Agenda Date: 08/08/2017

Agenda Item: 4.1



STAFF REPORT

Approved and Forwarded to City Council:

Bryan H. Montgomery, City Manager

Date:

August 8, 2017

To:

Bryan H. Montgomery, City Manager

From:

Kenneth W. Strelo, Senior Planner

SUBJECT:

UPS Facility Expansion at 5300 Live Oak Avenue Conditional Use Permit and Design Review (CUP 01-17, DR 04-17) - Request for approval of reuse of a portion of an existing building, reconfiguration and addition of modular buildings, and additional site development on a 4.8 acre site.

# Summary

This is an application by United Parcel Service ("Applicant") requesting approval of a Conditional Use Permit (CUP 01-17) and Design Review (DR 04-17) for expansion of an existing UPS Facility, which will include the addition of approximately 1,300 sf. of modular buildings for the purposes of loading and office spaces, the re-use of approximately 5,000 sf. of an existing 8,250 sf. building into a customer service center, offices, locker rooms, and a vehicle maintenance bay, and site development (paving, parking, and landscaping) on an approximately 4.8 acre site. The project site is located at 5300 Live Oak Avenue and is zoned LI (Light Industrial) District. APN 037-100-127.

Staff recommends the City Council adopt the resolution approving UPS Facility Expansion at 5300 Live Oak Avenue Conditional Use Permit and Design Review (CUP 01-17, DR 04-17), as conditioned.

# Background

# General Plan and Zoning

- General Plan: "Light Industrial" (Figure 2.2 of the Oakley 2020 General Plan).
- Zoning: LI (Light Industrial) District (City of Oakley Zoning Map, Updated July 2013).

# Project Site and Surrounding Uses

The partially developed project site is located on the east side of Live Oak Avenue, approximately 1/4 mile south of Main Street. In addition to the existing 6,000+ square feet of building area currently used by UPS, the site also contains a mostly vacant industrial building of approximately 8,250 square feet. This building was previously used in

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conjunction with a former truck yard. The building is currently not a part of the UPS operations, but is proposed to be as part of this application. A majority of the site is undeveloped and consists of an old asphalt driveway and a mix of dirt and gravel. A slatted chain link fence borders the street frontage, Oakley Elementary School to the south, and the vineyard to the north. The east property line contains an 8 foot high masonry wall, which was installed in conjunction with the Community for Better Housing family and senior apartment project.

Surrounding uses include the elementary school (south), vineyard (north), and apartments (east) mentioned above, as well as other light industrial type uses across Live Oak Avenue (west). Both sides of Live Oak Avenue (with the exception of parcels within approximately 1/8<sup>th</sup> of a mile of and adjacent to Main Street) down to Oakley Road are zoned Light Industrial, including the school site. It should be noted that although the Antioch Unified School District elementary school is located within the City of Oakley, the City does not approve or decide on school site locations, and does not have land use approval authority in relation to their siting or development requirements.

# Previous Entitlements

On September 13, 2016, the City Council adopted two resolutions associated with the UPS Facility. Resolution 143-16 approved a Design Review to expand the facility by allowing an additional 3,880 sf. of modular buildings to be added to the existing 2,580 sf. of modular buildings, as well as the addition of 20 package cars. Several conditions of approval were included in the resolution, one of which (Condition No. 26) required frontage improvements along Live Oak Avenue. The second resolution adopted that night was Resolution No. 144-16 approving the "Frontage Improvement Agreement" between the City of Oakley and the property owners of 5300 Live Oak Avenue.

The Frontage Improvement Agreement allowed the applicant several timelines to complete certain tasks, the last of which was completion of the improvements within 12 months from the date of the agreement. To date, the City has received a check in the amount of \$210,000.00 to fulfill the requirement for Faithful Performance security, per section 3 of the agreement.

# **Project Description**

# Proposed Operations

The site would operate in the much the same manner as present day, with the addition of a more complete office and customer service presence. The proposed conditional use permit would allow for expansion of the use to accommodate forecasted future growth, which was analyzed in the project Draft Traffic Study by Fehr and Peers date April 21, 2017. The study forecast, which looks out to year 2029 shows there to be approximately 27 pre-loaders arriving around 4 a.m. and departing around 8 a.m. About 38 driver employees are expected to arrive around 8 a.m. and depart between 5 and 8 p.m. Delivery trucks are

Date: August 8, 2017

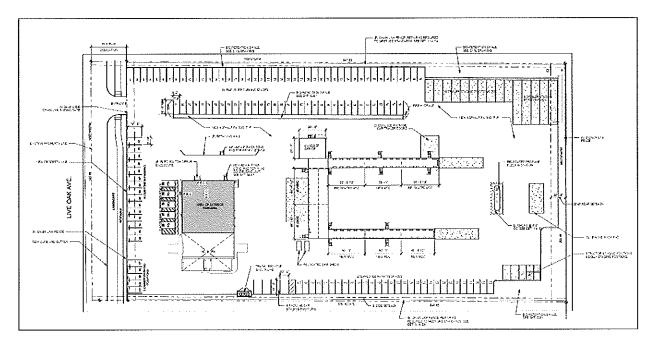
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expected to generate about 38 exits at around 8:40 a.m. with a few more between 10 a.m. and 1 p.m. A few truck returns are expected between 10 a.m. and 1 p.m. and the remaining 38 between 5 pm. and 8 p.m. When looking at total peak hour trips, the forecast projects 35 a.m. peak hour trips and 31 p.m. peak hour trips.

In addition to the expected growth of the business, the holiday season will result in an annual increase in activity at the site. The season normally occurs between November 27 and December 22. Anticipated increases during this time are expected to result in approximately 17 additional pre-loaders (apx. 20 currently) arriving at around 3 a.m. and departing at 8 a.m., and approximately 15 additional drivers (apx. 28 currently) arriving between 8:30 a.m. and 9 a.m. and departing between 7 p.m. and 9 p.m.

# Proposed Site Plan

The applicant is requesting approval of full site development. Per the proposed plans, the entire site (much of what is loose dirt and gravel) will be paved with asphalt and improved to allow for safer vehicular circulation, ample parking, and a modified layout of the modular buildings. Concrete pads will be added for areas of higher use and for 15 trailer parking areas near the rear of the site. Trees and landscaping are proposed not only as part of the Live Oak Frontage improvements, but also along a significant portion of the perimeter of the site and along the interior parking area to provide separation from the main business functions and truck movement. A total of 81 employee spaces are proposed in the northern parking lot with an additional 30 spaces along the southern property line. Customers using the main building may use 15 additional spaces along the project frontage, or the five van accessible spaces at the building frontage. The figure below, which is taken from Sheet DR-02 of the attached Applicant's Plans, depicts the entire site plan (north is up).



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# Addition of Modular Buildings

One of the changes to the structures on site is the addition and relocation of some of the modular buildings. Currently, the modular buildings make up approximately 6,600 sf. including the office trailer. The re-use and relocation plan calls for approximately 3,900 sf. of the existing trailers to be re-used and an addition of 2,941 sf. of modular buildings to be brought on site resulting in approximately 7,824 sf. total. That's an increase of about 1,300 sf. of building area from the currently existing use. The modular buildings are also proposed to be rearranged from the current "L"-shape (See Sheet C101 of Applicant's Plans) to a "U"-shape (See Sheet DR-02 of Applicant's Plans).

# **Expansion into Existing Building**

The proposed expansion includes use of approximately 5,000 sf. of the existing 8,250 sf. building near the front of the site. Uses within the building will include offices, customer service, conference and training areas, lockers rooms and restrooms, a break room, and a vehicle maintenance shop with one vehicle bay for routine maintenance and repairs of UPS trucks and trailers.

Improvements to the building include repainting the siding, doors, and trim to better match the modular buildings. Proposed colors are shades of light to dark brown. Company and directional signage is also proposed along portions of the building. Other small changes, such as the addition of man doors, an overhead vehicle door, safety bollards, and a window are proposed to enable the building to be accessed and used in a manner consistent with the proposed floor plan improvements. No floor area additions or significant exterior changes are proposed for the building.

# **Environmental Review**

This project is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). The project is consistent with the Light Industrial General Plan Land Use Designation and LI District. It is located within the City limits on a project site no more than 5.0 acres (site is 4.8 acres). There is no value for habitat on the site for endangered, rare, or threatened species because the site is already developed and compacted. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. Finally, the site can be adequately served by all required utilities and public services.

# **Analysis**

# Conditional Use Permit

City Council approval of a conditional use permit is subject to required findings as found in Oakley Municipal Code Section 9.1.1602(f) – Conditional Use Permit Standards. Staff has included a narrative discussion of consistency with the required findings in this staff report. The complete required findings are included in the proposed resolution.

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The site is adequate in size and shape to support to proposed expansion of the use. At 4.8 acres and with less than 16,000 sf. of building area, there is ample space for parking, internal circulation, and loading areas. Although the site and adjacent properties to the north, south, and west are zoned Light Industrial District, the property to the south is an elementary school. The southern boundary adjacent to the elementary school has been developed as landscaping and parking, keeping most of the active uses in the middle of the lot, and the majority of parking and the ingress/egress on the northern portion of the lot furthest from the school grounds.

The roads that lead to the site are able to carry the generated traffic of the use; however, there are some conditions that may be implemented that will minimize impacts to the nearby neighborhoods south of Oakley Road and the adjacent school. Staff has added a condition that the operation implement an internal policy for "Right Turn Only" for delivery trucks existing the site. This would require delivery trucks to exit the site toward Main Street to avoid conflicts with the adjacent school and residential areas along Live Oak Avenue. The applicant has been made aware of this condition and agreed to implement it through training and signage. Another similar proposed condition would require an internal operational policy for vehicles returning to the site to avoid using Live Oak Avenue unless making local residential deliveries. Both of these conditions would help alleviate local truck traffic and noise along the rural and dense residential areas of Live Oak Avenue, and also minimize potential UPS traffic in front of the school during drop off and pick up times.

The use as a whole is very compatible with the Light Industrial General Plan Land Use Designation and Zoning District. Out of all land use designations and zoning districts within the City of Oakley, LI is the most appropriate to be developed with a distribution and packaging facility, such as the UPS Facility, due to its scale and type of operations. Aside from the elementary school, the use is compatible with the surrounding areas and uses or set back far about from adjacent uses to minimize impacts. It is noted that the City does not have site selection authority over local school districts.

The proposed plans were analyzed for consistency with the adopted <u>City of Oakley Commercial and Industrial Guidelines</u> ("Guidelines"). The development of the site is taking advantage of an already existing building and relocating the existing modular buildings so they are less visible from Live Oak Avenue. Since the modular buildings do not meet all of the requirements of the guidelines (e.g. metal buildings, lack of architectural embellishments, etc.), locating them in this manner will reduce those inconsistencies. Alternatives would include costly exterior treatments, or a requirement for different buildings, which would be infeasible given the location and use of the structures. The main building will be painted a base brown color and will match the modular buildings color themes. New signage and fresh paint on the main building, along with frontage improvements and landscaping as required by last year's approval, will greatly enhance the public view of this property.

# **Findings**

Draft findings are included in the attached resolution.

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## Recommendation

Staff recommends the City Council adopt the resolution approving UPS Facility Expansion at 5300 Live Oak Avenue Conditional Use Permit and Design Review (CUP 01-17, DR 04-17), as conditioned.

# **Attachments**

- 1. Vicinity Map
- 2. Public Hearing Notice
- 3. Project Plans
- 4. Draft Resolution

# In City Clerk's Reading File

- City Council Resolution No. 143-16 adopted September 13, 2016 (Previous DR Approval for UPS)
- 2. City Council Resolution No. 144-16 adopted September 13, 2016 (Approval for Live Oak Avenue Frontage Improvement Agreement)
- 3. "The Frontage Improvement Agreement with Richard and Priscilla Ladeira and United Parcel Service" entered into on September 13, 2016

# Vicinity Map UPS Facility Expansion Conditional Use Permit and Design Review (CUP 01-17, DR 04-17) 5300 Live Oak Avenue





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

# NOTICE OF PUBLIC HEARING

Notice is hereby given that on **August 8**, **2017** 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 a **Conditional Use Permit and Design Review**.

Project Name: UPS Facility Expansion at 5300 Live Oak Avenue (CUP 01-17, DR 04-17).

Project Location: 5300 Live Oak Avenue, Oakley, CA 94561. APN 037-100-127.

**Applicant:** Maurice Barksdale, Project Engineer, West Region Plant Engineering, UPS, 1601 W. McKinley Avenue, Fresno, CA 93728.

Request: Application requesting approval of a Conditional Use Permit (CUP 01-17) and Design Review (DR 04-17) for expansion of an existing UPS Facility, which will include the addition of approximately 1,300 sf. of modular buildings for the purposes of loading and office spaces, the re-use of approximately 5,000 sf. of an existing 8,250 sf. building into a customer service center, offices, locker rooms, and a vehicle maintenance bay, and site development (paving, parking, and landscaping). The project site is located at 5300 Live Oak Avenue and is zoned LI (Light Industrial) District.

**How to Review:** The Staff Report and its attachments will be available for public review, on or before **August 3, 2017** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at <a href="https://www.ci.oakley.ca.us/agendas-minutes-videos-archive/">www.ci.oakley.ca.us/agendas-minutes-videos-archive/</a> by navigating to the **August 8, 2017** agenda and clicking the project title link. (Note: City Hall is closed on the 1st and 3rd Fridays of each month).

Interested persons are invited to submit written comments prior to, and may testify at, the public hearing. Written comments may be submitted to Kenneth W. 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 Clerk at, or prior to, the Public Hearing.

# **UPS - SITE IMPROVEMENTS**

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OAKLEY, CA. 94561

CITY OF OAKLEY Planning Department

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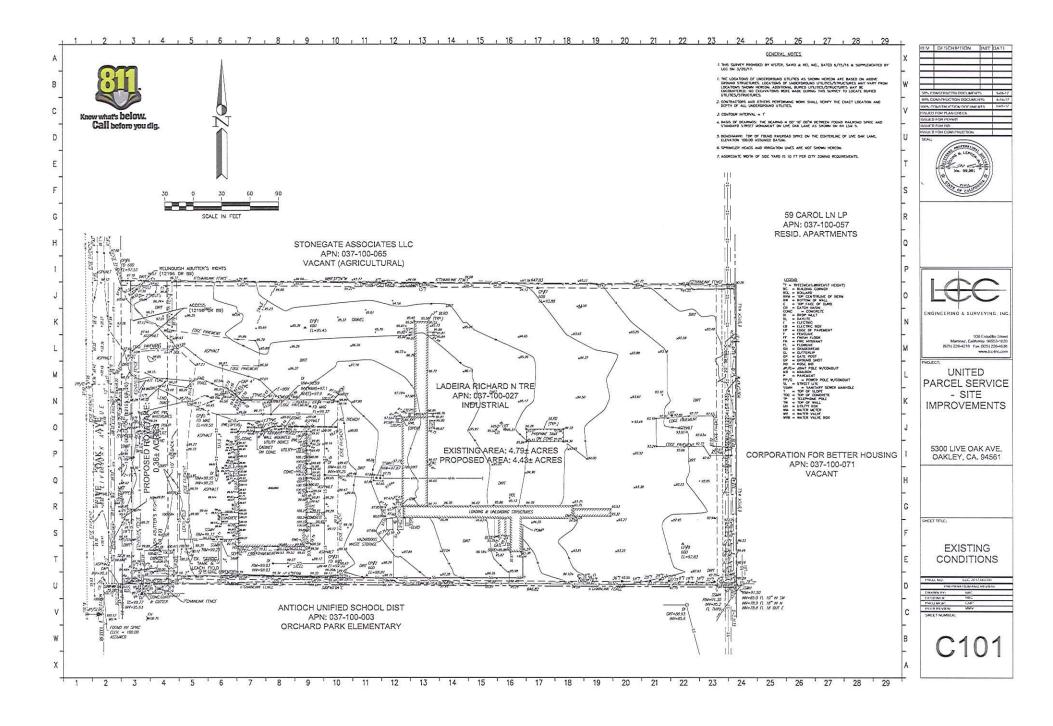
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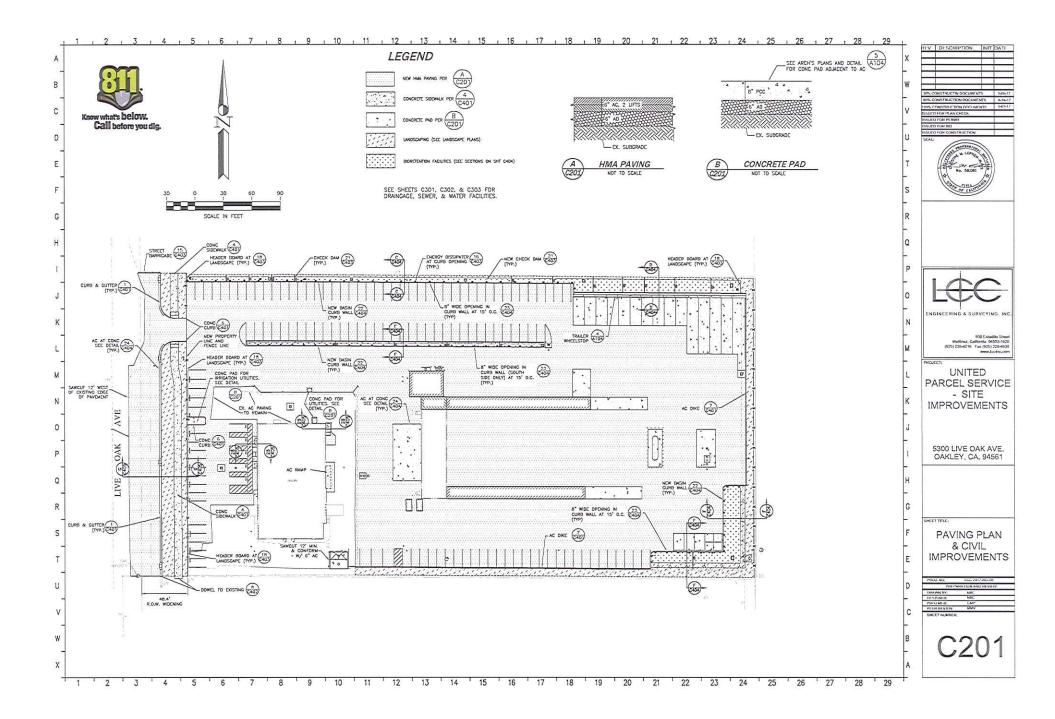
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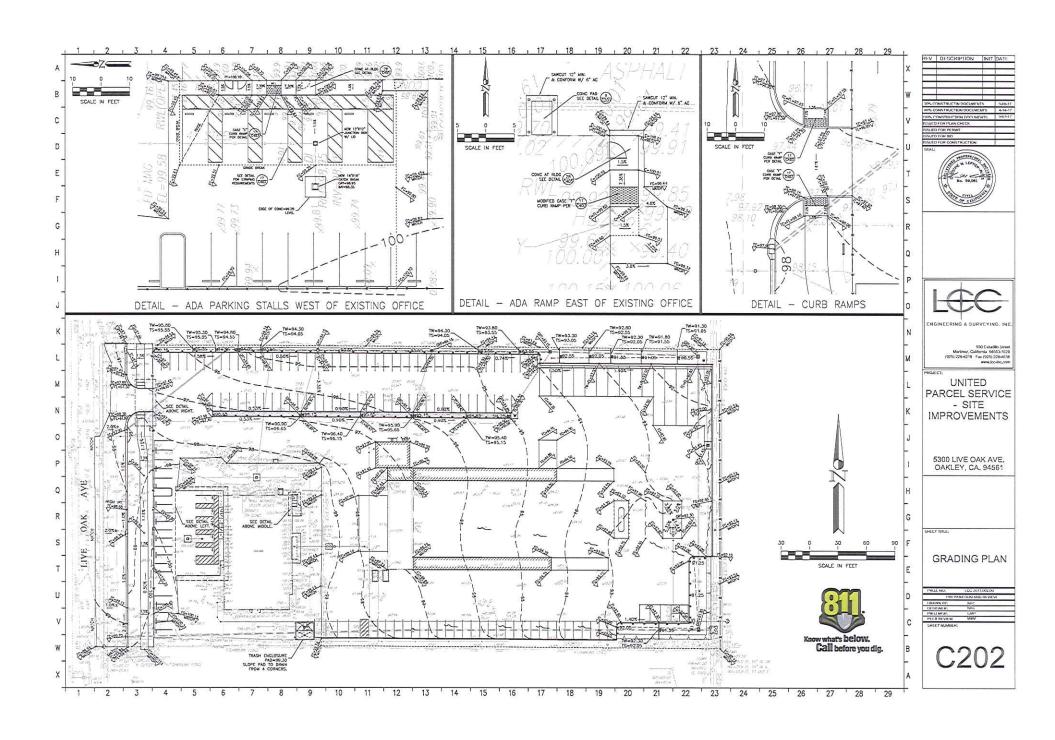
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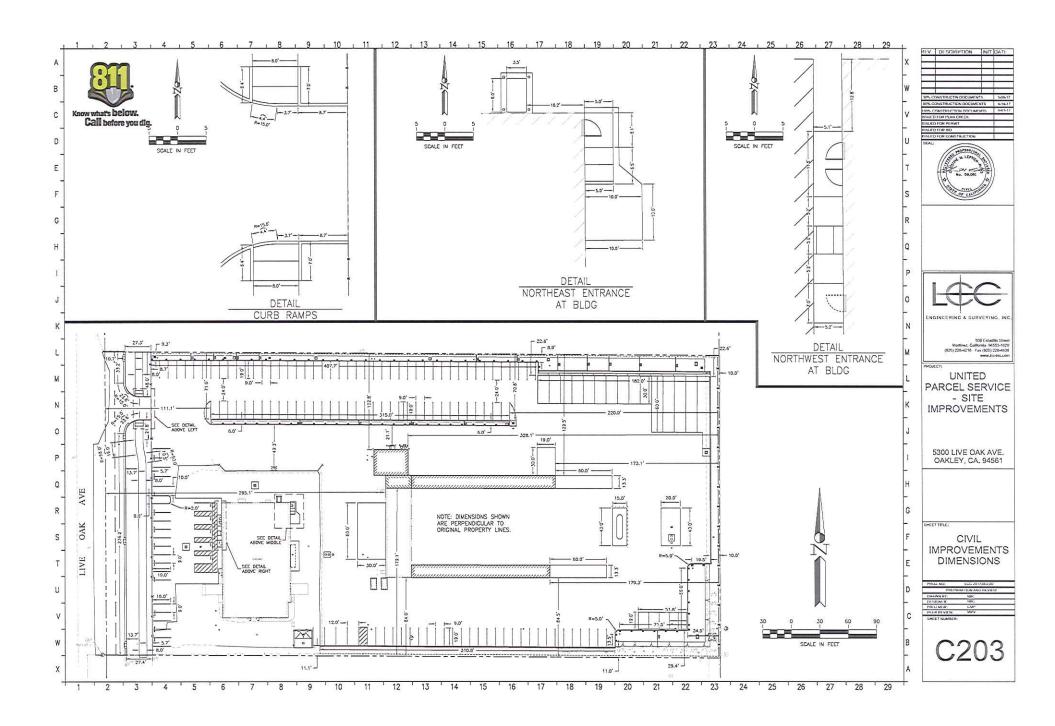
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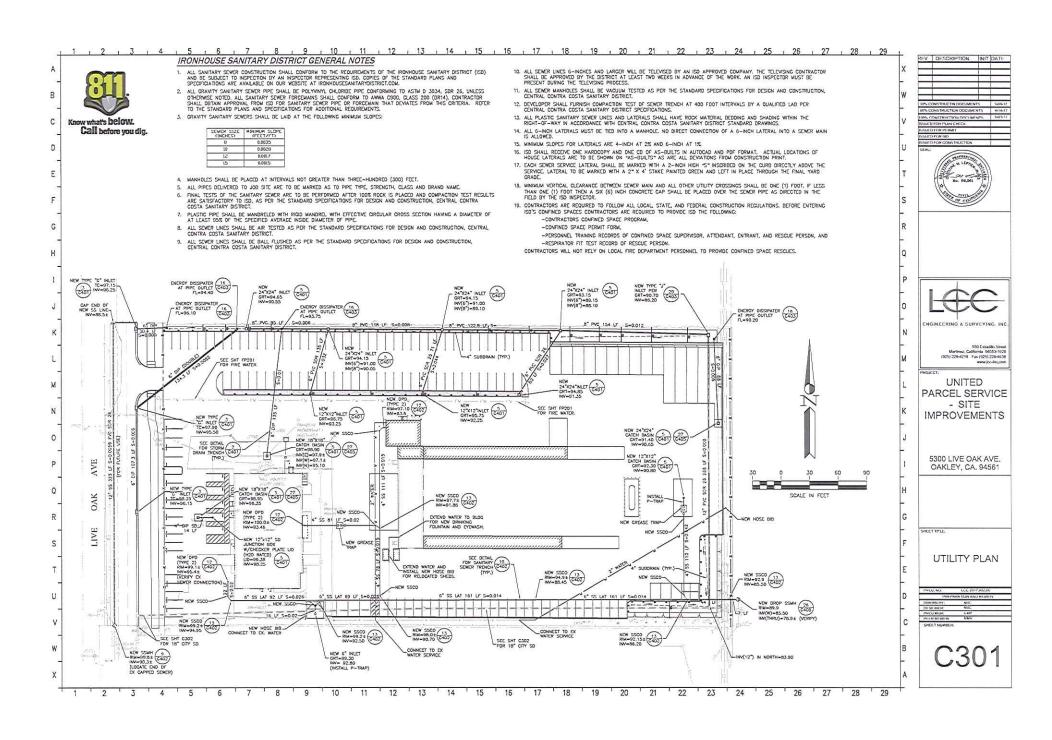
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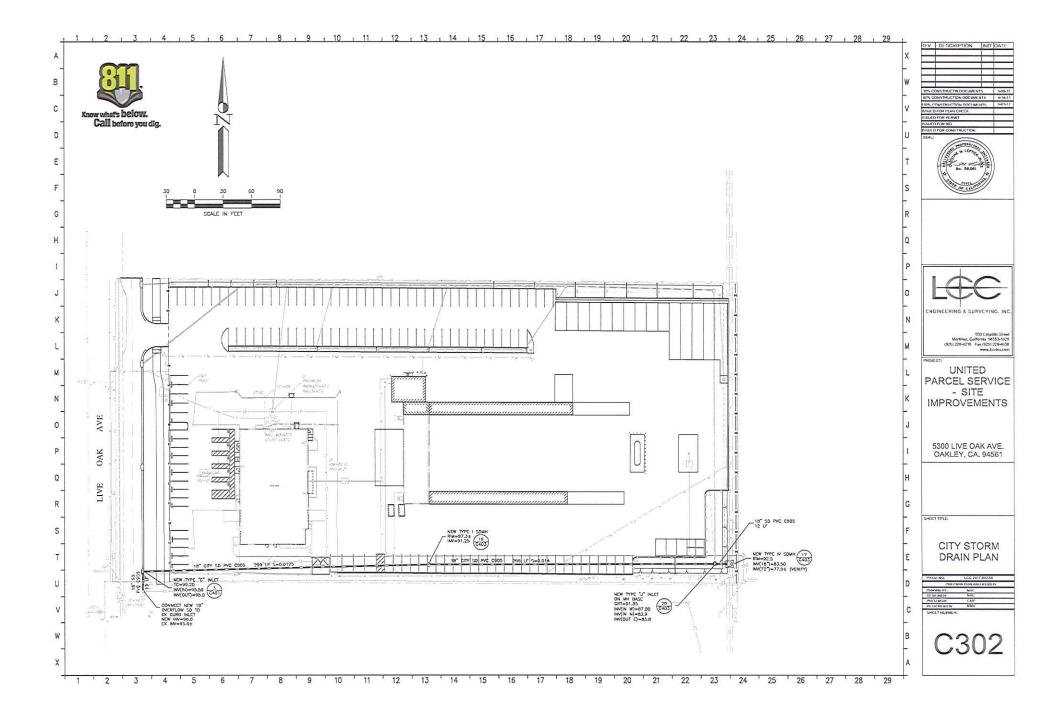


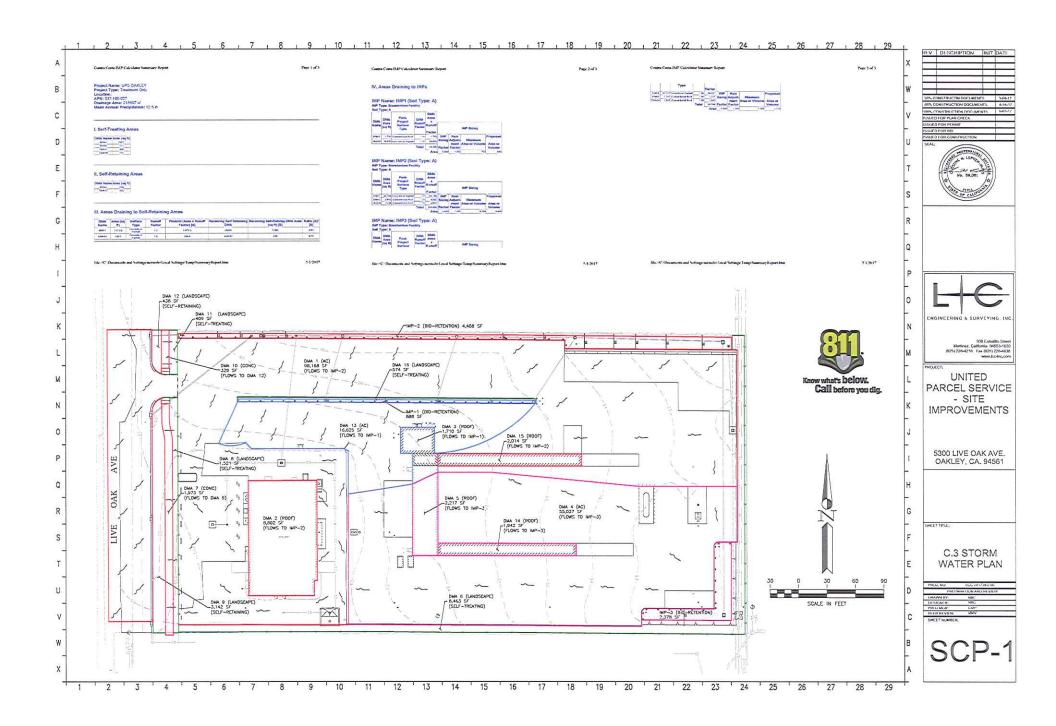


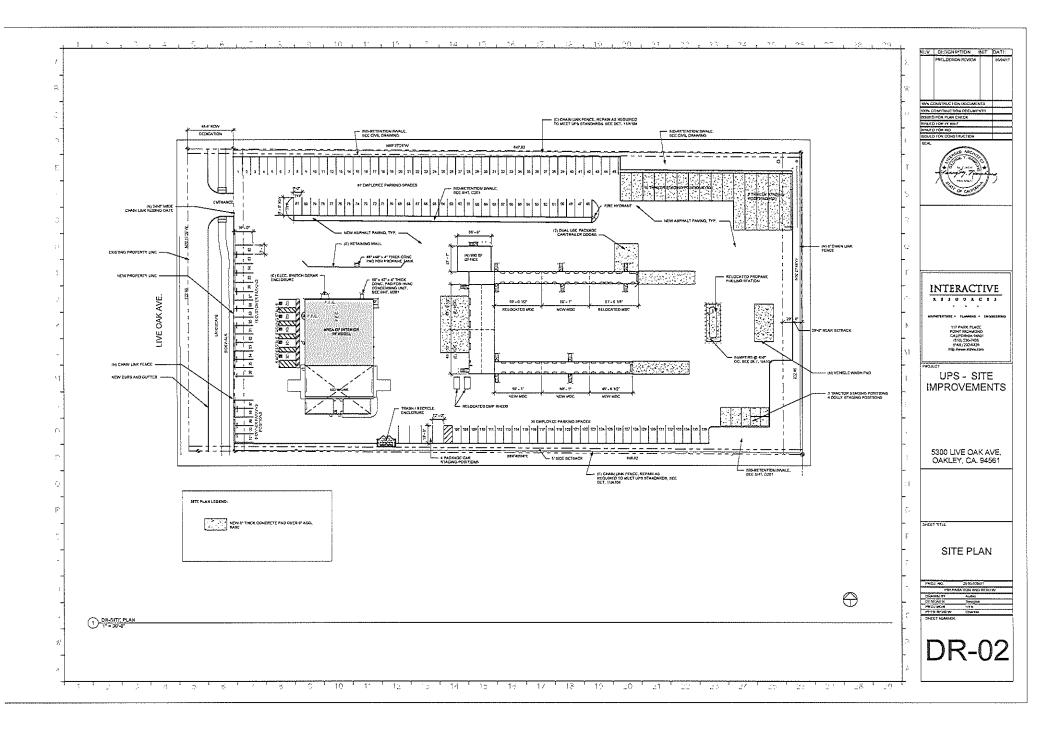














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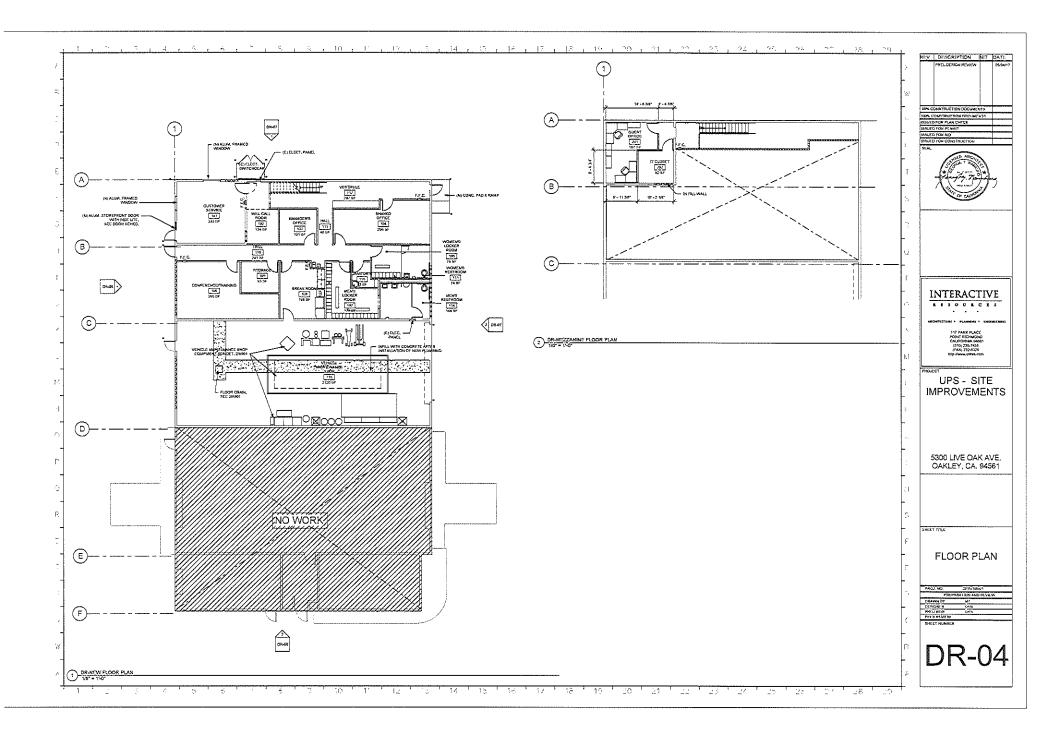


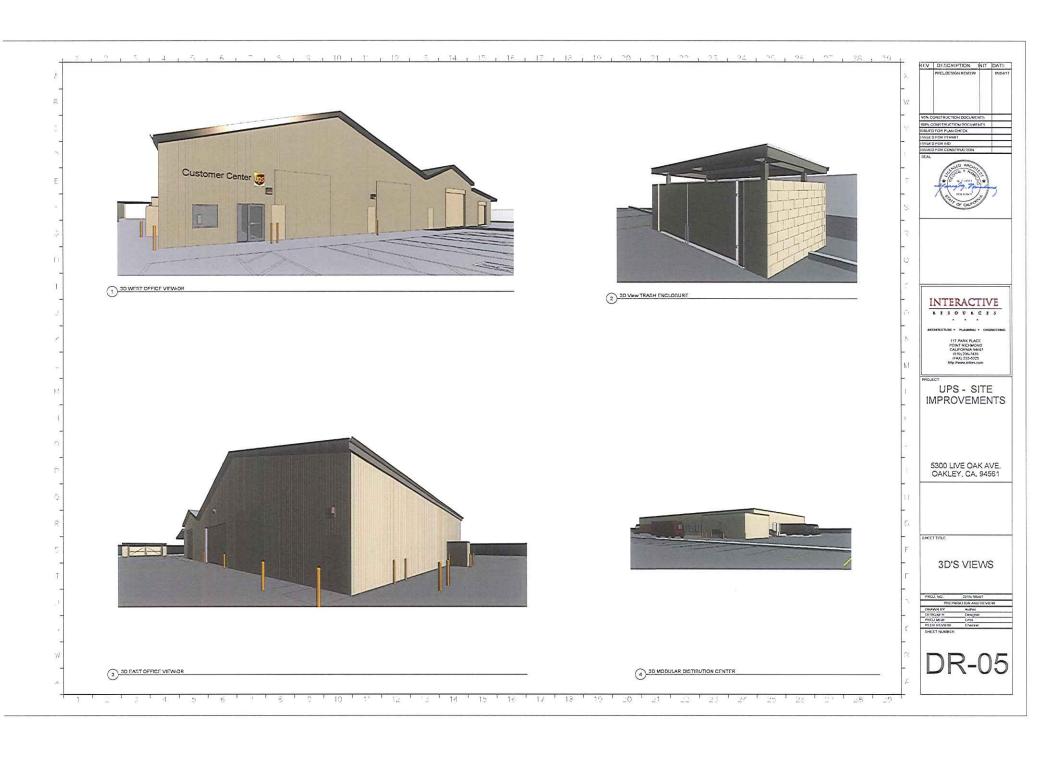
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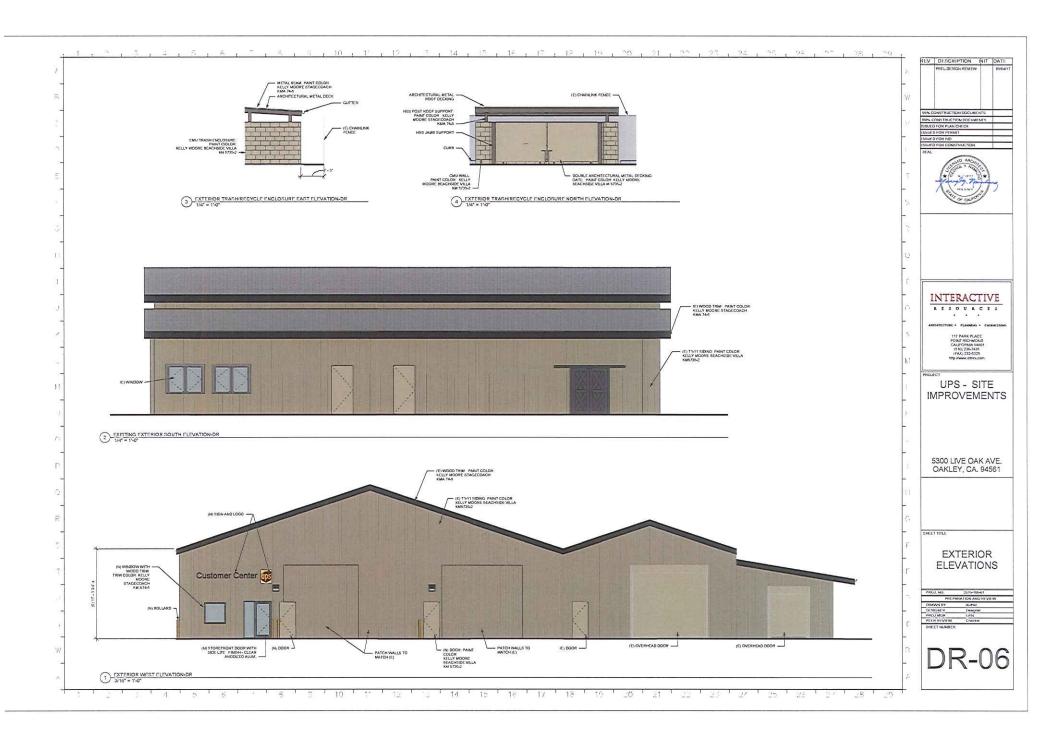
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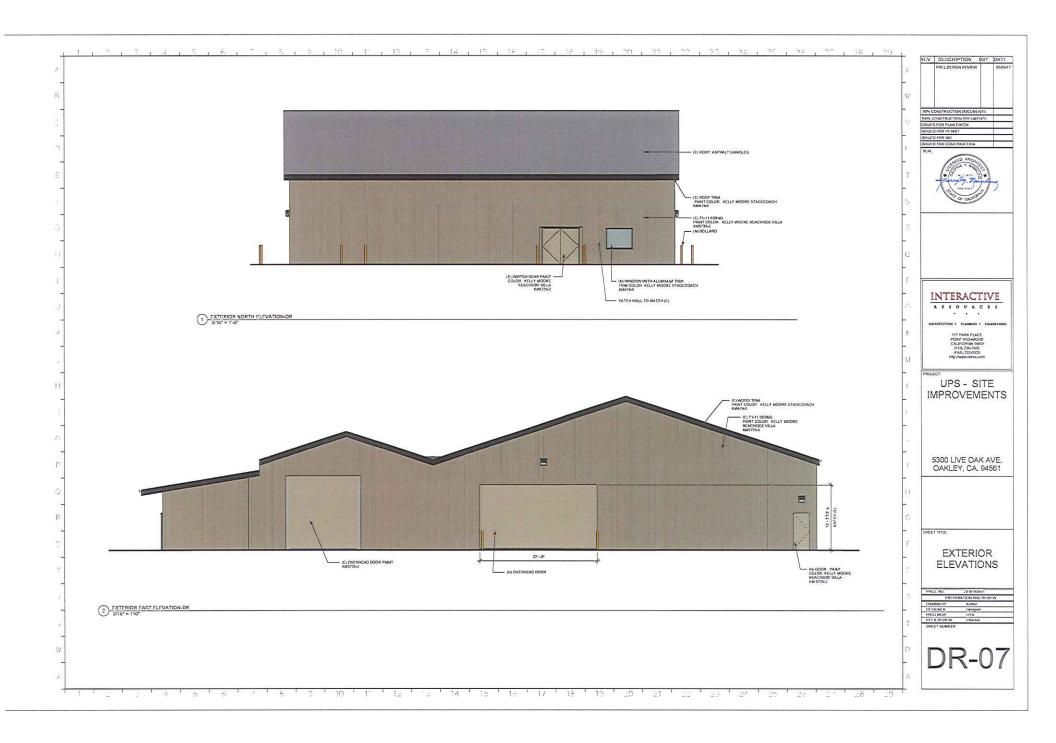
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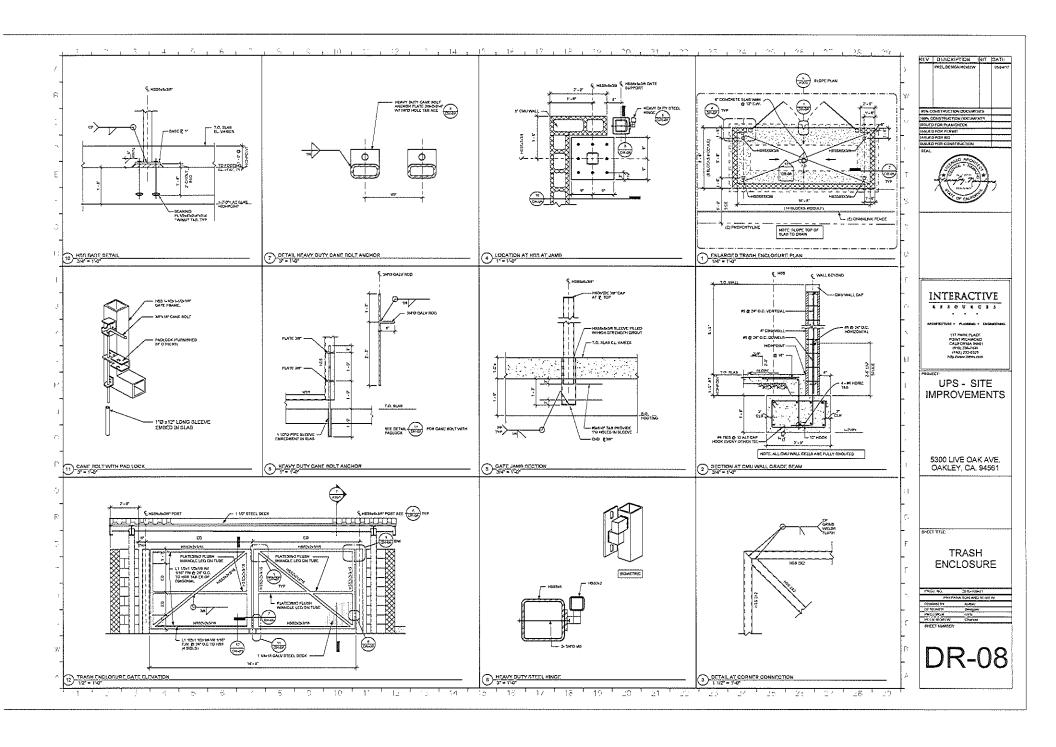
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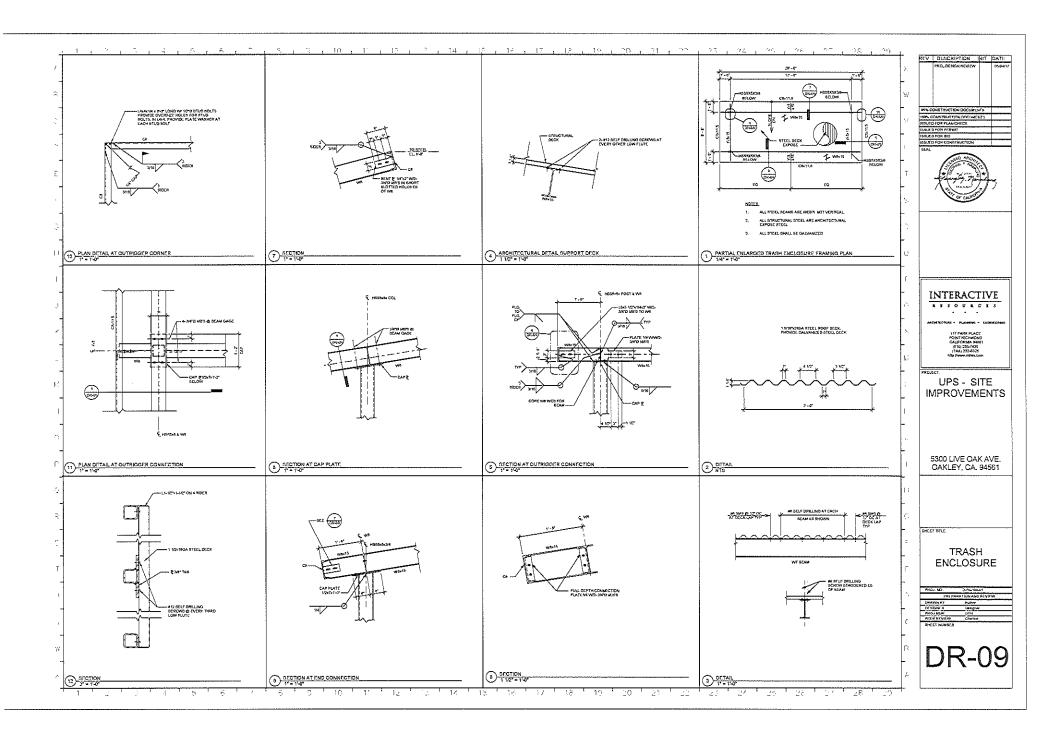


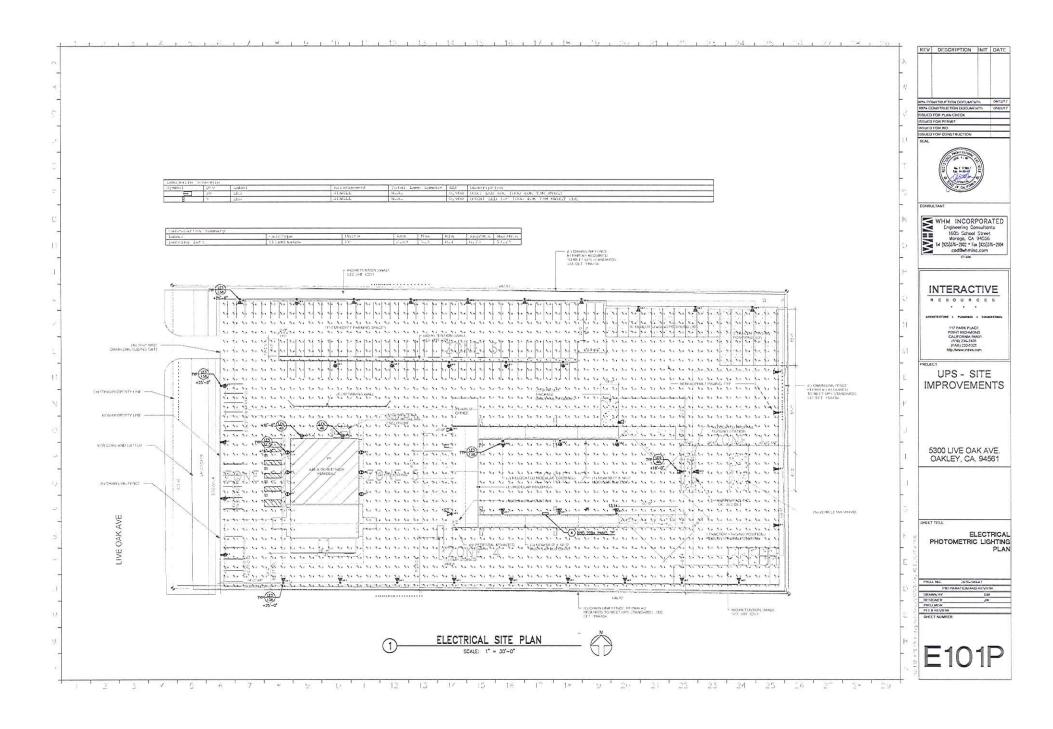


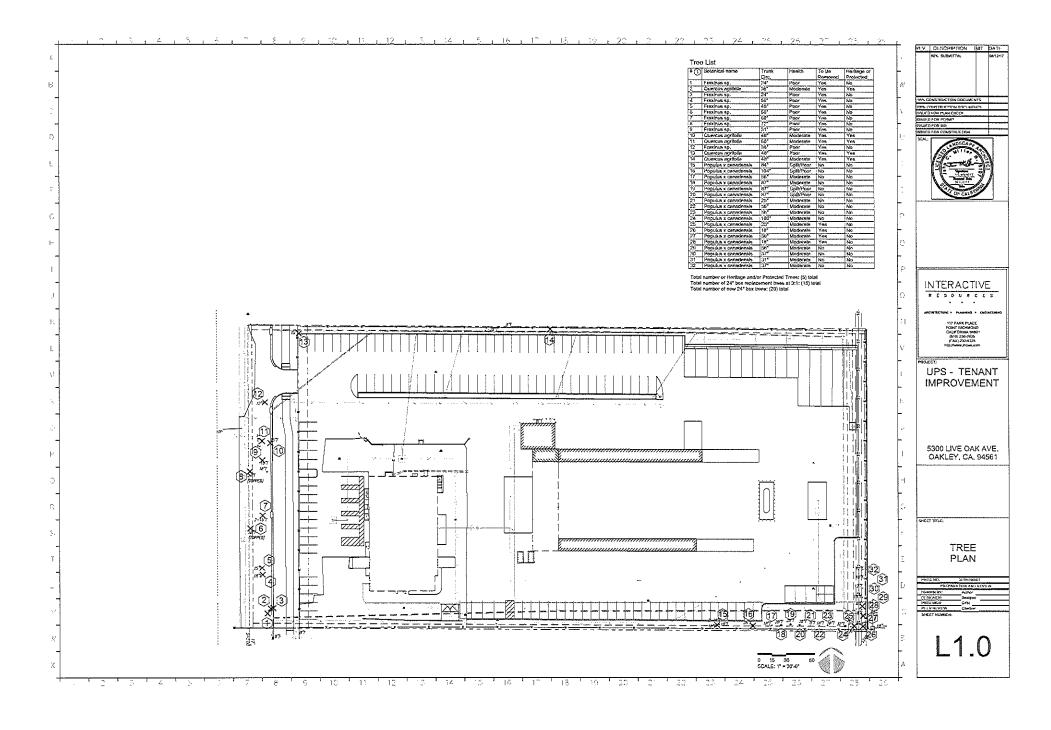


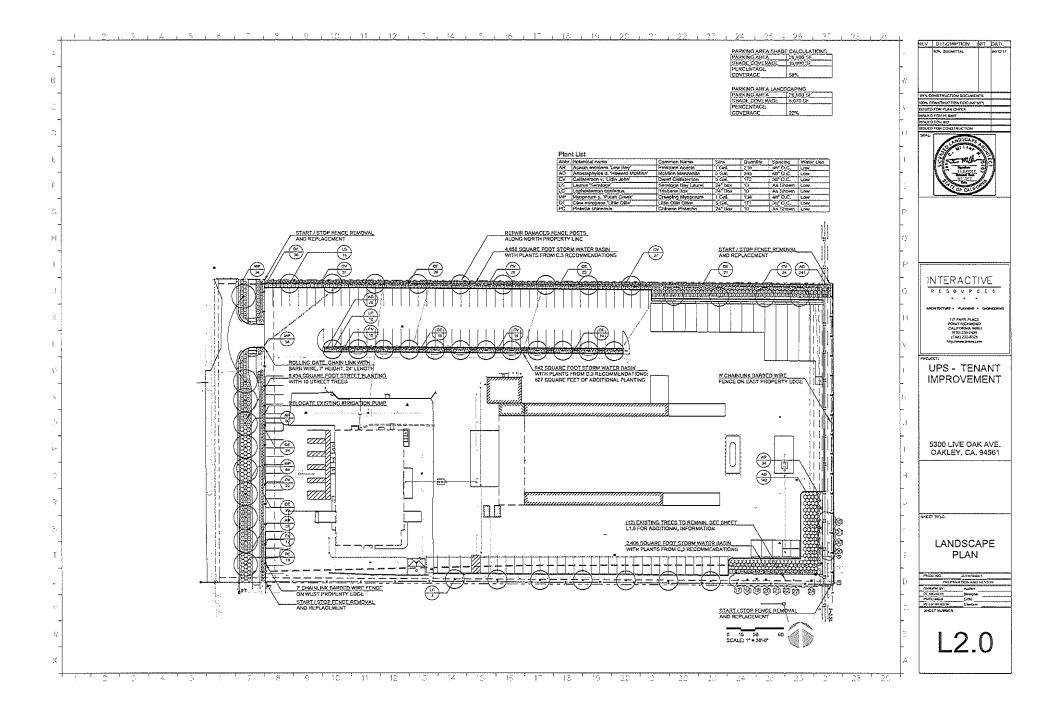


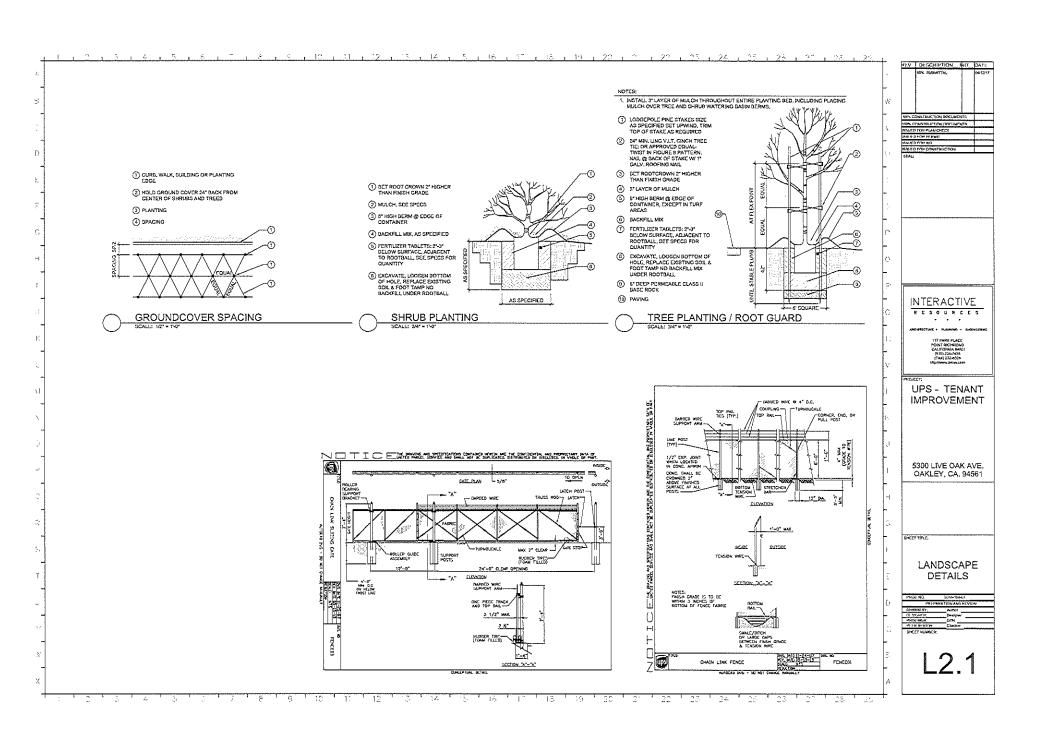


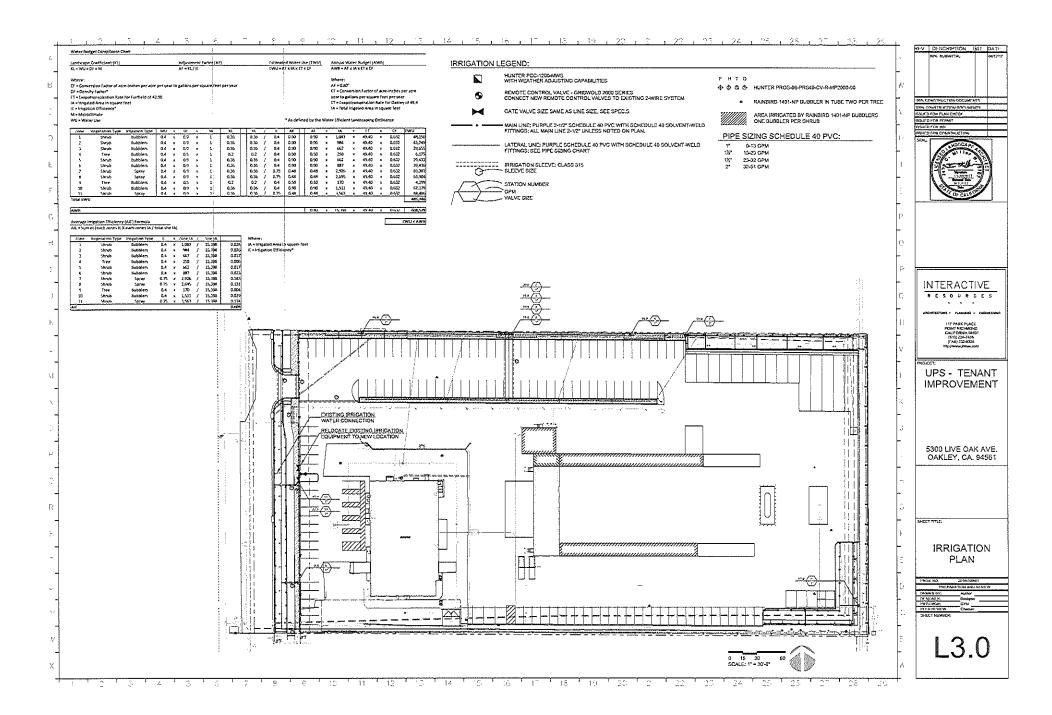


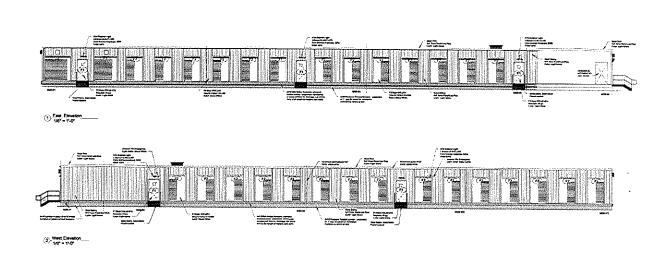


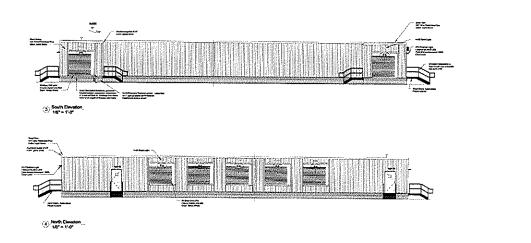






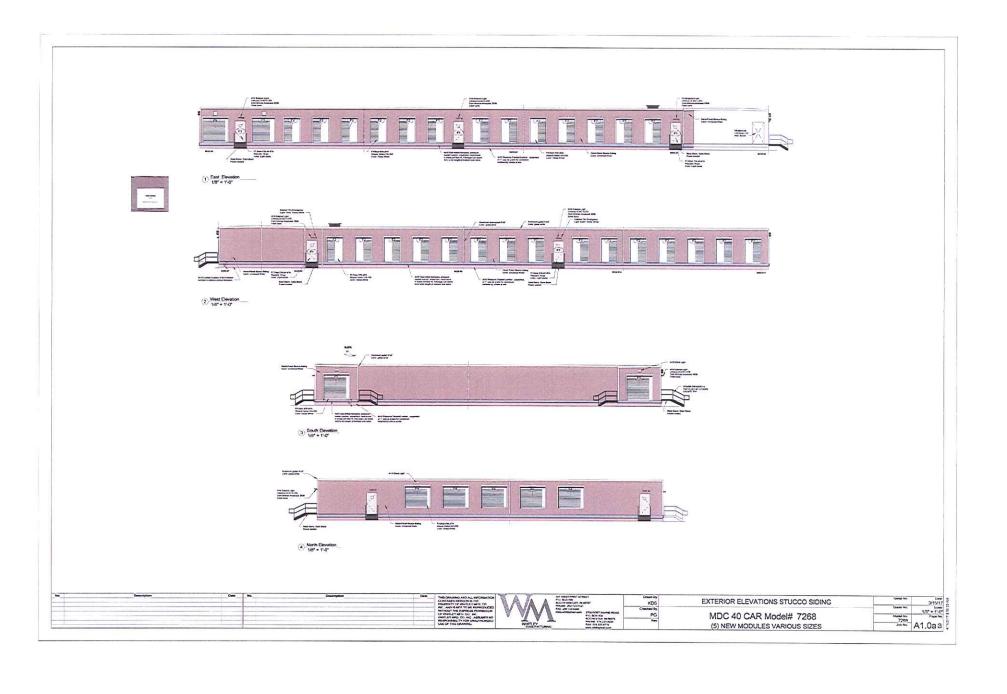


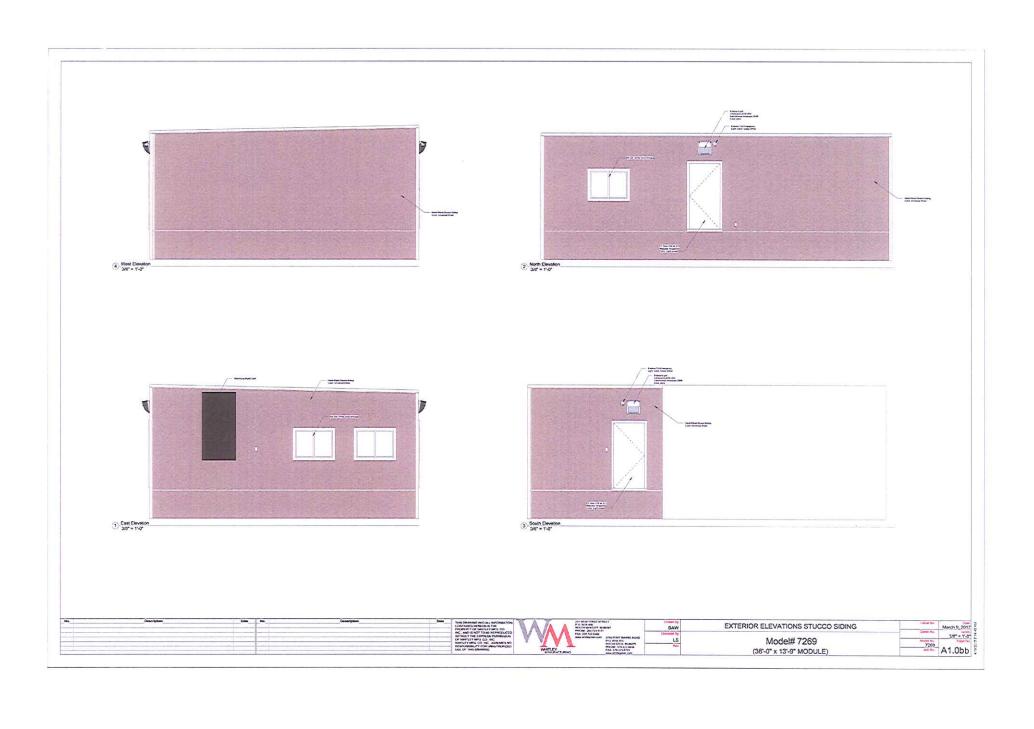




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## **RESOLUTION NO. XX-17**

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE UPS FACILITY EXPANSION AT 5300 LIVE OAK AVENUE CONDITIONAL USE PERMIT AND DESIGN REVIEW (CUP 01-17, DR 04-17) (APN 037-100-027)

# **FINDINGS**

WHEREAS, on May 8, 2017, George Namkung of Interactive Resources ("Applicant") filed an application requesting approval of a Conditional Use Permit (CUP 01-17) and Design Review (DR 04-17) for expansion of an existing UPS Facility, which will include the addition of approximately 1,300 sf. of modular buildings for the purposes of loading and office spaces, the re-use of approximately 5,000 sf. of an existing 8,250 sf. building into a customer service center, offices, locker rooms, and a vehicle maintenance bay, and site development (paving, parking, and landscaping) on an approximately 4.8 site ("Project"). The project site is located at 5300 Live Oak Avenue and is zoned LI (Light Industrial) District. APN 037-100-127; and

WHEREAS, on May 25, 2017, Staff received a letter from the property owner acknowledging Randy Dilag of UPS as the applicant. Again, on June 22, 2017, Staff received a letter from the property owner acknowledging Maurice Barksdale of UPS as the applicant; and

**WHEREAS,** on June 7, 2017, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project is designated as *Light Industrial* in the Oakley 2020 General Plan, and zoned Light Industrial (LI) District; and

WHEREAS, on July 28, 2017, the Notice of Public Hearing for the Project was duly noticed by being 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 500-foot radius of the subject property's boundaries, and mailed or emailed to parties requesting such notice, and to outside agencies; and

WHEREAS, the project is exempt from requiring an Initial Study analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332, "Class 32 – In-Fill Development Projects"; and

WHEREAS, on August 8, 2017, 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 <u>August 8, 2017</u> meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record"); and

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

- A. In regards to the application requesting approval of a Conditional Use Permit as described in the project Staff Report and this resolution for the project titled, "UPS Facility Expansion Conditional Use Permit and Design Review (CUP 01-17, DR 04-17)":
  - 1. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adapt the use with land and uses in the neighborhood in that at 4.8 acres and with less than 16,000 sf. of building area, there is ample space for parking, internal circulation, and loading areas. The southern boundary adjacent to the elementary school has been developed as landscaping and parking, keeping most of the active uses in the middle of the lot, and the majority of parking and the ingress/egress on the northern portion of the lot furthest from the school grounds;
  - 2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use in that the roads that lead to the site are able to carry the generated traffic of the use;
  - 3. The proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the general plan and the applicable zoning ordinances in that the use complies with all applicable zoning regulations and development standards,

- and conditions of approval have been added to minimize conflicts with the adjacent elementary school and residential areas south of Oakley Road along Live Oak Avenue;
- 4. That the proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the general plan in that the use as a whole is very compatible with the Light Industrial General Plan Land Use Designation and Zoning District. Out of all land use designations and zoning districts within the City of Oakley, LI is the most appropriate to be developed with a distribution and packaging facility, such as the UPS Facility, due to its scale and type of operations; and
- 5. That the proposed use, including any conditions attached thereto, is in compliance with the applicable provisions of the California Environmental Quality Act in that the project has been found to be exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 Infill Development Projects (Class 32).
- B. In regards to the application requesting Design Review approval for project titled, "UPS Facility Expansion Conditional Use Permit and Design Review (CUP 01-17, DR 04-17)":
  - 1. The proposed project is consistent with the Oakley 2020 General Plan in that the expansion of a small-scale residential and commercial package distribution facility fits well with the intent of, and example uses encouraged within, the Light Industrial Designation;
  - 2. The proposed project is consistent with the applicable sections of the Zoning Ordinance in that:
    - a. The proposed use is conditionally permitted in the LI (Light Industrial)
      District, under Oakley Municipal Code ("OMC") section
      9.1.602(c)(12);
    - b. The project is consistent with the applicable LI District Development Regulations; and
    - c. The proposed site plan is shown to have adequate parking and internal circulation for the proposed use.
  - 3. The proposed project is consistent with the applicable guidelines set forth in the Oakley Commercial and Industrial Design Guidelines in that:
    - a. The development of the site is taking advantage of an already existing building and relocating the existing modular buildings so

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they are less visible from Live Oak Avenue. Since the modular buildings do not meet all of the requirements of the guidelines (e.g. metal buildings, lack of architectural embellishments, etc.), locating them in this manner will reduce those inconsistencies. Alternatives would include costly exterior treatments, or a requirement for different buildings, which would be infeasible given the location and use of the structures.

- b. The main building will be painted a base brown color and will match the modular buildings' color theme. New signage and fresh paint on the main building, along with frontage improvements and landscaping as required by last year's approval (City Council Resolution 143-16), will greatly enhance the public view of this property.
- C. The project complies with Measure J Growth Management requirements.

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

# **Conditions of Approval**

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Community Development Department on **May 8, 2017,** 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 A CERTIFICATE OF OCCUPANCY UNLESS OTHERWISE NOTED:

# **Planning Division Conditions**

# General:

- 1. This <u>Conditional Use Permit (CUP 01-17)</u> and <u>Design Review (DR 04-17)</u> are approved, as shown on the plans date stamped by the Planning Division on <u>May 8, 2017</u>, 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 one (1) year from the effective date of this resolution by pulling a building permit or when clear and visible evidence is demonstrated on the subject property as to its beginning and continual development thereafter until completed, and if not effectuated shall expire on August

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- 8, 2018. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Zoning Code.
- 3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on August 8, 2017, and as modified by the condition of approval herein.
- 4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
- 5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.
- 6. Should archaeological materials be uncovered during grading, trenching or other on- site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.
- 7. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).

# Operations:

- 8. The applicant shall immediately implement a written policy that prohibits delivery trucks from making left turns when exiting the site. This policy will require delivery trucks to use Main Street to gain access to north-south oriented arterial roads such as Neroly Road, Empire Avenue, O'Hara Avenue, and Main Street while also avoiding conflicts with the adjacent elementary school and residential areas south of Oakley Road along Live Oak Avenue. A copy of the written policy shall be made available to City Staff within 10 days of a request.
- 9. The applicant shall immediately implement a written policy that prohibits delivery truck drivers from using Live Oak Avenue to return to the site with the exception of the need to make local residential deliveries on Live Oak Avenue or residential streets directly off of Live Oak Avenue. A copy of the written policy shall be made available to City Staff within 10 days of a request.

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10. All storage shall be contained inside the buildings. Pallets, boxes, cardboard, etc. shall not be stored outdoors unless in an approved trash or recycling receptacle.

# Site Plan:

- 11. The applicant shall install a sign at the exit driveway stating "Right Turn Only" for delivery drivers.
- 12. The applicant shall install a stop sign and limit striping at the exit driveway

# Architecture:

- 13. The building colors and materials for the proposed modular buildings and main building shall match those approved by the City Council on <u>August 8</u>, 2017.
- 14. The existing and additional modular buildings shall be painted to match the approved colors on the main building, including the main exterior paint color, trim color, and door colors.

# Landscaping Requirements:

- 15. Front yard and right-of-way 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.
- 16. California native drought tolerant plants shall be used as much as possible. All trees shall be a mix of 15-gallon and 24-inch box; all shrubs shall be a minimum five-gallon size, except as otherwise noted.
- 17. 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.
- 18. Landscaping shall be maintained as shown on the landscape plan in perpetuity.

# Signage:

19. All future signage shall meet the requirements of the City's Zoning Ordinance. All proposed signage not otherwise exempt from Planning approval and a building permit shall be reviewed by the Planning and Building Departments.

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# **Building Division Conditions**

- 20. 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.
- 21. 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

22. All "Public Works and Engineering Conditions" in City Council Resolution No. 143-16, which was adopted on September 13, 2016 and approved a smaller expansion and frontage improvements, are still valid and shall remain valid for this approval, with the exception of Condition of Approval No. 26 in Resolution No. 143-16, which shall be modified as follows:

"Live Oak Avenue frontage shall be improved consistent with "The Frontage Improvement Agreement with Richard and Priscilla Ladeira and United Parcel Service" made and entered into on September 13, 2016 through adoption of City Council Resolution No. 144-16."

# **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.

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- 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 8th day of August, 2017, by the following vote:

Libby Vreonis, City Clerk	Date	
ATTEST:		
	Sue Higgins, Mayor	Date
	APPROVED:	
ABSTENTIONS:		
ABSENT:		
NOES:		
AYES:		