to the satisfaction of the City Engineer.
27. 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:

28. Install streetlights along the Doyle Road and Hill Avenue frontages. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. The lights on the frontage streets shall be decorative per City standards

Grading:

29. 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.
30. 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.
31. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities.
32. Grade all pads so that they drain directly to the public street at a minimum of one percent without the use of private drainage systems through rear and side yards.
33. 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.
34. 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.

35. 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.
36. 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.
37. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.
38. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

39. Underground all new and existing utility distribution facilities, including those along the frontage of Doyle Road and Hill Avenue. 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.
40. 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.
41. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

42. 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 30B and Drainage Area 130 as prepared by the Contra Costa County Flood Control and Water Conservation District.

43. 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.
44. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
45. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

Landscaping in the Public Right of Way:

46. Install public right of way landscaping along Doyle Avenue and Hill Avenue concurrently with the construction of the frontage improvements along Doyle Road and Hill Avenue.

National Pollutant Discharge Elimination System (NPDES):

47. 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:

48. 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.

49. 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.
50. 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.

51. 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.
52. 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.
53. 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.
54. 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, stormwater ponds and any proposed pump stations, as well as any levees proposed to be maintained by the City. 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 filing of any final or parcel map, and the project proponent shall fund all costs of the formation.
55. Applicant shall comply with the drainage fee requirements for Drainage Area 30B and 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.

56. 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 Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.

J. The applicant shall obtain an encroachment permit from Caltrans for construction within the State right of way.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 24th day of February, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date