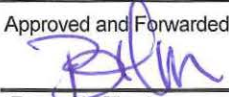




STAFF REPORT

Date: Tuesday, May 26, 2015
To: Bryan H. Montgomery, City Manager
From: Joshua McMurray, Planning Manager
Subject: **East Bay Work Wear Design Review (DR 02-15) – Design Review for the Construction of a 6,035 square foot commercial building located at 1530 Neroly Road. APN 034-040-016**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary

The applicant is requesting approval of Design Review for the construction of an approximately 6,035 square foot commercial building. The building is planned to be split into 4 tenant spaces with the applicant, East Bay Work Wear, occupying the largest space of 3,286 square feet. East Bay Work Wear is currently operating a retail location in Concord and they carry quality work wear, casual wear, boots and accessories for men and women. This new location would replace that store. Other site improvements consist of a parking area (26 total spaces including 16 new spaces), site landscaping and a trash enclosure. The project site is designated in the General Plan as Commercial and is Zoned Planned Development (P-1) which allows for commercial uses.

Staff recommends the City Council adopt the Resolution Design Review (DR 02-15) for the construction of a new 6,035 square foot commercial building for the East Bay Work Wear project located at 1530 Neroly Road (APN: 034-040-016), as conditioned.

Background

On February 14, 2005 the City Council certified the Environmental Impact (SCH #2004062119) for the Magnolia Park subdivision. The EIR analyzed the Magnolia Park project area, encompassing 194.5 acres, a total of 549 single-family dwelling units and a 20-acre commercial site. The Pulte Group built out the residential portion of the project area, and the commercial site was reduced to approximately 17-acres. The Diamond Hills Sports Club and Spa (PLN-2007-0276) was approved by the Planning Commission in June of 2007 under Resolution No. 13-07. In August of 2007, the Planning Commission adopted Resolution No. 14-07 approving a Minor Subdivision (MS 07-976) to subdivide the 17-acre parcel into three parcels of approximately 10, 4.6 and 2.4 acres. The site was developed with the Diamond Hills Sports Club and Spa and a majority of the parking area on the 10 acre parcel, and a future Phase II on the 4.6 and 2.4 acre parcels along the Neroly Road and Empire Avenue frontages of the site. The approval for the future Phase II expired in 2010 and the City purchased the two remaining parcels in 2011 to help further facilitate the development of the site and the economic development goals for the City.

Subject: East Bay Work Wear DR 02-15

Date: May 26, 2015

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The City Council declared the project site as surplus property and initiated a Request for Proposal process in June 2014. The applicant submitted the only bid to develop a portion of the property with the proposed project as outlined in this report. The City and the applicant entered into a Real Property Purchase Agreement in October 14, 2014. The Real Property Purchase Agreement outlines the sale of the land from the City to the applicant and indicates conditions such as the timing for project construction. As stated in the agreement and further conditioned in the attached resolution, the applicant will need to complete construction for the project, assuming that all project approvals and permits are in place, no later than one year after the start of construction. The applicant has indicated that they intended to break start construction as soon as possible and look to open the store in November of this year.

General Plan/Zoning Compliance

The project site is part of the Magnolia Park development, which includes approved areas for residential, recreational, school, and commercial related land uses. In March of 2005, the City Council adopted Ordinance No. 07-05 rezoning the Magnolia Park project area from the County A-2 (General Agriculture) District to P-1 (Planned Development) District. City Council Resolution No. 26-05, approved in conjunction with the Magnolia Park Subdivision, conditioned the commercial portion of the site to comply with the standards in the RB (Retail Business) District. The RB District was used in analyzing the existing Diamond Hills Sports Club and Spa and the Neroly Child Care Center projects.

Project Description

The property (APN 034-040-016) is approximately 4.6-acres in size; however the portion of that parcel being sold to the applicants is approximately .638-acres or 27,791 square feet. As part of the agreement to purchase the property, the City agreed to process the parcel map to split that .638-acre portion off. The City completed that in February. The site is currently a graded pad, part of the larger Neroly Commercial Center site. The center is developed with the Diamond Hills Sports Club and Spa, parking areas, landscaping, and frontage improvements. The project site is a rectangular shaped parcel fronting on Empire Avenue. The frontage improvements consisting of curb, gutter and sidewalk have already been constructed along the project frontage as part of the Diamond Hills project.

The project consists of the following approval:

Design Review

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

Analysis

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

Land Use Compatibility

Surrounding uses include the Diamond Hills Sports Club and Spa on the same site, to the southeast with residential further to the east and partially to the north. North of the site, near the main intersection are commercially designated properties with approvals for the La Grande Wedding and Event Center and the Celebration Christian Preschool. West of the site, across Empire Avenue, is the approved Empire Station project. Further to the northwest beyond a vacant parcel is the Randall-Bold Water Treatment Plant operated by Contra Costa Water District.

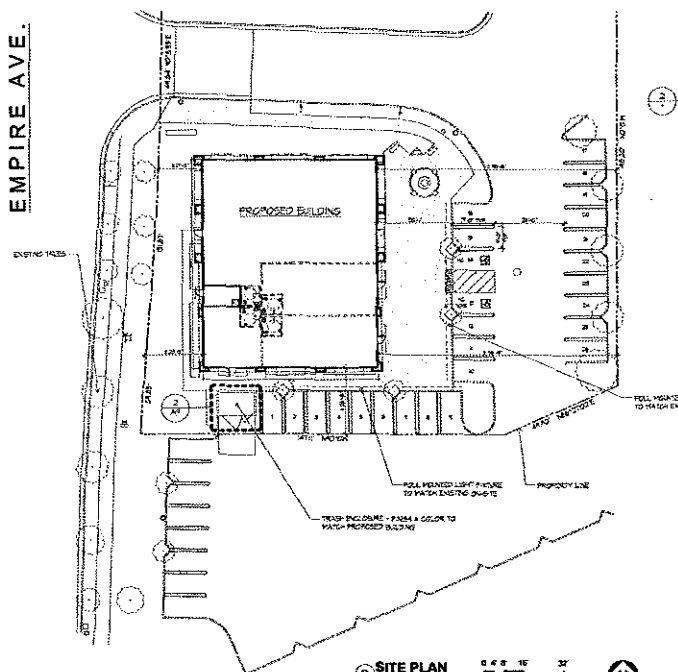
The proposed project site is in a small commercial core located along Neroly Road, east of Empire Avenue. This area of the City is beginning to see signs of development with the construction of the Diamond Hills Sports Club and Spa, the approval for the La Grande Wedding and Event Center, and the recent approval for the Neroly Child Care project (same commercial center site). The project would also bring an added benefit and amenity to the City of Oakley by means of new jobs and property tax as well provide a retail location for the residents of Oakley to purchase additional goods and services.

Circulation/Parking

The proposed project will be directly accessible off Empire Avenue, using an existing driveway location for the center. The project is proposing to add a total of 16 additional parking spaces. The sale of the land includes 10 parking spaces and with the addition of 16 new spaces that brings the site total to 26 parking spaces. The existing center has over 400 existing parking spaces, with the Diamond Hills Sports Club and Spa requiring a little less than 300 total spaces. With the reciprocal parking agreement in place for the center already, the project meets the requirement of 24 parking spaces which breaks down as follows:

- 6,035 square feet of building @ 1 parking space per 250 square feet = 24 parking spaces

The propose project meets all of the code requirements in terms of parking and circulation. The image below shows the proposed layout of the project site.



Building/Site Design

The building has been designed to complement both the existing Diamond Hills Sports Club and Spa facility as well as the approved but not constructed Neroly Child Care project. The building features a primarily stucco exterior using four paint colors, a metal roof over the northern half of the building's roof, fabric awnings, and a detailed parapet for the flat portions of the

Subject: East Bay Work Wear DR 02-15

Date: May 26, 2015

Page 4

building roof. Through the Design Review process, along with the center's Architectural Review Committee review as required by the CC&R's, there are several recommended conditionals of approval to capture changes in the design as follows:

- The Applicant shall revise the plans dated April 24, 2015 to extend the shade awnings on the East, South and West elevations above the top of windows/doors consistent with those on the North elevation.
- The Applicant shall select a different color for the fabric awnings to be more consistent with the buildings color scheme.
- The Applicant shall revise the plans dated April 24, 2015 to add a window system on the west wall of Suite D (similar to the window system on the west wall of Suite A).

The proposed changes will make for a more visually interesting building while promoting a high quality design. The design lends itself well to being a standalone multi-tenant building. A rendering of east elevation (view from parking lot) and west elevation (view from Empire Avenue) for the project is provided below.



EAST ELEVATION (FRONT VIEW)



WEST ELEVATION (REAR VIEW)

East Bay Work Wear
Design Review (DR 02-15)
Vicinity Map
Portion of APN: 034-040-016





PROJECT DATA

PROJECT DESCRIPTION: COMMERCIAL COLD SHELL
 PROJECT: NEROLY RD. & EMPIRE AVE., OAKLEY, CA
 APN: 034-040-016

PROJECT TEAM

OWNER
 GLENN & ROBIN MOFFIT
 3333 TABORA DR.
 ANTIOCH, CA 94509
 PH: (925) 813-0165
 CONTACT: GLENN MOFFIT

CIVIL ENGINEER
 DeBolt CIVIL ENGINEERING
 811 SAN RAMON VALLEY BLVD.
 DANVILLE, CA. 94526
 PH: (925) 837-3780
 FX: (925) 837-4378
 CONTACT: JIM DIGGINS

ARCHITECT OF RECORD
 STIRLING ARCHITECTS, INC.
 1145 SECOND STREET SUITE 188
 BRENTWOOD, CA 94513
 PH: (925) 634-0095
 FX: (925) 226-4816
 CONTACT: DON STIRLING, AIA

LANDSCAPE ARCHITECT
 KLA INC.
 151 N. NORLIN STREET
 SONORA, CA 95370
 PH: (209) 532-2856
 FX: (209) 532-9510
 CONTACT: TOM HOLLOWAY

DESIGN ARCHITECT
 PERKINS, WILLIAMS & COTTERILL
 3320 DATA DR., STE. 200
 RANCHO CORDOVA, CA 95670
 PH: (916) 851-1400

SHEET INDEX

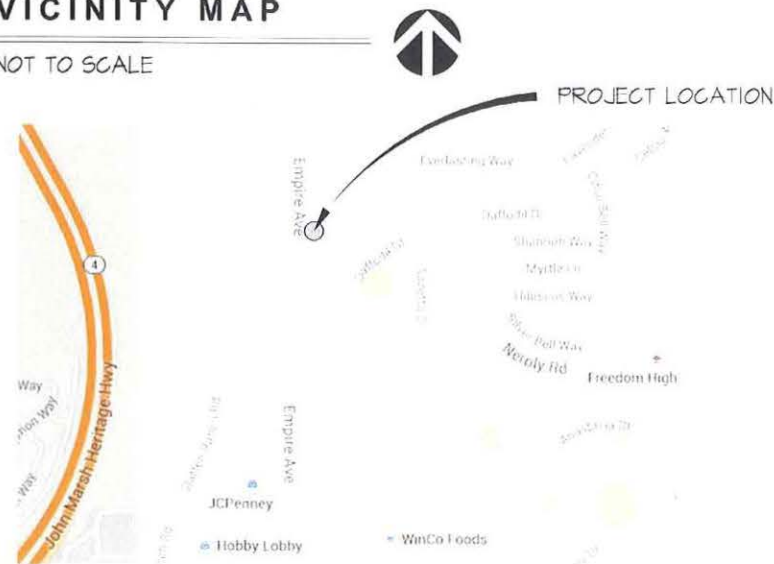
ARCHITECTURAL DRAWINGS
 A1 COVER SHEET
 A2 ARCHITECTURAL SITE PLAN
 A3 FLOOR PLAN
 A4 ELEVATIONS 1
 A5 ELEVATIONS 2
 A6 COLORED ELEVATIONS 1
 A7 COLORED ELEVATIONS 2
 A8 ROOF PLAN
 A9 BUILDING SECTION & TRASH ENCLOSURE

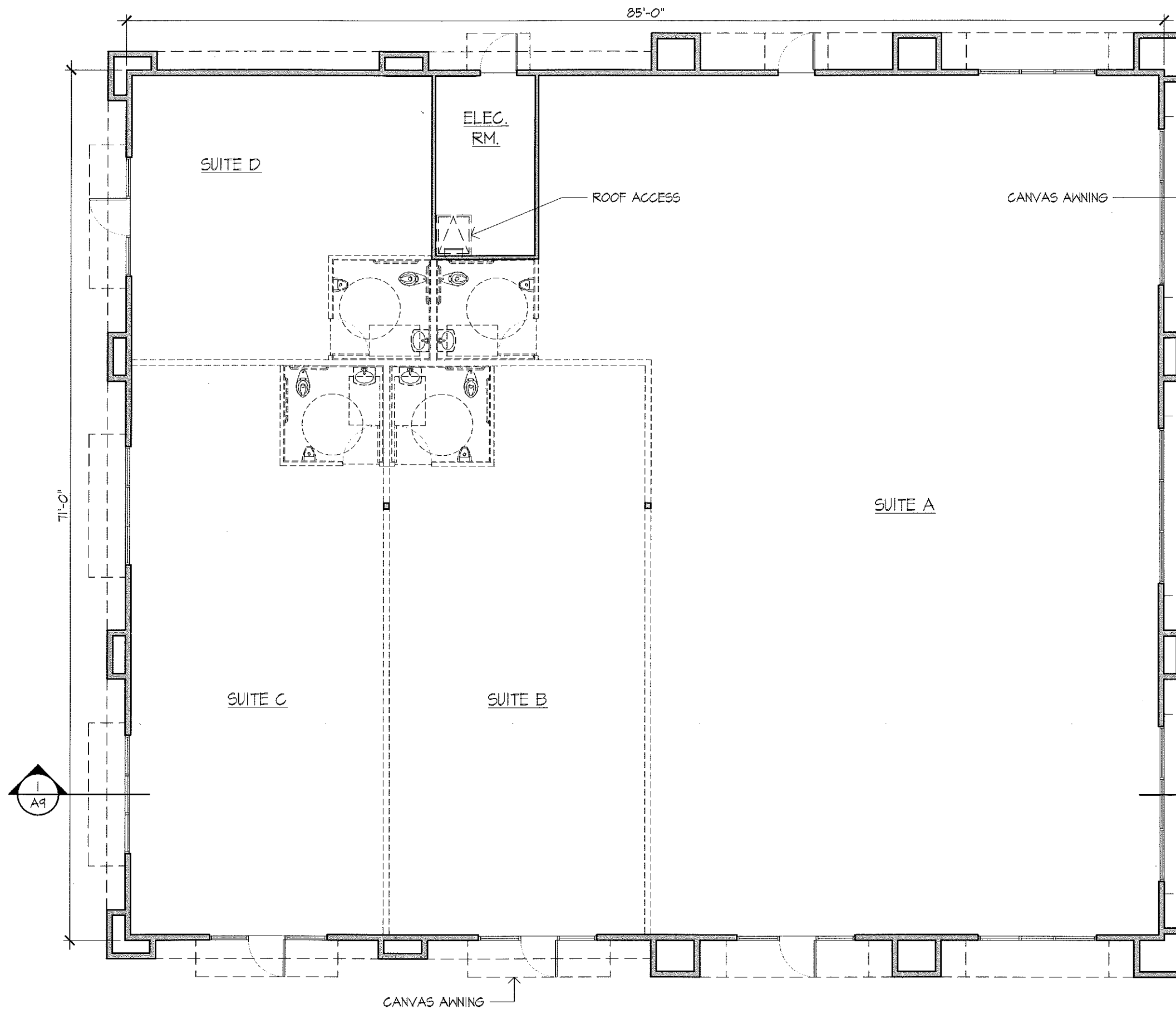
CIVIL DRAWINGS
 C1 PRELIMINARY GRADING & DRAINAGE PLAN
 C2 PRELIMINARY STORM WATER CONTROL PLAN

LANDSCAPE DRAWINGS
 L0 PRELIMINARY LANDSCAPE PLAN

VICINITY MAP

NOT TO SCALE

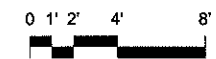


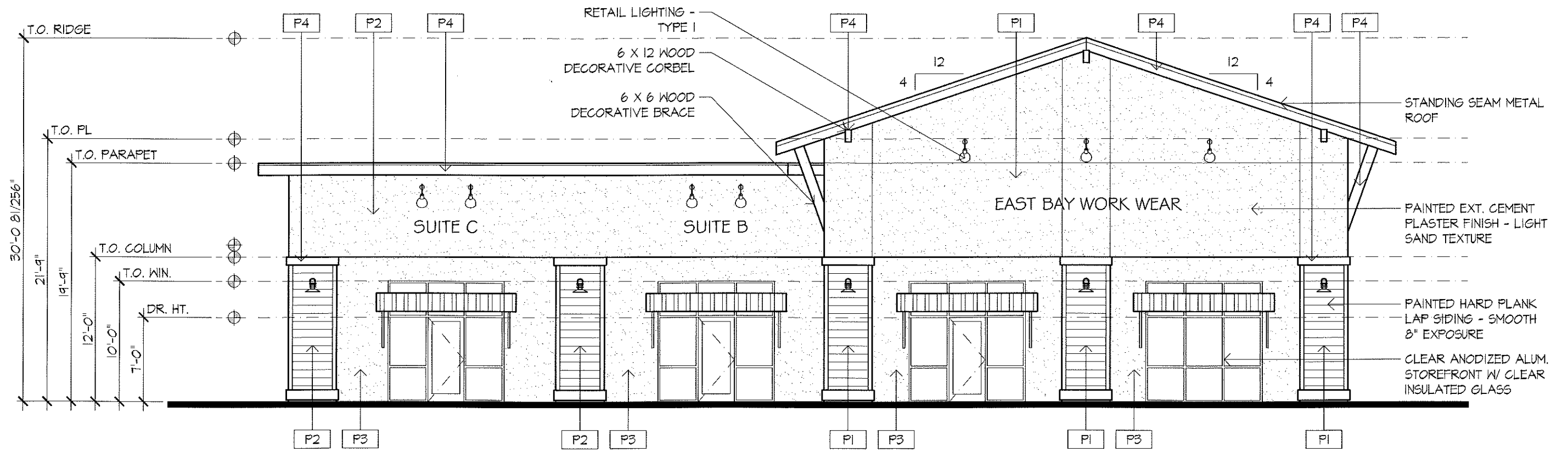


AREA CALCULATIONS

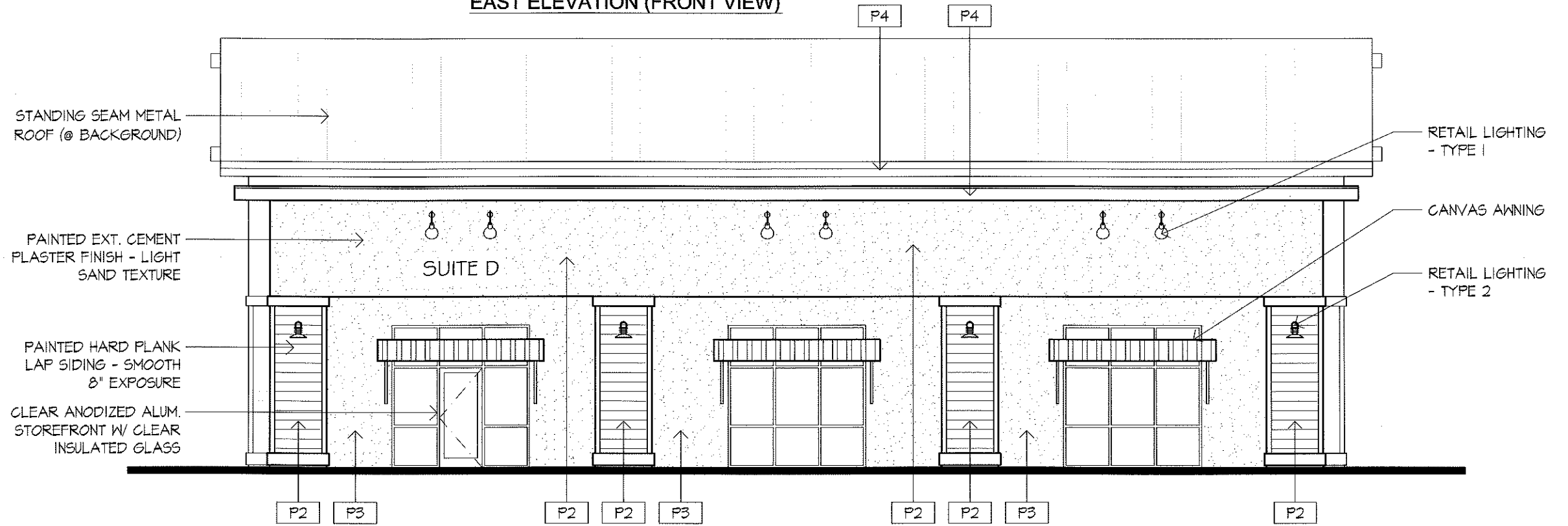
SUITE A:	+/- 3,286 SQ. FT.
SUITE B:	+/- 1,008 SQ. FT.
SUITE C:	+/- 1,010 SQ. FT.
SUITE D:	+/- 597 SQ. FT.
ELECTRICAL ROOM:	+/- 134 SQ. FT.
PROPOSED BUILDING TOTAL:	+/- 6,035 SQ. FT.

FLOOR PLAN





EAST ELEVATION (FRONT VIEW)



SOUTH ELEVATION (LEFT VIEW)

COLOR LEGEND

P1	BLUE FOREST
P2	SISAL
P3	PARCHMENT
P4	AMERICAN EAGLE

STANDING SEAM METAL ROOF (@ BACKGROUND)

PAINTED EXT. CEMENT PLASTER FINISH - LIGHT SAND TEXTURE

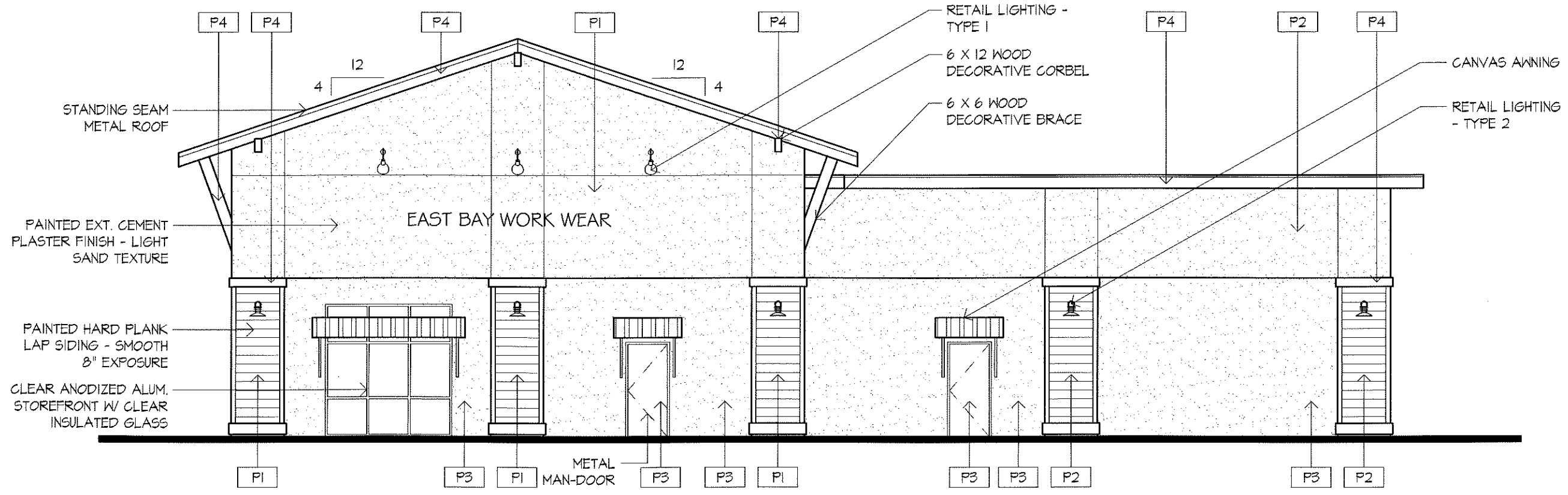
PAINTED HARD PLANK LAP SIDING - SMOOTH 8" EXPOSURE

CLEAR ANODIZED ALUM. STOREFRONT W/ CLEAR INSULATED GLASS

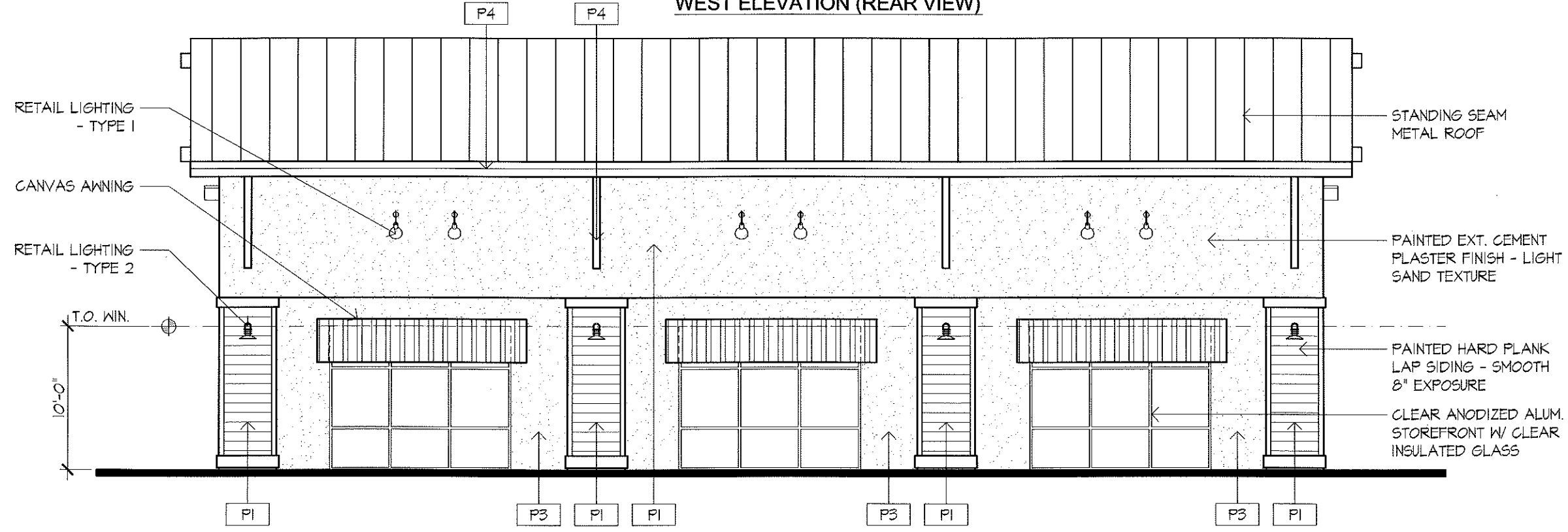
RETAIL LIGHTING - TYPE I

CANVAS AWNING

RETAIL LIGHTING - TYPE 2



WEST ELEVATION (REAR VIEW)



NORTH ELEVATION (RIGHT VIEW)

COLOR LEGEND

P1	BLUE FOREST
P2	SISAL
P3	PARCHMENT
P4	AMERICAN EAGLE



EAST ELEVATION (FRONT VIEW)



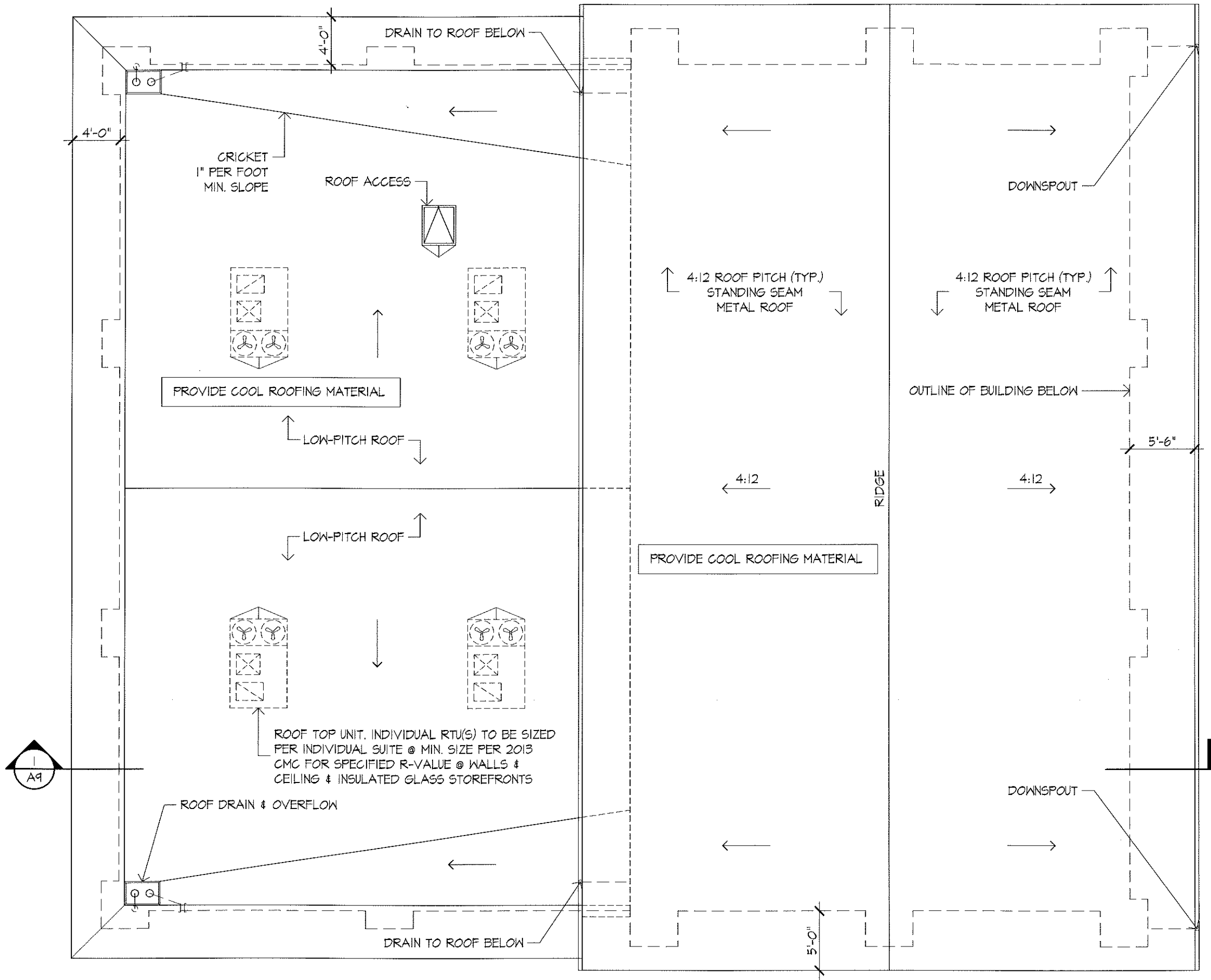
SOUTH ELEVATION (LEFT VIEW)



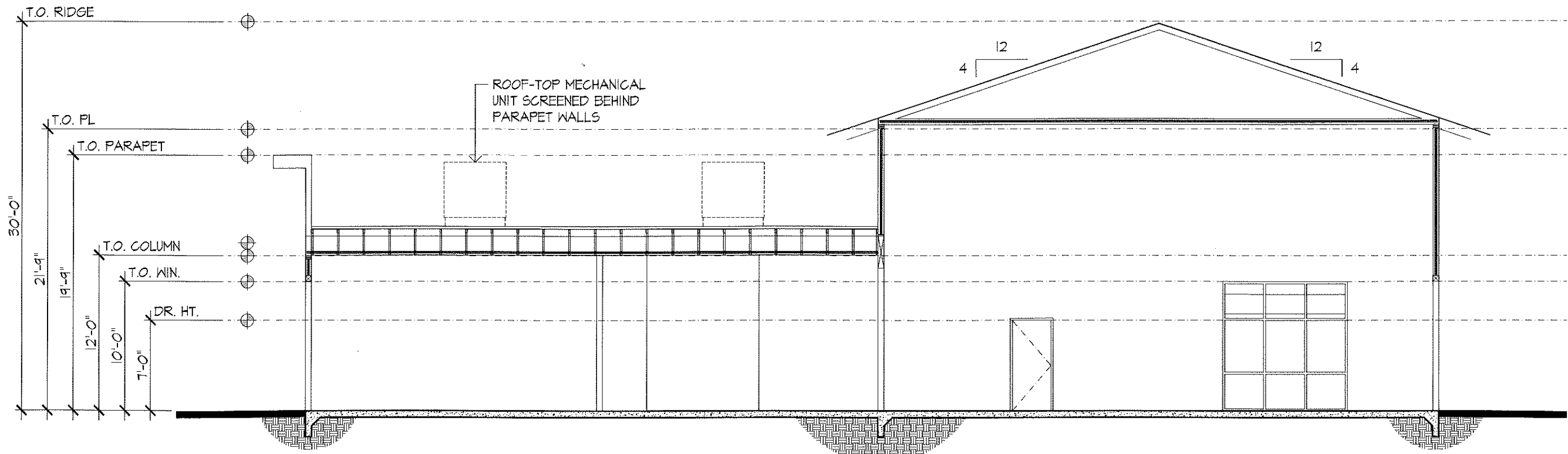
WEST ELEVATION (REAR VIEW)



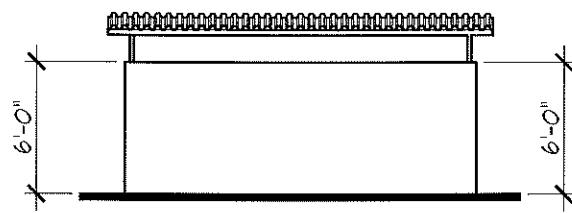
NORTH ELEVATION (RIGHT VIEW)



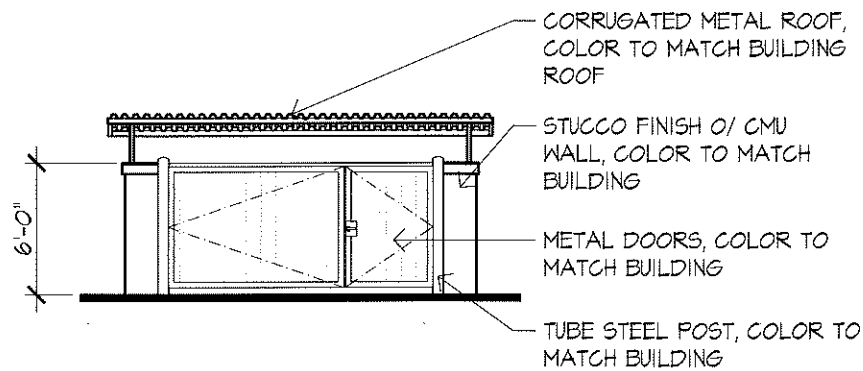
ROOF PLAN



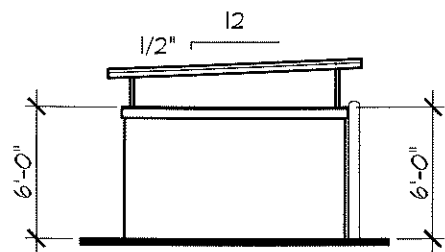
BUILDING SECTION



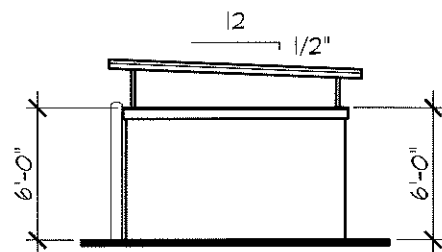
NORTH ELEVATION (REAR VIEW)



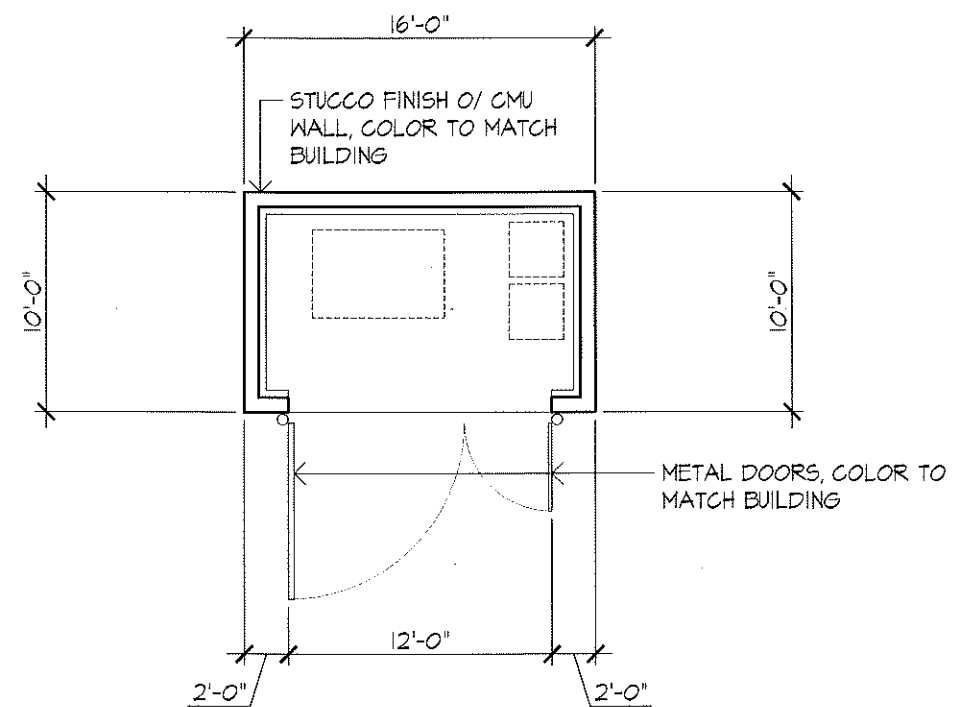
SOUTH ELEVATION (FRONT VIEW)



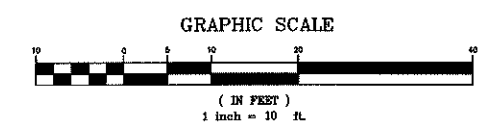
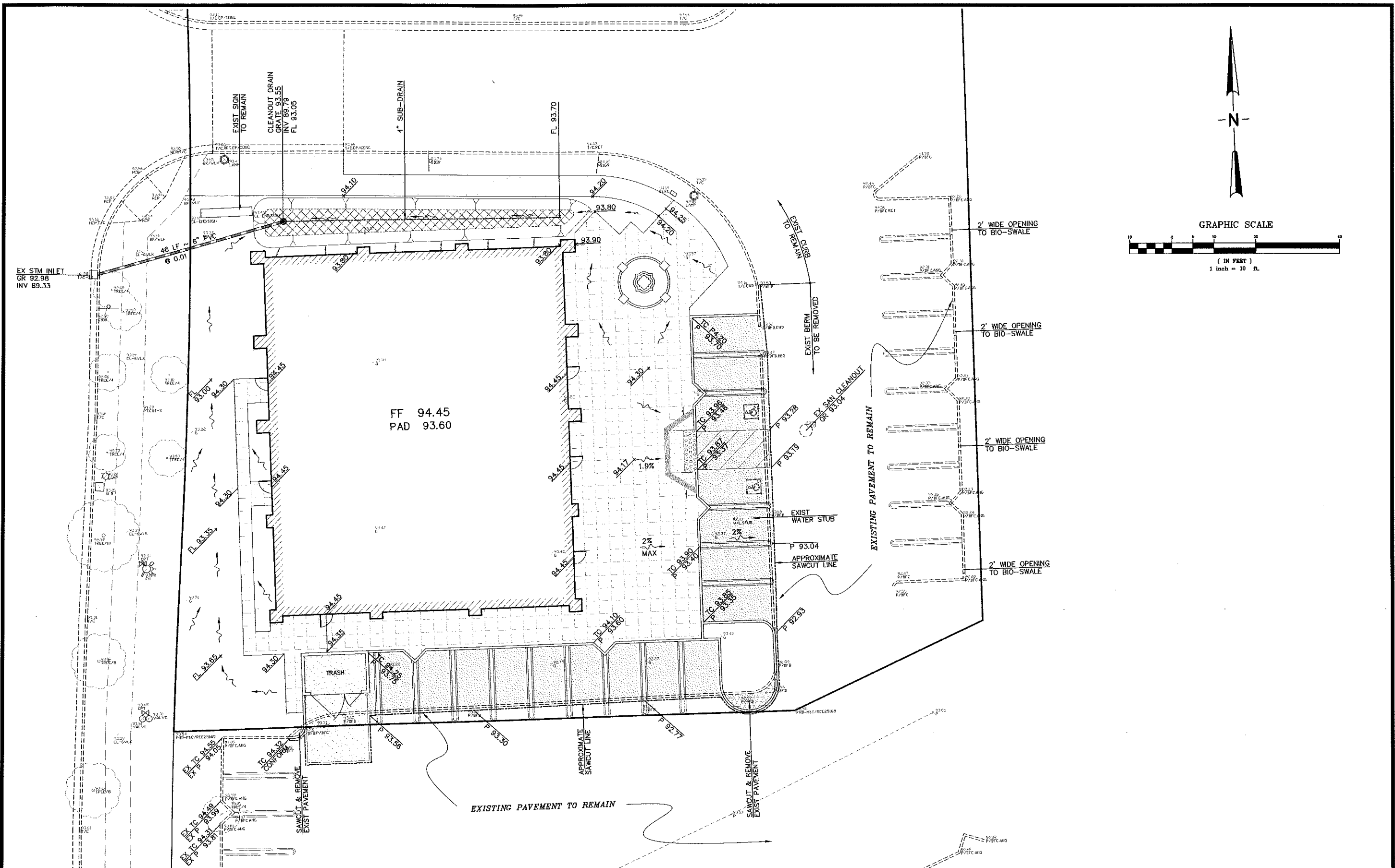
WEST ELEVATION (LEFT VIEW)



EAST ELEVATION (RIGHT VIEW)



TRASH ENCLOSURE PLAN



**PRELIMINARY
GRADING and DRAINAGE PLAN**

DIAMOND HILL

CITY OF OAKLEY

CONTRA COSTA COUNTY

CALIFORNIA

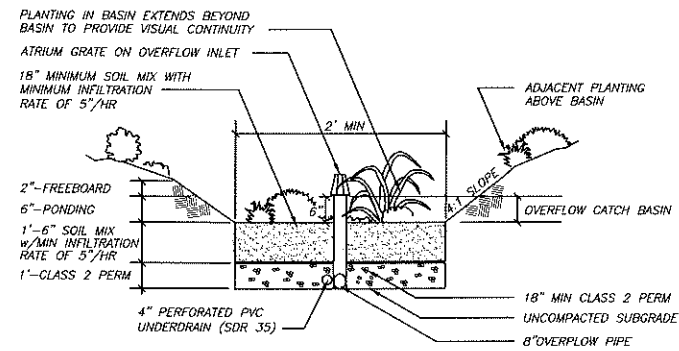
JAMES E. DIGGINS R.C.E. 27818
RENEWAL DATE: 03/31/2016

#	REVISIONS	DATE



DeBolt Civil Engineering
811 San Ramon Valley Boulevard
Danville, California 94526
Tel: 925/837-3780
Fax: 925/837-4378

Date: 4/22/2015
Scale: 1" = 10'
By: JED /
Job No.: 15117



BIO-RETENTION AREA
 N.T.S.

DMA	AREA	SURFACE
1	6,130 sq ft	ROOF
2	834 sq ft	CONCRETE
3	446 sq ft	CONCRETE
4	2,080 sq ft	LANDSCAPE
5	1,098 sq ft	CONCRETE

IMP	SIZE
1	360 sq ft

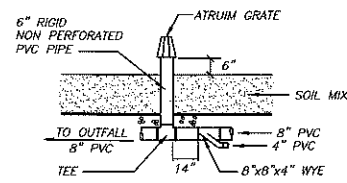
LEGEND

- BIO-SWALE / PLANTERS
- CATCH BASINS
- STORM DRAIN LINE
- DENOTES AREA (DMA) DRAINAGE MANAGEMENT AREA
- INTEGRATED MANAGEMENT PRACTICE

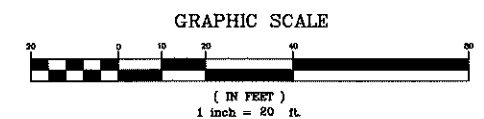
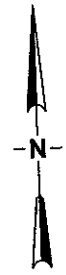
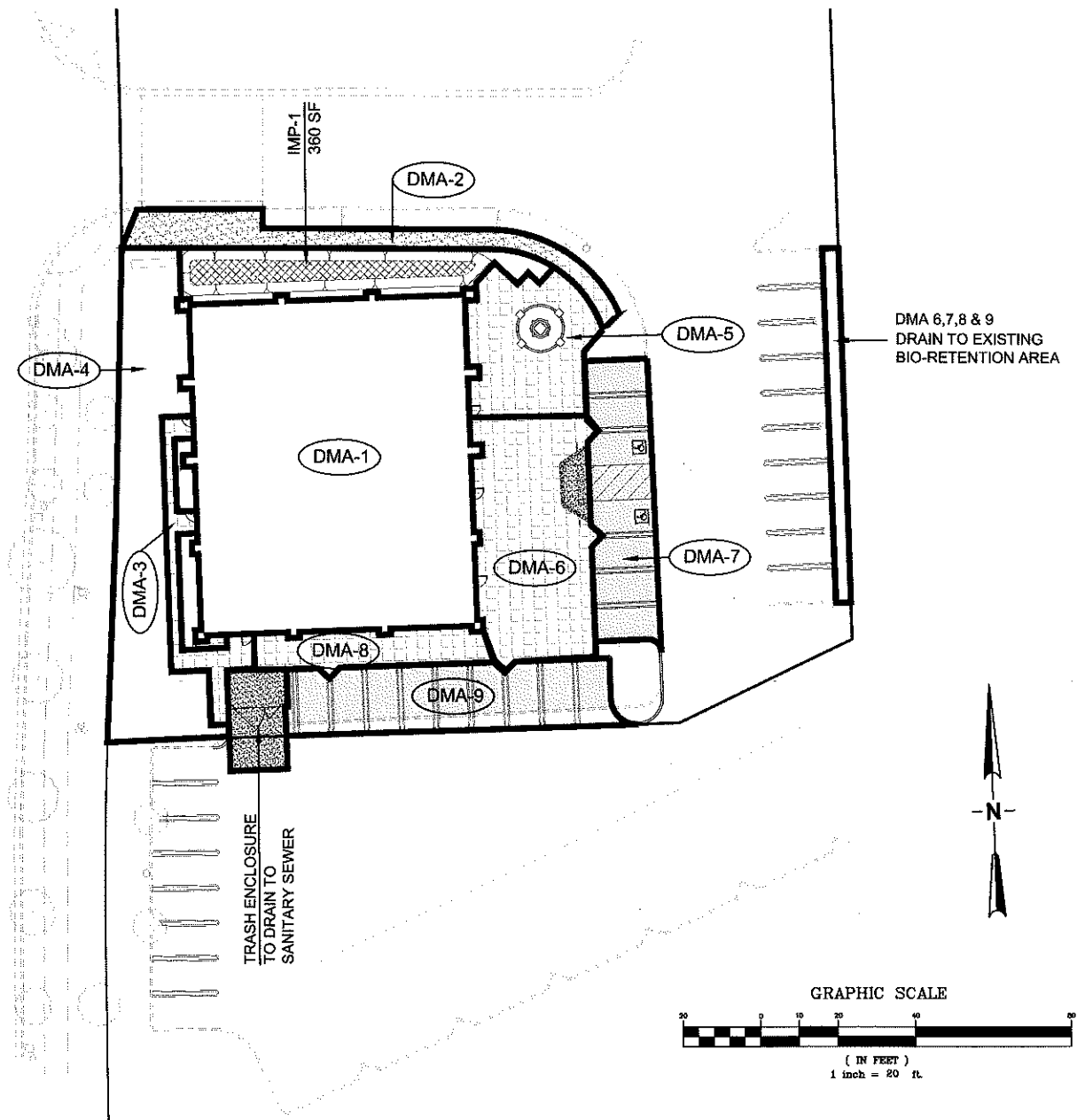
IV. Areas Draining to IMPs

IMP Name: IMP1 (Soil Type: C)
 IMP Type: Bioretention Facility
 Soil Type: C

DMA Name	DMA Area (sq ft)	Post-Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing			
					IMP Sizing Factor	Rain Adjust-ment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA1	6,130	Conventional Roof	1.00	6,130				
DMA2	834	Concrete or Asphalt	1.00	834				
DMA3	446	Concrete or Asphalt	1.00	446				
DMA4	2,080	Landscape	0.10	208				
DMA5	1,098	Concrete or Asphalt	1.00	1,098				
Total				8,716	0.040	1.000	349	360



OVERFLOW DETAIL
 N.T.S.



**PRELIMINARY
 STORM WATER CONTROL PLAN**

DIAMOND HILL

CITY OF OAKLEY

CONTRA COSTA COUNTY

CALIFORNIA

JAMES E. DIGGINS R.C.E. 27818
 RENEWAL DATE: 03/31/2016

#	REVISIONS	DATE



DeBolt Civil Engineering
 811 San Ramon Valley Boulevard
 Danville, California 94526
 Tel: 925/837-3780
 Fax: 925/837-4378

Date: 4/22/2015
 Scale: 1" = 20'
 By: JED /
 Job No.: 15117

Landscape Concept

The landscape design concept for the Diamond Hill Retail center is to provide an enjoyable and aesthetic space for the customers that fits within the landscape framework of the existing commercial center and the surrounding area. Plant material has been selected that performs well in the special conditions of the California Coastal Inland area (Sunset Zone #17).

In keeping with the need for water conservation there will be no new turf areas on this site. All plant selections (with the exception of the bio-filtration swales) are hardy low water use trees, shrubs and groundcover. The landscape (and associated irrigation) has been designed to be compliant with the City of Oakley Water Efficient Landscape Ordinance.

Special considerations have been provided in selection of plant material that respect the needs of the retail center and the customers. Clear and secure view corridors have been provided to ensure safety of the customers entering the building as well as moving around the site.

Plants near the Pedestrian Terrace are particularly selected for higher interest with variable forms, colors and textures.

Irrigation

The entire site will be irrigated using a fully automatic system and designed to meet the City's Water Efficient Landscaping Ordinance. The irrigation system will largely be low-volume design with no use of pop-up sprays. The system will include in-line valves, quick couplers, and gate valves. New irrigation controller will be Hunter, Irritrol, or equal. A wireless weather sensor will communicate with the controller for rain/freeze shut-off abilities. A complete irrigation design with these parameters will be provided with the improvement plans.

Parking Lot Shade

The City of Oakley requires 1 tree for 6 parking stalls and a 50% shading coverage of the parking area. There are also numerous street trees and accent trees throughout the project to more than sufficiently meet the parking lot shade requirements. Calculations to show that the 50% shade coverage is met or exceeded will be provided with the building permit set.

Tree Root Barriers

All trees denoted with the root barrier symbol are to have a linear DeepRoot Model #UB 18-2 root barriers installed during tree installation along the inside edge of the adjacent curb or sidewalk. The following minimum number of panels are to be installed with each tree on each side of the tree that has sidewalk or curb as denoted on the plans:

15 gallon trees 5 panels
24" box trees 6 panels

Tree sizes not listed above are to be installed with the quantity of panels as specified by the manufacturer.

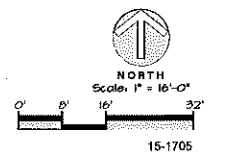
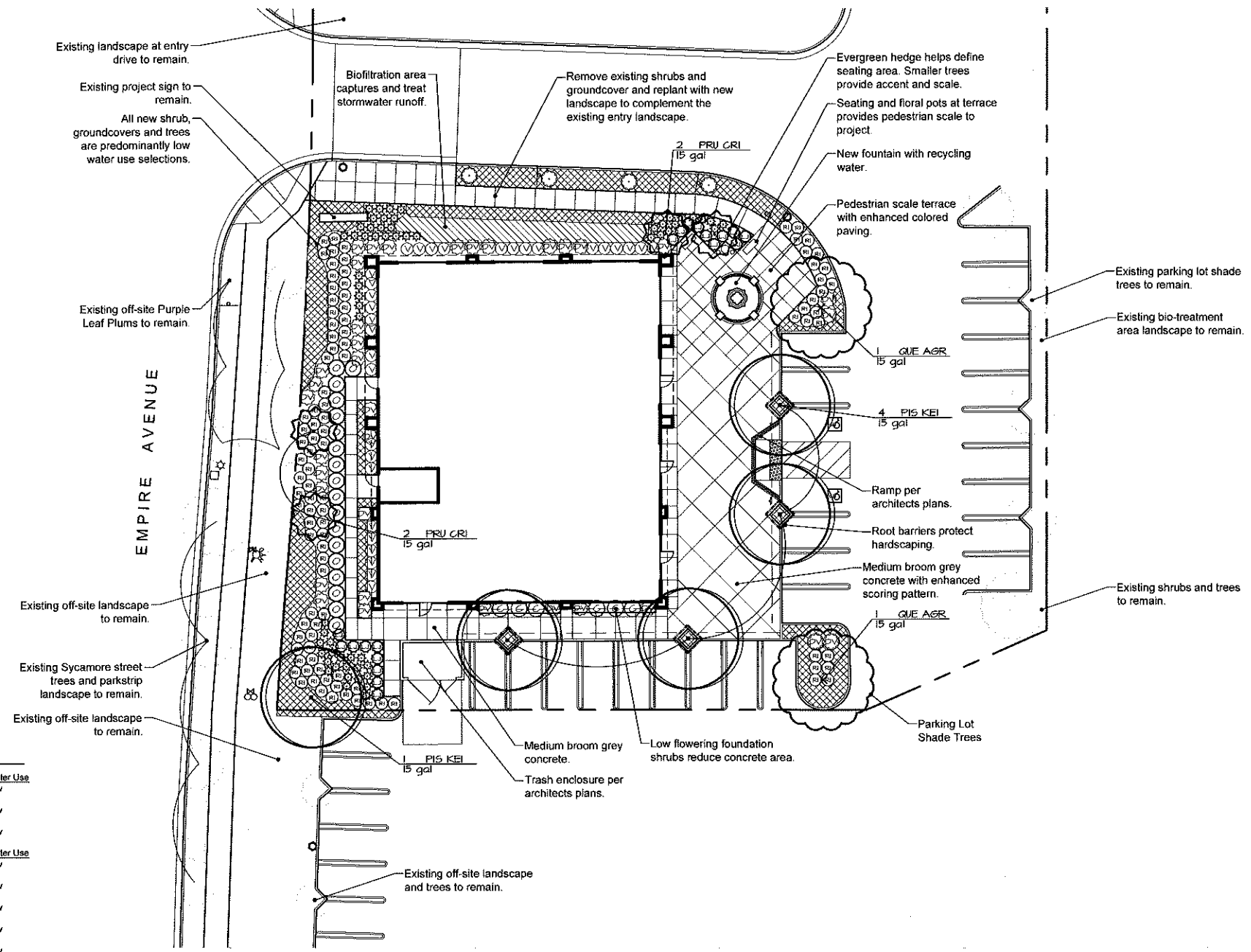
Landscape Areas

On-Site Planting Area	4,440 sf
Turf Area	0 sf
Shrub Area	4,440 sf
Total:	4,440 sf

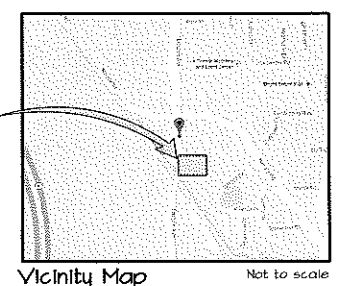
PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	CONT	QTY	Water Use	
PIS KEI	<i>Pistacia chinensis</i> 'Keith Davey'	Keith Davey Chinese Pistache	15 gal	5	Low	
PRU CRI	<i>Prunus cerasifera</i> 'Cripolzam'	Flowering Plum	15 gal	4	Low	
QUE AGR	<i>Quercus agrifolia</i>	Coast Live Oak	15 gal	2	Low	
SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	QTY	Water Use	
CAL LJ	<i>Callistemon viminalis</i> 'Little John'	Dwarf Weeping Bottlebrush	5 gal	6	Low	
DIE BIC	<i>Dietes bicolor</i>	Fortnight Lily	5 gal	35	Low	
LAG MON	<i>Lagerstroemia indica</i> 'Moned'	Chica Red Dwarf Crape Myrtle	5 gal	4	Low	
LIG JAP	<i>Ligustrum japonicum</i>	Japanese Privet	5 gal	19	Low	
MUH RIG	<i>Muhlenbergia rigens</i>	Deer Grass	1 gal	58	Low	
OLE LIT	<i>Olea europaea</i> 'Little Ollie'	Little Ollie Olive	5 gal	18	Low	
RHA BAL	<i>Rhaphiolepis indica</i> 'Ballerina'	Ballerina Indian Hawthorn	5 gal	101	Low	
VIB SPR	<i>Viburnum tinus</i> 'Spring Bouquet'	Spring Bouquet Laurestinus	5 gal	31	Low	
GROUND COVERS	BOTANICAL NAME	COMMON NAME	CONT	SPACING	QTY	Water Use
ARC MAN	<i>Arcostaphylos</i> x 'Emerald Carpet'	Emerald Carpet Manzanita	1 gal	48" o.c.	1,531 sf	Low
JUN PAT	<i>Juncus patens</i>	California Gray Rush	1gal	24" o.c.	327 sf	High

Existing landscape to remain



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RESOLUTION NO. XX-15**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING DESIGN REVIEW (DR 02-15) FOR THE CONSTRUCTION OF A NEW 6,035 SQUARE FOOT BUILDING AND ASSOCIATED SITE IMPROVEMENTS FOR THE EWAST BAY WORK WEAR PROJECT LOCATED AT 1530 NEROLY ROAD ON A PORTION OF APN 034-040-016****FINDINGS**

WHEREAS, on April 24, 2015, Glenn and Robin Moffatt with East Bay Work Wear ("Applicant"), submitted an application for Design Review (DR 02-15) for the construction of a new 6,035 square foot commercial building and site improvements for a project located at 1530 Neroly Road (Portion of APN: 034-040-016) ("Project"); and

WHEREAS, on May 13, 2015, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site was part of the larger Magnolia Park Project area (Subdivision 8737). The commercial site in which the project is specifically located is designated for commercial uses, and zoned P-1 (Planned Development); 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 May 14, 2015, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on May 26 2015, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public and applicant, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as conditioned, and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, the City's Commercial and Industrial Design Guidelines, and the information submitted to the City Council at its May 26, 2015 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record"); and

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

- A. Regarding the application requesting approval of Design Review (DR 02-15) for the construction of a new 6,035 square foot commercial building and site improvements for a project located at 1530 Neroly Road (Portion of APN: 034-040-016):
1. The design, appearance, and manner of development of all properties within the City have a substantial relationship with the characteristics of public and private places that make a community visually interesting, functional, and a source of community pride. The site for the proposed project 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 .638-acres and the R-B (Retail Business) Zoning District allows for the proposed development with the approval of a Design Review application. 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. Development within the City should be in a manner that is of high quality and allow for flexibility of unique solutions to enhance a project's design so that it can be successfully integrated into the existing fabric of the City, while preserving the City's human scale and sense of place.
 3. The quality of life and stabilization of property values are enhanced by project design that meets the criteria set forth in the Oakley Design Guidelines, Zoning Ordinance, and General Plan, as applicable. The proposed project 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 project for the construction of a building for commercial and retail businesses are permitted in the R-B (Retail Business) Zoning District. 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. Design review is necessary to enhance project design, ensure quality development, maintain or enhance property values, and add to the visual character of the community and public health, safety, and welfare of Oakley residents. The proposed project 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 of the site are a result of Oakley's zoning that allows for commercial lots that can accommodate this type of project; and

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

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for a Conditional Use Permit, subject to the following Conditions of Approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division on **April 24, 2015**, as well as additional information acquired since that time and made part of the project file.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE CONSTRUCTION OF THE BUILDING UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This **Design Review (DR 02-15)** is approved, as shown on the plans, date stamped by the Planning Division on **April 24, 2015**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval for **Design Review (DR 02-15)** shall be effectuated within a period of one (1) years from the effective date of this resolution by pulling a building permit and if not effectuated shall expire on **May 26, 2016**. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Zoning Code.
3. Notwithstanding any conditions within this resolution, the applicant shall receive a Certificate of Occupancy, assuming receipt of all necessary permits and approvals, within one year of starting construction as required by the Real Property Purchase Agreement dated October 14, 2014.

4. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on **May 26, 2015**.
5. 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.
6. 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.
7. 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.
8. 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.

Site Plan:

9. All parking stall striping shall be double striped. Parking stalls shall be 9 feet wide by 19 feet deep 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.
14. The final site plan shall show a bike rack consistent with the bike racks used within the center subject to final approval by the Community Development Director.

Architecture:

15. The Applicant shall revise the plans dated April 24, 2015 to extend the shade awnings on the East, South and West elevations above the top of windows/doors consistent with those on the North elevation to be reviewed and approved by the Community Development Director.
16. The Applicant shall select a different color for the fabric awnings to be more consistent with the buildings color scheme to be reviewed and approved by the Community Development Director.
17. The Applicant shall revise the plans dated April 24, 2015 to add a window system on the west wall of Suite D (similar to the window system on the west wall of Suite A) to be reviewed and approved by the Community Development Director.
18. The applicant shall provide a plan that reflects any changes to the "pedestrian scale terrace" area to be reviewed and approved by the Community Development Director.
19. Roof-mounted equipment shall be architecturally screened from view.
20. The light fixtures on the commercial building shall be decorative fixtures per the review and approval of the Community Development Director.
21. The applicant shall comply with the comments made by the Diamond Hills Plaza Architectural Review Committee.

Landscaping Requirements:

22. 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.

23. All proposed landscaping shall be consistent with the approved landscaping within the center.
24. 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.
25. Parking lot trees shall provide 50 percent shading of the parking areas at tree maturity.
26. 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.
27. 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.
28. Landscaping shall be maintained as shown on the landscape plan in perpetuity.

Signage:

29. 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.
30. All signage shall be in conformance with the Neroly Commercial Center Master Signage Program dated July 2008.
31. 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.
32. 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:

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

Building Division Conditions

34. 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.
35. 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:

36. 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.
37. 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.
38. 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.
39. 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:

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

Access to Adjoining Property:

41. 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.
42. 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:

43. Provide a minimum outside turning radius of 45 feet and a minimum inside turning radius of 28 feet within the parking lot.
44. 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:

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

Grading:

46. 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.
47. 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.

48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.
55. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

56. 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.

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

Drainage Improvements:

58. 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 Areas 30C & 130 as prepared by the Contra Costa County Flood Control and Water Conservation District.

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.

National Pollutant Discharge Elimination System (NPDES):

61. Comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley - Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org.

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

- Utilize pavers or other pervious materials for driveways, walkways, and parking areas wherever feasible.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Install filters in on-site storm drain inlets.
- Sweeping the paved portion of the site at least once a month utilizing a vacuum type sweeper.

- Use of landscape areas, vegetated swales, pervious pavement, and other infiltration mechanisms to filter stormwater prior to entering the storm drain system.
- Provide a sufficient amount of on-site trash receptacles.
- Distribute public information items regarding the Clean Water Program to customers.
- Other alternatives as approved by the City Engineer.

Fees/Assessments:

62. 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);
- H. South Oakley Infrastructure Master Plan Fee (adopted by Resolution No. 52-03);
- I. 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.

63. 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

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 26th of May, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date