

# OAKLEY



CALIFORNIA

## STAFF REPORT

**Date:** Tuesday, February 14, 2017  
**To:** Bryan H. Montgomery, City Manager  
**From:** Joshua McMurray, Planning Manager  
**Subject:** Update of the Residential Standard Conditions of Approval

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

### Background and Summary Recommendation

In 2001 the City Council adopted standard Conditions of Approval for both Residential and Commercial/Industrial projects. The conditions of approval were reviewed again in 2003. Typically, conditions of approval evolve over time as the City is faced with new concerns from around the community. Therefore, it is necessary to review the standard conditions of approval periodically to address new requirements. One area of concern has been front yard landscaping installed for homes in new subdivisions. Specifically areas of the yard that are not planted with groundcover, shrubs and trees are typically required to use mulch to cover the bare ground. With the recent drought the use of mulch has become more prominent. Areas without plantings should be required to lay down a weed barrier or use a chemical pre-emergent to deter weeds from growing. Staff is proposing to add a Condition of Approval that would address this issue.

Staff recommends the City Council review the updated standard conditions of approval and provide comments to staff.

### Analysis

There are several factors the City Council and staff need to consider when reviewing project proposals. The City uses several tools to help in the review process of projects and determine their adequacy. There is a hierarchy of tools used during the review of projects including:

- Policies
- Design guidelines
- Conditions of approval

Conditions of approval are developed to specify the exact way a project will implement the policies and design guidelines. Conditions are precise rules that must be followed by the project to which they are imposed.

In order to facilitate the development process, the City has prepared "standard conditions of approval" that serve as a framework for ensuring development pays its fair share, addresses infrastructure, and meets the City's policies and guidelines. It should be noted that every project will be evaluated on its own merits, using the standard conditions as a framework.

City Staff recently completed a review of the standard conditions for residential and commercial and industrial projects. Staff still feels the existing conditions are adequate with the exception of adding a condition to reflect new front yard landscaping in new residential subdivisions to the Residential Conditionals of Approval.

In addition to the standard conditions of approval, it should be noted there may be mitigation or special circumstances that would require project specific conditions of approval. Those conditions would be added to a project's proposed conditions of approval on case by case basis.

### **Environmental Review**

There is no project related to the review of the standard conditions. Therefore, the review is exempt from CEQA per section 15061.b(3) of the CEQA Guidelines. As projects come forward to the City, each project will need to go through the CEQA process.

### **Conclusion**

Staff recommends that the City Council review the updated standard conditions of approval and provide comments.

### **Attachments**

1. Draft Residential Conditions of Approval

**Draft**  
**STANDARD CONDITIONS OF APPROVAL**  
**RESIDENTIAL**

Applicant shall comply with the requirements of Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan received by the Community Development Department on \_\_\_\_\_.

THE FOLLOWING PLANNING AND BUILDING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED:

***Planning Division Conditions***

**General:**

1. This \_\_\_\_\_ is approved, as shown on the revised plans, date stamped by the Community Development Department on \_\_\_\_\_, 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 \_\_\_\_\_ ( ) years from the effective date of this resolution by the recording of a final map and if not effectuated shall expire on \_\_\_\_\_. 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 Planning Commission on \_\_\_\_\_.
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. All mitigation measures addressed in the environmental document shall be complied with and addressed as outlined in the Mitigation Monitoring Program approved for this project (incorporated as Exhibit A), per the review and approval of the Community Development Director.
8. 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).
9. 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.

**Development Standards:**

10. The \_\_\_\_\_ zone district shall have the following standards:

**Parks and Landscaping:**

11. This project has a park requirement of \_\_\_\_-acres (neighborhood and community). The applicant shall provide \_\_\_ acres on-site and pay in-lieu fees for the remainder.
12. The applicant shall work with the Community Development Department with the design, construction and completion of the park concurrent with the development of the subdivision. As part of the plan check process for the park, the applicant shall develop a park construction schedule approved by the Community Development Director to provide for the timely completion of the park concurrent with development.
13. 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.
14. A landscaping and irrigation plan for all front yard, right-of-way, parks, open space, and trail 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.
15. 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.

16. 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. Areas covered with bark shall use a weed barrier or acceptable pre-emergent herbicide.
17. Each residential lot shall have a minimum of two trees along the street frontage, with the exception of corner lots, which shall have four.
18. The applicant shall maintain all private landscaping until occupancy.
19. A street tree plan shall be submitted for review prior to issuance of Building Permits. The street trees shall be inter-mixed throughout the subdivision, so there are a variety of trees on every street, per review of the Community Development Department.

#### **Fences and Walls:**

20. Within the subdivision good neighbor fences shall be constructed of six-foot high wood fences with metal posts or acceptable alternative as reviewed and approved by the Community Development Director. Corner lots or any good neighbor fence facing a street shall provide a fence or wall constructed of a durable material such as, but not limited to, masonry, vinyl, enhanced wood, composite or other durable material as approved by the Community Development Director. All wood fencing visible from the street shall be stained or painted on both sides to prevent water damage to the satisfaction of the Community Development Director.
21. A \_\_\_-foot masonry wall shall be located along the perimeter of the site adjacent to \_\_\_\_\_. The wall shall be of \_\_\_\_\_ construction per the review and approval of the Community Development Director. In the locations where cul de sacs or front loaded streets are adjacent to the arterial and collector streets, wrought iron or 42" picket fences shall be constructed to provide open views per the review and approval of the Community Development Director.
22. Sound walls shall attenuate, not just deflect sound. The use of sound absorbing material should be used for the construction of sound walls per the review and approval of the Community Development Director.
23. Anti-graffiti techniques shall be used on sound walls.

#### **Subdivision Design:**

24. The neighborhood entries shall be identified by accent paving, project monument signage and accent planting per the review and approval of the Community Development Director.

25. Driveway openings shall be a maximum 18' in width or up to 25% of a lot's frontage (except on cul de sacs).
26. The street names shall be approved by the Community Development Department and the East Contra Costa Fire District.

**Subdivision Disclosures:**

27. The model home complex shall have a copy of the City of Oakley's General Plan land use map posted within the sales office or included with the informational material provided to prospective home buyers.
28. 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.

29. 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.

30. The following statement shall be recorded at the County Recorder's Office for each parcel to notify the future owners of the parcel that they are within the Antioch School District and

shall be prominently displayed in sales office's for the public to view:

This document shall serve as notification that you have purchased land within the Antioch Unified School District. Properties located within Antioch Unified School District boundaries are subject to Mello Roos tax. Potential property owners should be fully aware of this at the time of purchase."

**Design Review:**

31. All windows and doors shall be trimmed on all four sides.
32. Sixty percent of the garage doors throughout the subdivision, that face the street, shall have windows.
33. The use of stone or brick veneer shall be carried to the fence line or change in wall plane per the review of the Community Development Director.
34. All houses that side or back onto a road shall have additional architectural embellishments on the side and rear elevations.
35. Front yard setbacks shall vary from those of adjacent lots by at least 5 feet, for every three lots.

**Energy Efficiency:**

36. Water heaters shall provide an energy efficiency factor of 0.62 or better.
37. Dual zone air conditioning shall be provided on all two-story residential units.
38. Air conditioning condenser units shall be located to take advantage of natural shade. Condensers should not be placed on the west or south elevation of a home, unless shade is provided. The location of the condenser shall be added to all plot plans for review and approval of the Community Development Director.
39. Design and site units so as to take advantage of natural heating and cooling, sun and wind exposure, and solar energy opportunities.

**Waste Management Plan:**

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

### **Building Division Conditions**

41. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy requirements from the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625-7005.
42. An Automatic Life Safety Sprinkler System shall be required in all new construction pursuant to Ordinance 22-06. The automatic Life Safety Sprinkler Systems in commercial and industrial buildings shall be designed and installed to the standards and requirements found in the most recent version of the NFPA (National Fire Protection Association). Automatic Life Safety Sprinkler Systems in hotels and apartments shall be installed to the standards and requirements found in the most recent version of the NFPA Standard 13R. After July 1, 2011, the Automatic Life Safety Sprinkler Systems in one and two family dwellings, and townhouses not more than three stories above grade plane, shall be designed and installed to the standards and requirements found in the 2010 California Residential Code section R313.
43. Prior to requesting a Certificate of Occupancy from the Building Division, all Conditions of Approval required for occupancy must be completed. When the Public Works Division and the Planning Division place Conditions of Approval on the project, those divisions will sign off on the project prior to the request for a Building division final inspection. Similarly, if the Health Department and/or Fire Department reviewed and approved the original plans, those departments must sign off on the project prior to the request for a final inspection by the Building Division.

### ***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:**

44. 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.
45. Submit a final 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.
46. 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.

47. 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.
48. 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.
49. Building permits for house construction shall not be issued until the subdivision streets serving the lots have been paved.

**Roadway Improvements:**

50. Construct the frontage of \_\_\_\_\_ 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. [Residential Street condition]
51. Construct the frontage of \_\_\_\_\_ to City public road standards for a 40-foot wide roadway within a 76-foot right of way, including curb, six-foot detached sidewalk (parallel to the curb face and offset from the face of curb by six feet), right of way landscaping, 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 20 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. [Collector Street condition]
52. Construct the frontage of \_\_\_\_\_ to City public road standards for a 82-foot wide roadway within a 126-foot right of way, including curb, six-foot detached sidewalk (meandering within the landscape area so that the minimum landscape width is no less than six feet), right of way landscaping, a sixteen foot wide landscaped median, 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 41 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. [Arterial Street condition]
53. Construct a bus turnout on the \_\_\_\_\_ side of \_\_\_\_\_ just \_\_\_\_\_ of \_\_\_\_\_. The turnout shall be consistent with Tri Delta Transit and City standards and shall include any necessary shelters and appurtenances. The right of way adjacent to the turnout shall be widened

so that the landscaping width is consistent with the remainder of the frontage.

54. Construct the project streets to City public road standards and as shown on the Tentative Map with the following exceptions:
  - A. The minimum street grade may be lowered from the standard 1% to 0.75% provided that the project proponent demonstrates that the City's drainage standards can be achieved.
  - B. Submit a turning radius exhibit to the City Engineer for review and approval to illustrate that the ninety-degree turns of project streets can accommodate the largest expected vehicle to use the streets without the inclusion of City standard elbows. If the exhibit illustrates that elbows are necessary to accommodate the expected traffic then they shall be included in the improvement plans.
55. Install traffic calming measures consistent with the City's Neighborhood Traffic Management Program including \_\_\_\_\_. The traffic calming measures shall be included on the improvement plans and are subject to the review and approval of the City Engineer.
56. Install traffic control devices such as stop signs and other signing and striping on the project streets to the satisfaction of the City Engineer.
57. Install standard street barricades at the terminus of \_\_\_\_\_. The barricades shall include a sign notifying residents that the streets are planned to be extended in the future, and a deed notification shall be recorded for Lots \_\_\_\_\_ advising those owners of the possibility for future extension.
58. Construct emergency vehicle accesses from \_\_\_\_\_ to \_\_\_\_\_. The design and configuration of the accesses shall be per the current City standard and shall be subject to the review and approval of the City Engineer.
59. Construct an asphalt concrete overlay for the entire width of \_\_\_\_\_ adjacent to the project. The City Engineer shall determine the depth and extent of the overlay.
60. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.
61. Submit a phasing plan for the project streets to the City Engineer for review if the street improvement will be phased. The plan shall include provisions for emergency vehicle access, temporary turn-around facilities, and access to the occupied lots.

**Road Alignment/Sight Distance:**

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

**Road Dedications:**

- 63. Convey to the City, by Offer of Dedication, the right of way for the project streets.
- 64. Convey to the City, by offer of dedication, the right of way for \_\_\_\_\_ for the planned future half width of \_\_\_-feet along the project frontage.
- 65. Convey to the City, by offer of dedication, the required off-site road rights of way for \_\_\_\_\_. Alternatively the applicant can enter into an agreement with the City to fund the City efforts to obtain the off-site rights of way including all staff, legal, consultant, administrative, and acquisition costs.
- 66. Relinquish abutter's rights of access along all non-primary frontages to the satisfaction of the City Engineer.
- 67. Vacate the portion of public right of way on the \_\_\_\_\_ side of \_\_\_\_\_ in excess of the required half-width of \_\_\_-feet.
- 68. 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:**

- 69. Install streetlights along all project streets and the project \_\_\_\_\_ 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 on the project streets shall be decorative per City standards, and the lights along \_\_\_\_\_ shall be General Electric spun aluminum" cobra head" style.

**Grading:**

- 70. 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.
- 71. 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.
72. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer.
  73. 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.
  74. 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.
  75. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities.
  76. 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.
  77. 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.
  78. 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.
  79. Submit a Letter of Map Revision application or the appropriate application to FEMA to remove the building pads that are currently within the Special Flood Hazard Area Zone \_\_ from the flood zone. FEMA must issue no less than a Conditional Letter of Map Revision prior to the City issuing building permits for the lots affected by the Zone \_\_ designation. The applicant should be aware of the requirements of the Federal Flood

Insurance Program and the City Floodplain Management Ordinance as they pertain to future construction of any structures on this property.

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

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

**Utilities/Undergrounding:**

82. Underground all new and existing utility distribution facilities, including those along the frontage of \_\_\_\_\_. 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.

83. 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.

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

**Drainage Improvements:**

85. 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 \_\_\_ as prepared by the Contra Costa County Flood Control and Water Conservation District.

86. 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.

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

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

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

90. Submit a long-term operational and maintenance plan for the stormwater pond and pump stations to the City Engineer for review. The plan must include a level of effort estimate for staffing and maintenance requirements as well as an operational and life cycle budget analysis.

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

91. Install public right of way landscaping along \_\_\_\_\_ prior to the issuance of the building permit for the \_\_\_th unit or concurrently with the construction of the sound wall. Public right of way landscaping along the project streets shall be installed prior to occupancy of homes adjacent to that street.
92. Maintain all landscaping within the public right of way until such time that the adjacent roadway improvements have been accepted for maintenance.

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

93. 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:

- 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:**

94. 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. Child Care Facilities "In Lieu" Fee (adopted by Ordinance No. 18-99 and 23-99);
- G. Fire Facilities Impact Fee, collected by the City (adopted by Resolution No. 09-01);
- H. South Oakley Infrastructure Master Plan Fee (adopted by Resolution No. 52-03); and
- I. General Plan Fee (adopted by Resolution No. 53-03)
- J. 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.

- 95. 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.
- 96. Annex the property to the City of Oakley Community Facilities District No. 2015-2 (CFD) for funding the maintenance and operation costs associated with regional, community and neighborhood parks, public area landscaping, street lights and storm water facilities. The applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of the annexations shall be paid by Applicant. The assessment shall be the per parcel annual amount set by CFD at the time of annexation. Annexation shall be completed prior to filing of the final map.

97. 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.
98. Participate in the formation of an assessment district for the construction of off-site improvements such as \_\_\_\_\_ and/or the pre-payment of all or a portion of eligible development impact fees should the City deem such a mechanism necessary. The assessment district shall be formed prior to the filing of any final or parcel map, and the project proponent shall fund all costs of formation.
99. Applicant shall comply with the drainage fee requirements for Drainage Area \_\_\_ 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.
100. 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.
101. Participate in the assessment district to fund parks, including any off-site parks that will serve this development.

#### **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.