

RESOLUTION NO. 89-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING A VESTING TENTATIVE MAP (TM 01-19) AND DESIGN REVIEW (DR 01-19) ON A 4.6-ACRE SITE LOCATED AT 2480 OAKLEY ROAD FOR THE PROJECT TITLED “2480 OAKLEY ROAD RESIDENTIAL DEVELOPMENT SUBDIVISION 9537” APN 037-100-043

WHEREAS, on March 21, 2019, GKW Architects, Inc. (“Applicant”) filed an application requesting approval of the following four entitlements (“Project”):

- 1) General Plan Amendment to re-designate apx. 4.6 acres from Light Industrial (LI) to Single Family Residential, High Density (SH);
- 2) Rezone from LI (Light Industrial) District to R-6 (Single Family Residential) District;
- 3) Tentative Map to subdivide apx. 4.6 acres into 22 single family residential lots with a looped, private road access from Oakley Road, storm water treatment bio-retention areas, and right of way dedication and frontage improvements along Oakley Road; and
- 4) Design Review for the project, including home designs consisting of four floor plans (1 single-story and 3 two-stories) ranging from 1,289 sf. to 2,399 sf.

The project site is located at 2480 Oakley Road and is zoned LI (Light Industrial) District; APN 037-100-043; and

WHEREAS, on February 6, 2020, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project is designated as Single Family Residential, High Density (SH) in the Oakley 2020 General Plan per City Council approval of Planning application GPA 01-19, and zoned Single Family Residential (R-6) District per City Council approval of Planning application RZ 01-19; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (“CEQA”), the City prepared a Draft Initial Study/Mitigated Negative Declaration (“IS/MND”), which was circulated for public review and comment from April 24, 2020 to May 26, 2020. The Notice of Intent to Adopt a Negative Declaration (“NOI”) and Draft IS/MND were filed with the Governor’s Office of Planning and Research State Clearinghouse and the County Clerk, mailed out to over 60 public agencies, and to parties requesting such notice, and was posted in three locations throughout the City, including at the project site; and

WHEREAS, on June 12, 2020, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. On or before June 12, 2020, the Notice of Public Hearing 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 the notice was mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to parties requesting such notice, and to outside agencies; and

WHEREAS, on June 12, 2020, the Final IS/MND, which includes the Draft IS/MND, the Response to Comments to the Draft IS/MND, and the Mitigation, Monitoring, and Reporting Program were posted on the City website and emailed electronically to all parties that submitted timely comments on the Draft IS/MND; and

WHEREAS, on June 23, 2020, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, these Findings are based on the City's General Plan and the City's Zoning Ordinance, and the information submitted to the City Council at its June 23, 2020 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

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

- A. The Project's Final Initial Study/Mitigated Negative Declaration was adopted by the City Council in conjunction with the Project's General Plan Amendment (GPA 01-19) approval. Development of the project is subject to all adopted mitigation measures as included in the Final IS/MND's Mitigation, Monitoring, and Reporting Program unless modified pursuant CEQA Guidelines and adopted by the City Council.
- B. In regards to the application requesting approval of Vesting Tentative Map 9537 (TM 01-19) to subdivide the 4.6-acre site into 22 single family residential lots with a looped, private road access from Oakley Road, storm water treatment bio-retention areas, and right of way dedication and frontage improvements along Oakley Road, the City Council finds that:
 - 1. The proposed Vesting Tentative Map, together with the provisions of its design and improvements, is consistent with the Zoning Ordinance, and applicable portions Single Family Residential, High Density (SH) General Plan Land Use Designation, as approved by City Council for the Project, in

that it allows for orderly residential development in a residential area and meets the maximum General Plan gross density allowance of 5.5 dwelling units per gross acre (project at 4.78 dwelling units per gross acre), and complies with the minimum lot size, lot width, and lot depth and all other applicable regulations set forth in the project's Single Family Residential (R-6) District; and

2. The site is physically suitable for the type of development in that the proposed Vesting Tentative Map meets all of the applicable development standards in the project's Single Family Residential (R-6) District and is compatible with surrounding residential land uses and adjacent elementary school; and
 3. The site is physically suitable for the proposed density and number of dwelling units; and
 4. The Project's Final Initial Study and Mitigated Negative Declaration were prepared in accordance with CEQA Guidelines. The Mitigation and Monitoring Plan is attached hereto as Exhibit "A"; and
 5. The design of the subdivision and type of improvements are not likely to cause serious public health problems in that the proposed subdivision consists of 22 single family residential lots. Construction and grading of the project are subject to building or grading permits, and violations of any such permits are subject to appropriate enforcement; and
 6. The design of the subdivision includes the construction of improvements within public right-of-way that are consistent with major subdivisions and the City's design standards. The improvements consist of widening and improving the project frontage along Oakley Road, with additional roadway, sidewalks, curbs and gutters, improvements to the median, and landscaping adjacent to the projects frontage. The remainder of the subdivision will contain privately owned and maintained roadways; and
 7. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- C. In regards to the application requesting Design Review approval for (DR 04-19) for 2480 Oakley Road Residential Development Subdivision 9537 project, the City Council finds that:
1. The proposed Design Review plans are substantially consistent with the applicable General Plan designations and Vesting Tentative Map. The proposed use is allowed for by the project's approved General Plan Amendment (GPA 01-19) and Rezone (RZ 01-19) applications; and

2. The proposed Design Review plans comply with all applicable Single Family Residential (R-6) District regulations as set forth in the approval of the projects Rezone (RZ 01-19) application; and
 3. The proposed design and materials of the single-family homes and the conceptual front yard landscaping are compatible with the applicable adopted City of Oakley Residential Design Guidelines standards.
- D. 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 **Tentative Map (TM 01-19) and Design Review (DR 04-19)** 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 dated **March 21, 2019**, 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'S ON EITHER PARCEL UNLESS OTHERWISE NOTED:

PLANNING DIVISION CONDITIONS OF APPROVAL

General:

1. This **Tentative Map (TM 01-19) and Design Review (DR 04-19)** application is approved, as shown on the plans presented as part of the packet presented to the City Council at the **June 23, 2020** public hearing, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval for **Tentative Map (TM 01-19) and Design Review (DR 04-19)** shall be effectuated within a period of three (3) years from the effective date of this resolution by either satisfying conditions in the Subdivision Map Act, or pulling a building permit for construction of the homes, and if not effectuated shall expire on that same date three years later. The effective date of this resolution shall be the same date the Rezone (RZ 01-19) Ordinance becomes effective. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Zoning Code.

3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on **June 23, 2020**.
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. If the remains are determined to be that of Native American origin, procedures will be guided by California PRC 5097 through California's Native American Heritage Commission.
7. The applicant shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project. The city shall promptly notify the applicant of any such claim, action or proceeding. The city shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

Parks and Landscaping:

8. This project is not proposing to construct any parkland. The applicant will be required to pay the full in-lieu park impact fees on each lot.
9. The applicant shall submit final landscape plans for all portions of the project, including any improvements to public right of way, that are substantially consistent with the conceptual plans included with the approved project plans. Final approval of plant species selection and location shall be subject to the review and approval of the Community Development Director and/or Public Works Director or their designees.
10. 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 by adding a statement as to such with the preparer's signature.

11. California native drought tolerant plants shall be used as much as possible. All trees shall be a mix of fifteen-gallon and 24" box or larger if indicated on the approved plans; all shrubs shall be a minimum five-gallon size, except as otherwise noted.
12. All landscaped areas not covered by shrubs or groundcover shall be covered with a physical weed barrier underneath 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.
13. Each residential lot shall include street and accent trees as indicated on the approved plans, unless otherwise modified due to comments received from City Staff on the Final Landscape Plan review in relation to final locations of trees and utilities. All final decisions are subject to the review and approval of the City Engineer and/or Community Development Director.
14. The applicant shall maintain all private landscaping until occupancy.
15. 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:

16. Within the subdivision good neighbor fences shall be constructed as shown on the proposed landscape plans, but with metal posts surrounded by a wood exterior or acceptable alternative, rather than wooden posts, 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.
17. All CMU walls, such as landscape retaining walls, shall use colored (i.e. non-grey) split-face CMU for all publicly and privately visible portions of the wall.

18. Anti-graffiti techniques shall be used on masonry walls.

Subdivision Design:

19. Driveway openings may be a maximum 18' in width or up to 25% of the lot's frontage, whichever is larger.

20. The street names shall be approved by the Community Development Department and the East Contra Costa Fire Protection District.

21. The project shall be constructed as a Home Owner Association ("HOA") governed community. The applicant shall submit preliminary information prior to forming the HOA that details what minimum standards the development will be held to in order to avoid conflict with any applicable City regulations.

Subdivision Disclosures:

22. 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.

23. 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 may be subject to Mello Roos tax. Potential property owners should be fully aware of this at the time of purchase."

Design Review:

24. The applicant may modify the home plotting to maximum private rear yard space, subject to Planning Division review and approval. Plotting will still be required to provide adequate variation in front setbacks.

25. The applicant shall integrate unique garage door and exterior lighting designs for each plan type, both of which shall compliment the architectural style, subject to Planning Division review and approval.

26. The applicant shall rearrange the plotting plan so that at least three (3) of the six (6) corner lots (Lots 1, 14, 15, 16, 21, and 22) include the one-story Plan 4, with at least two (2) of those being plotted on Lots 1, 14, 15, or 16.

Energy Efficiency:

27. Water heaters shall provide an energy efficiency factor of 0.62 or better.
28. Dual zone air conditioning shall be provided on all two-story residential units.
29. 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.
30. Design and site units so as to take advantage of natural heating and cooling, sun and wind exposure, and solar energy opportunities.

Mitigation Measures

31. The applicant shall implement all mitigation measures addressed in the project's Final Initial Study/Mitigated Negative Declaration (summarized in the Mitigation Monitoring and Reporting Program) dated **June 12, 2020** and outlined in the Mitigation Monitoring and Reporting Plan, per the review and approval of the Community Development Director.
32. The applicant shall comply with all mitigation measures contained within the HCP Planning Survey Report received **May 6, 2019**, 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 OF APPROVAL

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. 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.

36. 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 OF APPROVAL

GENERAL:

37. PLAN SUBMITTAL. All civil engineering, improvement, and landscape and irrigation plans shall be submitted to the City for review and approval to ensure conformance with this approval and with relevant codes, policies, standards and other requirements of the City of Oakley.

38. PLAN REVISION. Preliminary Stormwater Quality Plan was submitted for review. Final approval of plans and reports may affect the final design and lots count for the project. Applicant shall be responsible to make changes to meet the requirements from the City for Stormwater Quality Regulations. Current submittal is preliminary, further design will require additional coordination and approval between City and Applicant prior to submitting first submittal.

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF AN ENCROACHMENT AND/OR GRADING PERMIT:

39. GENERAL. All public improvements shall be made according to the latest adopted City Standard Drawings and Specifications. All work shall conform to the applicable City ordinances. The adjacent public right-of-way shall be kept clear of all job-related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the City performing the required maintenance at the developer's expense.

40. PUBLIC WORKS INSPECTIONS. The developer or their representative shall notify the Engineering Inspector at least forty-eight (48) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all improvements in approved plans. Failure to do so will result in rejection of work that was completed without inspection.

41. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the commencement of any site work, the general contractor shall:

- A. Along with the project applicant, attend a pre-construction meeting with the City Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;

B. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.

42. CONSTRUCTION STREET PARKING. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the City Engineer.

43. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the State SMARTS system for projects disturbing more than one acre and obtain a WDID number. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, City standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the City of Oakley's NPDES Permit.

44. DUST CONTROL. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the City Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept daily during the workweek to the satisfaction of the City. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

45. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor and homeowner to make sure that all dirt tracked into the public right-of-way is

cleaned up daily. Mud, silt, concrete and other construction debris shall not be washed into the City's storm drains. Construction entrances must be in place per the Erosion Control Plan.

46. **TRAFFIC CONTROL PLAN.** The project sponsor will be required to work with the Public Works Department to develop a traffic control plan per the current California MUTCD. This plan will include, but not be limited to, the following measures:

A. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, and special events. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.

B. Flag persons shall be placed at locations necessary to control one-way traffic flow, if required. All flag persons shall have the capability of communicating with each other to coordinate the operation.

C. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation and lane closures on main arterial and collector streets and will be permitted only between the hours of 8:30AM to 2:30PM on Monday, Tuesday, Thursday, and Friday, and 8:30AM to 12:00PM on weekends.

D. The traffic control plan shall be reviewed for compliance to the project's Haul Route, approved by the City of Oakley.

E. A full road closure will require a detour plan and a road closure permit issued by the Public Works Department.

47. **CONSTRUCTION MANAGEMENT PLAN.** The Applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations.

48. **RESTORATION OF PUBLIC IMPROVEMENTS.** The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Public Works & Engineering Inspector and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

49. **SIDEWALK REPAIR.** The developer shall repair and replace to existing City standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per City Standard Details. The limits of sidewalk repair will be determined by the Public Works Inspector during the construction phase of the project.
50. **CURB AND GUTTER.** The developer shall repair and replace to existing City standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per City Standard Details. The limits of curb and gutter repair will be determined by the Public Works Inspector during the construction phase of the project.
51. **CONSTRUCTION NOISE.** Between the hours of 7:30 a.m. to 5:30 p.m., weekdays and 9:00 a.m. to 5:30 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA. Pickup and delivery of materials and equipment is restricted to the hours listed above unless prior written approval is obtained by the Public Works Department.
52. **GOOD HOUSEKEEPING.** Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division. The adjacent public right-of-way shall be kept clear of all job-related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the City performing the required maintenance at the developer's expense.

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE APPROVAL OF THE GRADING PLAN:

53. **GRADING PERMIT.** All earthwork must comply with the City's Grading Ordinance. A Grading Permit must be issued by the public works department prior to site disturbance

54. GEOLOGY AND SOIL MITIGATION MEASURES. A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. All recommendations of the investigation shall be incorporated into project plans. One copy of the geologic report shall be submitted with the grading permit and public improvement application. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations. The applicant's soils engineer's approval shall then be conveyed to the City either by letter or by signing the plans. Soil Infiltration Rate Analysis shall be provided to the City for approval prior to release of Grading Permit.

55. GRADING.

- A. Grade all pads so that they drain directly to the street at a minimum of one percent without the use of private drainage systems through rear and side yards.
- B. Grade any slopes with a vertical height of four (4) feet or more at a slope of 3H to 1V. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.
- C. 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 to the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with the name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall always be kept current 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.
- D. 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 Engineering 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.

E. 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.

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

56. NPDES – NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. Comply with all rules, regulations and procedures of the NPDES for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley – Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org

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

- Offer pavers for household driveways and/or walkways as an option to buyers.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City Standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding the Clean Water Program to buyers.
- Other alternatives as approved by the City Engineer.
- Prepare an Operations and Maintenance Manual for the project's storm water control measures.

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE APPROVAL OF THE IMPROVEMENT PLAN:

57. ENCROACHMENT PERMIT. All work in the public right-of-way, including any blockage or partial closure of sidewalks will require an Encroachment Permit.

Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.

58. ROADWAY IMPROVEMENTS. 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.
- C. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the City.
 - i. Oakley Road frontage improvements within project limits shall include curb, gutter, sidewalk, street lights, tie-in paving, signing, striping, and storm drainage as required. Roadway improvements shall meet taper requirements for the posted 35 miles per hour.
 - ii. Fair share contribution for the installation of a hard median with landscaping along project frontage. Developer shall pay for 50 percent of the cost to install a hard median with landscaping. Applicant to provide a preliminary schematic of the median layout to determine the cost to the satisfaction of the City Engineer.
 - iii. Private streets shall be designed to support the weight load of Fire Trucks and Garbage Trucks.

59. DRAINAGE IMPROVEMENTS.

- A. 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 Zone Area 29H as prepared by the Contra Costa County Flood Control and Water Conservation District.

- B. 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.
 - C. Submit Improvement Plans with the storm drain system extended and connected to the existing 66" CIP. Junction structure for this connection is required and shall be design by a structure engineer. Drainage improvements along the frontage of the project shall accommodate future flows anticipated for this area.
 - D. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
 - E. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
60. SIGHT DISTANCE EXHIBIT. For the project driveways' ingress and egress, provide an exhibit that will analyze the sight distance required for the appropriate speed limit on Oakley Road and other public streets identified with this project as required by the City Engineer.
61. DESIGN CHANGES. The Applicant's registered Engineer shall notify the City Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the City before altered work is started. A plan revision must be submitted for approval by the City Engineer.
62. JOINT TRENCH PLANS. The applicant shall submit Joint Trench Plans to the City for review prior to approval of improvement plans or recordation of the final map. 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. The joint trench plans shall include street and/or site lighting and associated photometrics. A letter shall be provided by PG&E stating that public streetlight billing will be per Rule LS2A, and that private lights shall be metered with billing to the HOA. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.
63. UTILITIES & UNDERGROUNDING.
- A. Underground all new and existing utility distribution facilities per City of Oakley code section Title 6 Chapter 8 Underground Utility Districts.

- B. 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.
 - C. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.
 - D. A written approval from Diablo Water District and Iron House Sanitary District must be provided that all underground utility improvements have passed all testing requirements prior to commencement of the final lift or paver installation of street.
64. STREET LIGHTS. Install streetlights along all project streets and the project's main frontage along Oakley Road. 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 Oakley shall be spun aluminum "cobra head" style as required by the City of Oakley Standard Plans.
65. LANDSCAPING.
- A. Install public right-of-way landscaping along the project's frontages 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.
 - B. Maintain all landscaping within the public right-of-way until such time that the adjacent roadway improvements have been accepted for maintenance. Frontage landscaping shall be maintained by the HOA.
 - C. Prior to the issuance of certificate of occupancy, an inspection will be performed to verify the health and location of the street trees per lot. Trees in poor health or those without adequate clearance from utilities will require replacement or relocation.
66. FENCING/SOUNDWALL. Fencing and soundwalls shall be located on private property and maintained by the property owner or HOA.
67. HOA MAINTENANCE. Provide a list of improvements to be maintained by the HOA as a part of the improvement plan preparation.
68. ISD – DWD. Approval from Iron House Sewer District and Diablo Water District is required prior to the City release Public Improvement Plans

THE FOLLOWING PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE APPROVAL OF THE FINAL MAP:

69. **BONDS.** The applicant shall supply suitable securities for all improvements that are a part of the development in a form acceptable to the City in the amount of 100% (performance) and 50% (labor and material) prior to issuance of any permit.

70. **DRAINAGE FEES.** Applicant shall comply with the drainage fee requirements for the designated 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

71. **FINAL MAP.** Submit a Final Map prepared by a Licensed Land Surveyor. The final map shall be recorded, and the subdivision agreement must be executed before any building permits for production homes are issued.

72. **DEDICATIONS.** The following shall be dedicated on the final map. The dedication shall be recorded before any permits are issued.

A. **Oakley Road:** Dedicate the required right-of-way along the project frontage to achieve a 40' face of curb to centerline half street section plus 22' for landscaping and sidewalk.

B. **Public Utility Easement (PUE):** 5' PUE beyond right of way or property lines as required.

C. **Ingress-egress, storm drainage easements,** as required.

Any 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 shall be furnished to the City.

73. **PRIVATE EASEMENTS.** Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final map.

74. **UTILITY SETBACKS.** House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The City Engineer shall determine the appropriate setback based on

the depth of the utility, input from the project soils engineer, and the type of foundation.

75. UTILITY EASEMENTS. Deed restrictions shall be placed on lots containing utility easements. The deed restrictions shall specify that no trees, fences, or hardscape are allowed within the easement boundaries, and that maintenance access must be provided. The City will prepare the deed language and the Applicant's surveyor shall prepare the legal description and plat. The Applicant shall pay any recordation costs.

76. HOMEOWNER'S ASSOCIATION. Prior to the approval and recordation of a final map, Conditions, Covenants and Restrictions (CC&R's), creating a Homeowner Association (HOA) for the project shall be submitted, reviewed by the City of Oakley. A recorded copy of the CC&R is required prior to release of the first production building permit. Disclosures shall include language for future hard median improvements along Oakley Road to be constructed.

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT:

77. PAD CERTIFICATION. A letter from a licensed land surveyor stating that the building pad was constructed in accordance with the approved plans shall be provided prior to the issuance of the building permit.

78. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted to the City before any building permit is granted.

79. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS. The property owner/HOA shall enter into an agreement with the City for maintenance of the stormwater filtration devices required to be installed on this project. The agreement will specify that certain routine maintenance shall be performed by the property owner/HOA and will specify device maintenance reporting requirements. The agreement will also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded prior to release of any occupancy permits.

80. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans

shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the City before acceptance of improvements.

81. IMPACT FEES

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

- A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
- B. Regional Transportation Development Impact Mitigation Fee or any future alternative regional fee adopted by the City (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);
- C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
- D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);
- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);
- F. Fire Facilities Impact Fee (adopted by Resolution No. 09-01);
- G. General Plan Fee (adopted by Resolution No. 53-03);

The applicant should contact the City Engineer prior to constructing any public improvements to determine if any of the required improvements are eligible for credits or reimbursements against the applicable traffic benefit fees or from future developments.

82. ANNEXATIONS

- A. Annex the property to the City of Oakley Community Facilities District No. 2018-1 Fire Protection Services (CFD) for funding certain services within the boundaries of the City of Oakley including fire protection services. 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 the applicant. The assessment shall be the per parcel annual amount set by CFD at the time of the annexation. Annexation shall be completed prior to filing of the final map.

- B. Participate in the provision of funding to maintain police services by voting to approve a special tax for the parcels created by the 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. If the homes are occupied prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rate share for the remainder of the tax year prior to the City conducting a final inspection.

- C. 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.

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 Iron House 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. 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.
- I. East Contra Costa County Habitat Conservation Plan Fee (adopted by Resolution No. 112-07 & 124-07).

PASSED, APPROVED AND ADOPTED this 23rd day of June, 2020 by the following vote:

AYES: Alaura, Higgins, Krieg, Romick

NOES:

ABSTENTIONS:

ABSENT: Pope

APPROVED:


Kevin Romick, Mayor

ATTEST:


Libby Vreonis, City Clerk

6-23-20
Date