# AGENDA
# REGULAR MEETING OF THE OAKLEY PLANNING COMMISSION

**Tuesday, April 02, 2024**
**6:30 PM**
**Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561.**
**Unless stated otherwise on the agenda, every item on the agenda is exempt from CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.**

**MISSION STATEMENT:** The City of Oakley will create a resilient future that fosters and attracts a vibrant and evolving community that welcomes and values all people.

**VISION STATEMENT:** The City of Oakley celebrates our unique Delta lifestyle and small-town feel where we ***Live*** in a safe, dynamic community, ***Work*** together to build the future, and ***Play*** in our own backyard.

Agendas are posted in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road; agendas are also posted on the City's Internet Website www.ci.oakley.ca.us.

A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley Planning Commission meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley Planning Commission regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561.

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If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7013.

**Please keep cell phones/electronic devices turned off during the meeting. Please be advised that Oakley Planning Commission meetings are video recorded and attendees may appear on video.**

Members of the public may address the Oakley Planning Commission on items of interest that are within the City's jurisdiction. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. In compliance with State law, the Oakley Planning Commission may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a public speaker card available in the lobby and submit it to the City Clerk prior to the agenda item being called. The Oakley Planning Commission Chair will call you by name to the podium to hear your comments and you have up to 3 minutes to speak.

## 1.OPENING MATTERS

### 1.1 Call to Order and Roll Call of the Oakley Planning Commission

### 1.2 Pledge of Allegiance to the Flag

## 2.PUBLIC COMMENTS

At this time, the public is permitted to address the Planning Commission on non-agendized items.

## 3.CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the Planning Commission with one single action. Members of the audience, Staff or the Planning Commission who would like an item removed from the Consent Calendar for purposes of public input may request the Chair remove the item. The public may request to remove an item(s) to provide input by completing a public speaker card and submitting it to the City Clerk prior to the item(s) being called by the Chair.

### 3.1 Approve Minutes from the Regular Planning Commission Meeting held March 5, 2024 (Kim Snodgrass, Deputy City Clerk)

Minutes

## 4.PUBLIC HEARINGS

### 4.1 Adopt a Resolution Recommending the City Council Approve the Project Titled Planning Area 6-H (East Cypress Corridor Specific Plan) Tentative Map (TM 01-23) (Ken Strelo, Planning Manager)

Suggested Action: 1) Receive the Staff Report, 2) Receive Questions from the Planning Commission, 3) Open the Public Hearing, 4) Receive Comments from the Applicant, 5)

Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate, 8) Summarize the Deliberation 9) Adopt the Resolution
Staff Report
1. Vicinity Map
2. Notice of Public Hearing
3. Applicant's Plans
4. Proposed Resolution

**4.2 Continued from March 5, 2024 - Delta Pointe Plaza Conditional Use Permits (CUP 04-23 and CUP 03-24) and Design Review (DR 08-23) – Request for approval to construct a mixed-use development within Oakley's Downtown (CUP 04-23, DR 08-23)(Evan Gorman, Associate Planner)**

**California Environmental Quality Act ("CEQA") Determination: Find the project is exempt from CEQA under the Class 32 exemption (14 Cal. Code Regs./CEQA Guideline § 15332)**
Suggested Action:
1) Receive the Staff Report, 2) Receive Questions from the Planning Commission, 3) Open the Public Hearing, 4) Receive Comments from the Applicant, 5) Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate, 8) Summarize the Deliberation 9) Adopt the Resolution
Staff Report
1. Vicinity Map
2. Notice of Public Hearing
3. Applicants Plans
4. Draft Resolution

## 5.REGULAR CALENDAR

## 6.REPORTS

**6.1 Reports from Staff Members**

**6.2 OAKLEY PLANNING COMMISSION**
**(a) Reports from Commission Members**
**(b) Requests for Future Agendas**

## 7.WORK SESSIONS

**7.1 Pancho's Market 2 Preliminary General Plan Amendment (PA 02-23) – Work Session to discuss the merits of a potential project to amend the General Plan Land Use Designation of an approximately 0.42-acre parcel from Residential Low/Medium (RLM) to Commercial (CO) (Evan Gorman, Associate Planner)**

Staff Report
1. Vicinity Map
2. Notice of Work Session
3. General Plan Land Use Map Excerpt

**7.2 5050 Live Oak Avenue - Preliminary General Plan Amendment (PA 01-24) – Work Session to discuss the merits of a potential project to amend the General Plan Land Use Designation of an approximately 1.42-acre parcel from Light Industrial (LI) to Residential Low/Medium (RLM) (Evan Gorman, Associate Planner)**

Staff Report
1. Vicinity Map
2. Notice of Work Session
3. General Plan Land Use Map Excerpt

## 8.ADJOURN

# Minutes of the Regular Meeting of the City of Oakley Planning Commission held March 5, 2024

1) OPENING MATTERS

## 1.1 Call to Order and Roll Call of the Oakley Planning Commission

Chair Oleksii Chuiko called the meeting to order at 6:30pm in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Chair Diego Verduzco and Commissioner Jimmy Ramirez were present. Commissioners Leonard Price and Jeanne Krieg were absent.

## 1.2 Pledge of Allegiance to the Flag

Commissioner Ramirez led the Pledge of Allegiance to the Flag.

## 1.3 Presentation on the City of Oakley's Economic Development Profile and Programs (Harumi Murata, Economic Development Analyst)

Economic Development Analyst Harumi Murata provided a PowerPoint presentation explaining what Economic Development is, and why communities invest in Economic Development, she provided overviews of Oakley's goals and strategies, Oakley's community profile and employment in Oakley as well as provided a breakdown of active business license holders. She explained the Economic growth obstacles and mentioned that there is a plan in the works to boost the economy. She shared some Economic Development Resources and reported that two companies have graduated from the entrepreneur center and now have their own brick and mortar space. She explained the community collaborative effort and partnership and mentioned some future prospects for Oakley.

Chair Chuiko thanked Miss Murata for her presentation and asked if any of the commissioners had questions.

Commissioner Ramirez asked what it looks like bringing higher education or hospitals to Oakley.

Miss Murata responded that they have a matrix they follow, and they are not there just yet, however with more population growth, the City will experience more development.

Chair Chuiko thanked Miss Murata and stated they are all in this together and to please let the Planning Commissioners know if they can assist in her efforts.

2) PUBLIC COMMENTS

None.

3) CONSENT CALENDAR

**3.1 Approve Minutes from the Regular Planning Commission Meeting held February 6, 2024 (Kim Snodgrass, Deputy City Clerk)**

It was moved by Vice Chair Verduzco and seconded by Commissioner Ramirez to approve the minutes. Motion was unanimous and so ordered. (3-0)

4) PUBLIC HEARINGS

**4.1 Delta Pointe Plaza (CUP 04-23, DR 08-23) Continue to April 2, 2024 (Evan Gorman, Associate Planner)**

Chair Chuiko mentioned this item will be continued to April 2, 2024. He asked if staff had any updates.

Associate Planner Evan Gorman mentioned this is an exciting project and he appreciates their patience and recommends continuing this item to April 2.

Chair Chuiko opened the public hearing, and mentioned there are no public comments so he closed the Public Hearing.

It was moved by Commissioner Ramirez and seconded by Vice Chair Verduzco to table this item to April 2. Motion was unanimous and so ordered. (3-0)

Chair Chuiko mentioned he will not be present at the April 2nd meeting.

5) REGULAR CALENDAR

None.

6) REPORTS

**6.1 Reports from Staff Members**

None.

**6.2 OAKLEY PLANNING COMMISSION**
**(a) Reports from Commission Members**

Chair Chuiko mentioned that Commissioner Price has a report he will be emailing to everyone.

Commissioner Ramirez reported that Oakley's Got Talent is happening Saturday at 1:00pm at the Recreation Center.

**(b) Requests for Future Agendas**

None.

7) WORK SESSIONS

None.

8) ADJOURN

There being no further business, the meeting was adjourned at 7:02 p.m.

Respectively Submitted,

Kim Snodgrass
Deputy City Clerk

**DATE:** April 2, 2024

**TO:** Joshua McMurray, City Manager

**FROM:** Ken Strelo, Planning Manager

Approved and Forwarded to the Planning Commission

**SUBJECT:** Planning Area 6-H (East Cypress Corridor Specific Plan) Tentative Map (TM 01-23) – Request for approval of a Vesting Tentative Map to subdivide 16.5 acres into 89 single family residential lots. APNs 032-082-010 and 032-082-011.

## Summary

This is an application by Owen Poole on behalf of ACD-TI Oakley LLC ("Applicant") requesting approval of a Vesting Tentative Map (TM 01-23) to subdivide 16.5 acres into 89 single family residential lots with a minimum lot size of 2,605 square feet and average lot size of 3,024 square feet ("Project"). The Tentative Map also includes acreage for the East Cypress Corridor Specific Plan levee, dedication and improvement of Bethel Island Road frontage, and dedication and improvement of "Street X" which provides access to the project from Bethel Island Road and serves as the connecting road to development west of the project site. The project site is located on the west side of Bethel Island Road, approximately 0.8 miles north of East Cypress Road. The project is zoned SP -1 (East Cypress Corridor Specific Plan) District and is identified as Planning Area 6-H within the SP-1 District. APNs 032-082-010 and 032-082-011.

Note: The Planning Commission will serve as an advisory role to the City Council on this application.

## Background

### GENERAL PLAN

- Specific Plan – The project is designated as Specific Plan in the Oakley General Plan and is part of the East Cypress Corridor Specific Plan ("ECCSP"). The General Plan described this Specific Plan area as one that envisions development of five mixed density residential neighborhoods around a central commercial center. The SP area also preserves wetlands and includes a new levee system that surrounds the planned neighborhoods.

## ZONING

- SP-1 (East Cypress Corridor Specific Plan) District –The SP-1 District and ECCSP were approved with adoption of City Council Ordinance 10-09. The SP-1 District is further classified into land uses within the specific plan. The project site is located within "Planning Area – 6H (PA-6H)" of the ECCSP. PA 6 is made of several smaller properties owned by different entities. These areas are generally located along the individual residential/agricultural parcels along the south side of East Cypress Road between Jersey Island Road and Bethel Island Road, along the eastern side of Bethel Island Road, and along Dutch Slough Road and Sandmound Boulevard. It is noted that properties along Dutch Slough Road and Sandmound Boulevard were part of the planning for the ECCSP, but ultimately did not pass approval votes to be annexed into Oakley's City limits. PA 6H is now controlled by the developer (ACD-TI Oakley, LLC) for the Grand Cypress Preserve project, which also includes PAs 1, 3, and 4.

## SITE CONDITIONS AND SURROUNDING LAND USES

*Figure 1. Aerial of Project Site*




The subject property is located along the western edge of Bethel Island Road approximately 0.8 miles north of East Cypress Road. To the north of the site is an existing dry boat storage facility that is also within the City limits and identified as PA 6-G. South of the site is an undeveloped site identified as PA 6-I in the ECCSP. PA-1, with an approved Tentative Map and Development Agreement is located to the west and Summer Lake North, and current residential development by a different owner/developer is located to the east across Bethel Island Road. The property's current state is vacant with no existing structures (See Figure 1. Aerial of Project Site).

## PREVIOUS ENTITLEMENTS AND DEVELOPMENT AGREEMENT

On January 24, 2012, the City Council adopted Resolution 11-12 making finding and approving Tentative Parcel Map MS 11-976 (TPM 01011) subdividing two parcels totalling approximately 16.44 acres into four parcels. These two parcels were the same two parcels associated with this current Tentative Map application. The previous entitlement was for the purposes of creating parcels for a portion of the East Cypress Corridor Specific Plan levee system, future residential development consistent with the East Cypress Corridor Specific Plan, future right of way/roadway,

and a natural drainage area. Just prior to this approval, the City Council adopted Ordinance 27-11 which approved a Development Agreement between the City and Pacific West Communities, Inc. relating to the project site. To date, a parcel map has not been recorded.

Even though the parcel map has not been recorded and development has not yet been pursued, the Development Agreement resulted in the site being allowed to be developed as either market rate single family residential at up to 23 units, or multi-family affordable residential up to 196 units. The option for the higher desnity multi family development is per the ECCSP where it states, "If a levee system is relocated to provide adequate protection, Planning Area 6-H may be considered for a Multi Family Residential – High Density Affordable Housing Overlay District at a maximum of 20 units per acre. The term of the Development Agreement was set to expire on December 25, 2025.

### TRANSFER OF DENSITY

The proposed project is requesting approval for 89 single family residential lots. Per the ECCSP, the target units for PA 6-H is 36 units. The 89 units would result in an increase of 53 units over the target for PA 6-H. The ECCSP includes an allowance for the transfer of density as follows: "If the development potential is reduced due to environmental constraints, the residential units may be reallocated to other Planning Areas provided densities stay within the ranges shown on the Land Use Map and the total number of dwelling units for the Specific Plan is not exceeded."

The Grand Cypress Preserve project was required to construct a large wetland preserve in the northern area of PA 1 just south of Dutch Slough Road and east of Jersey Island Road. Construction of the wetland preservation area is considered an environmental constraint. That wetland preserve, which is approximately 256-acres in size, influenced the developable area approved Tenative Maps for PA 1 resulting in in a decrease of 54 units from what was originally targetted within PA 1. Since the owner of the Grand Cypress Preserve also owns the project site, and the transfer of units will not exceed the total number of units for the Specific Plan, Staff has determined that this transfer of units meets the intent of the Specific Plan and is fair to the land owner that constructed the wetland preserve. It is noted, that although none of the construction for the Grand Cypress Preserve development has begun, the wetland preservation area has been completed and is currently serving its purpose.

## Project Description

The proposed project includes approval of a Vesting Tentative Map and other associated plans such as a site plan, parcel delineation plan, preliminary grading and drainage plan, utility plan, stormwater control plan, fire access turning radius

plan, and conceptual landscape plans. This application does not include a Design Review application, meaning at this time, house designs have not been proposed.

## VESTING TENTATIVE MAP (TM 04-22)

The proposed project would result in the subdivision of approximately 16.5 acres into 89 single family residential lots with a minimum lot size of 2,605 square feet and average lot size of 3,024 square feet. The resulting project density is 10.7 dwelling units per acre when including only developable areas and approximately 5.4 dwelling units per acre when factoring in the entire 16.5 acres. In addition to the residential lots, the map also includes private a drainage area on the south side of the main public street off of Bethel Island Road (Parcel A), private streets and common areas within the subdivision and adjacent to the levee (Parcel B), and the perimeter levee (Parcel C). Parcel A (drainage area) is proposed to be maintained by a Homeowner's Association ("HOA") and will total approximately 0.88 acres. Parcel B (private streets and common areas) will also be maintained by the HOA and will total approximately 2.1 acres. Parcel C (perimeter levee) will be maintained by Reclamation District 799 ("RD 799") and will total approximately 5.1 acres. The portion of Bethel Island Road required to be dedicated and improved and the east/west access road to the development will be dedicated to the City as public right of way and maintained by the City. The layout and locations of the future public right of way (salmon-colored), Parcel A (yellow), Parcel B (Aqua), and Parcel C (purple) are shown in Figure 1.

*Figure 1. Future Right of Way and Parcels A, B and C*




### ACCESS AND CIRCULATION

Main vehicular access to the site is proposed along the southern boundary with the future "Street X" and will consist of two 20-foot wide divided roadways. A secondary emergency vehicle access ("EVA") is proposed onto Bethel Island Road near the southern portion of the site. That EVA is proposed to be 28-feet wide and blocked by foldable bollards. Pedestrian access will be through the main entrance, EVA, and along the levee trail.

Street X is proposed to be a two-lane, divided roadway with a landscaped median with a break at the project entry (A Street). The cross section shows a 12-foot wide travel lane and additional 8-foot wide bike lane in each direction, plus additional landscaping and sidewalk on both sides. The internal road network is proposed to consist of a cross street (B Street) that intersects with Street A and two other loop roadways (C Circle and D Circle). B Street will include a 20-foot wide travel lane with an 8-foot wide parking lane and sidewalk on one side. The western end of Street B includes 7 90-degree parking spaces as opposed to the convention parallel parking area. C Circle and D Circle are proposed as 20-foot wide travel lanes with no parking on either side as these will be used to access the future homes' garages. There are three separate areas along both C Circle and D Circle that provide 27 90-degree parking spaces.

### Proposed Landscape Plans

The proposed landscape plan is an illustrative drawing that shows the general locations for trees proposed along the public and private streets and within the common landscaped areas. It also shows other landscaped areas throughout the subdivision and includes a picture matrix of proposed tree and plant species. In addition to live materials, the project will include a picnic area near the base of the levee on the western edge of the subdivision. There are 68 trees proposed along both sides and within the median of Street X. An additional 25 trees are proposed along Bethel Island Road on both sides of the planned sidewalk. Seven trees are proposed on both sides and within the median of Street A (the entry road). Another 30 trees are proposed throughout the subdivision. All trees are proposed as 24" box size at planting.

## ENVIRONMENTAL COMPLIANCE

### California Environmental Quality Act (CEQA)

The proposed project site is located within the East Cypress Corridor Specific Plan EIR and Supplemental EIR (SCH # 2004092011), collectively, "ECCSP EIRs", certified by the City Council in March of 2006 and 2009, respectively. The City has reviewed the information submitted with the project and determined that approval of the project will not result in any new, or substantially more adverse, significant environmental impacts than those disclosed in the ECCSP EIRs. The proposed project is subject to applicable mitigation measures from the Mitigation and Monitoring Plan (MMP) for the ECCSP EIR. The MMP is incorporated as Chapter 4.0 of the ECCSP Final EIR.

### Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)

The Grand Cypress Preserve project is subject to the HCP/NCCP through an "Agreement Regarding the Extension of Take Authorization for the Cypress Preserve Project." That agreement was executed on June 13, 2018 and includes the City of Oakley, HCP Conservancy, Developer, and Wildlife Heritage Foundation as signatories.

A First Amendment to the Agreement was executed on July 23, 2021. That agreement served to amend certain aspects of the agreement and included the same signatories as the original agreement. Both the original agreement and first amendment are still valid. The project site is included in the project area covered by the agreement and any development of the project area would initiate specific parts of the agreement unless already initiated by other development affecting the same parts. Compliance with the Agreement and First Amendment results in compliance with the HCP/NCCP.

## Analysis

### VESTING TENTATIVE MAP

The Vesting Tentative Map ("TM") has been reviewed against all applicable codes including the East Cypress Corridor Specific Plan, Subdivision Map Act, General Plan, and the Zoning Ordinance. The TM's gross density (approximately du/ga) falls within the gross density range of the project area when considering the transfer of 53 units from Planning Area 1. The site is physically suitable for the project in that it is accessible as a result of the proposed right of way that will connect to Bethel Island Road and will be within the final perimeter levee. The site is not physically constrained other than the reduction in net developable acres due to perimeter levee and frontage right of way dedication, and it is also able to accommodate the proposed density resulting in 89 units in that the site could potentially accommodate a development with a density of 20-units per acre per the East Cypress Corridor Specific Plan. The subdivision is not expected to result in any serious public health problems. Public improvements such as improvements to Bethel Island Road, a portion of the perimeter levee, and the construction of Steet X which will eventually connect Bethel Island Road and approved maps to the west of the project.

Staff recommends the Planning Commission recommends City Council approval of the proposed Tentative Map application.

## Findings

Draft findings can be found in the proposed resolution.

## Consistency with the Oakley Strategic Plan 27+

Approval of this application would be consistent with the goals in the section of the Oakley Strategic Plan 27+ entitled, "Community and Economic Development Goal". Reviewing applications for compliance with Oakley's development standards ensures strategic and thoughtful growth.

## Fiscal Impact

The approval of these entitlements will not impact the General Fund. This is a developer funded account. All Staff time and City of Oakley generated materials are charged to the account and paid for by the developer.

## Staff Recommendation

Staff recommends the Planning Commission adopt the proposed resolution recommending the City Council approve the project titled, "Planning Area 6-H (East Cypress Corridor Specific Plan) Tentative Map (TM 01-23)" as conditioned.

## Attachments

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

## In City Clerk's Reading File

- URL to East Cypress Corridor Specific Plan and CEQA Documents
  - https://www.ci.oakley.ca.us/east-cypress-corridor-specific-plan-project/

# Vicinity Map

**Planning Area 6-H (East Cypress Corridor Specific Plan) Tentative Map (TM 01-23)**
**APNs: 032-082-010 and 032-082-011**



OAKLEY
CALIFORNIA

# NOTICE OF PUBLIC HEARING

Notice is hereby given that on **April 2, 2024** at 6:30 p.m., or as soon thereafter as the matter may be heard, the Planning Commission 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 project as described below:

**Project Name:** Planning Area 6-H (East Cypress Corridor Specific Plan) Tentative Map (TM 01-23).

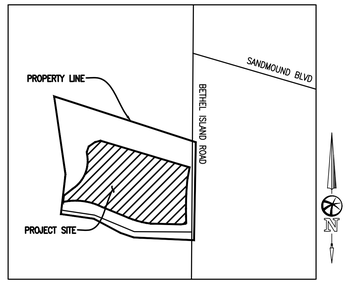
**Project Location:** West side of Bethel Island Rd., approximately 0.8 miles north of E. Cypress Rd. (APNs 032-082-010 and 011).

**Applicant:** Owen Poole on behalf of ACD-TI Oakley LLC, 151 Spyrock Ct., Walnut Creek, CA 94595 (owen@realestatesvs.com).

**Request:** Application by Owen Poole on behalf of ACD-TI Oakley LLC ("Applicant") requesting approval of a Tentative Map (TM 01-23) to subdivide 16.5 acres into 89 single family residential lots with a minimum lot size of 2,605 square feet and average lot size of 3,024 square feet ("Project"). The Tentative Map also includes acreage for the East Cypress Corridor Specific Plan levee, dedication and improvement of Bethel Island Road frontage, and dedication and improvement of "Street X" which provides access to the project from Bethel Island Road and serves as the connecting road to future development west of the project site. The project site is located on the west side of Bethel Island Road, approximately 0.8 miles north of East Cypress Road. The project is zoned SP -1 (East Cypress Corridor Specific Plan) District and is identified as Planning Area 6-H within the SP-1 District. APNs 032-082-010 and 032-082-011. Note: The Planning Commission will serve as an advisory role to the City Council on this application.

**How to Review:** The Staff Report and its attachments will be available for public review, on or before **March 26, 2024** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the **April 2, 2024** Planning Commission 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 Ken Strelo, Planning Manager 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.




VICINITY MAP

NOT TO SCALE

City of Oakley
Planning Division

DEC 11, 2023

RECEIVED

# SUBDIVISION TRACT 9636
# GREATER CYPRESS PRESERVE
# PA–6H
# VESTING TENTATIVE MAP
## COVER SHEET

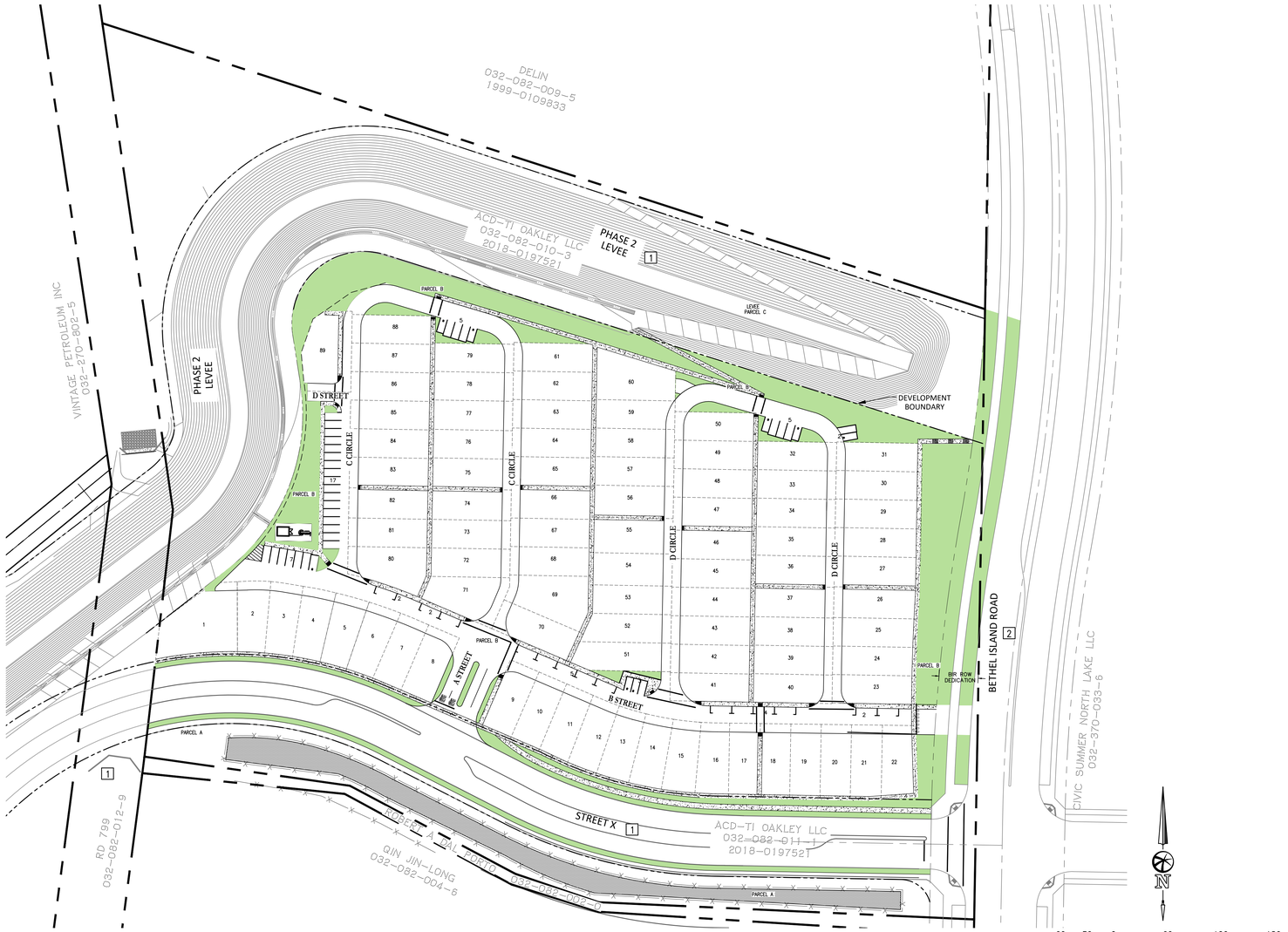
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

AUGUST 3, 2023 SCALE: 1"=60'

SHEET INDEX

1. COVER SHEET
2. EXISTING CONDITIONS AND CONSTRAINTS MAP
3. PRELIMINARY SITE PLAN
4. PRELIMINARY PARCEL DELINEATION PLAN
5. PRELIMINARY GRADING AND DRAINAGE PLAN
6. PRELIMINARY UTILITY PLAN
7. PRELIMINARY STORMWATER CONTROL PLAN
8. PRELIMINARY FIRE ACCESS TURNING MOVEMENTS




## GENERAL NOTES

| | |
|---|---|
| OWNER/DEVELOPER: | ACD–TI OAKLEY, LLC<br>2716 OCEAN PARK BLVD #1064<br>SANTA MONICA, CA 90405<br>(310)–314–2590 |
| ENGINEER: | BELLECCI & ASSOCIATES, INC.<br>2290 DIAMOND BLVD #100<br>CONCORD, CA 94520<br>(925)–685–4569 |
| A.P.N.: | 032–082–010–3 |
| PROPERTY LIMITS: | 16.5 ACRES |
| DEVELOPMENT LIMITS: | 8.3 ACRES – EXCLUDES BETHEL ISLAND ROAD EXPANSION, PHASE 2 LEVEE AND STREET X IMPROVEMENTS |
| EXISTING ZONING: | SINGLE FAMILY RESIDENTIAL LOW DENSITY (SL) |
| PROPOSED ZONING: | MULTI–FAMILY RESIDENTIAL MEDIUM DENSITY (MM) |
| EXISTING USE: | AGRICULTURE |
| PROPOSED USE: | SINGLE FAMILY RESIDENTIAL |
| MINIMUM LOT SIZE: | 2605 SF |
| AVERAGE LOT SIZE: | 3024 SF |
| MAXIMUM LOT SIZE: | 5895 SF |
| PROJECT DENSITY: | 10.7 DU/AC |
| SERVICES:<br>WATER SUPPLY–<br>SANITARY SEWER–<br>STORM DRAIN–<br>GAS & ELECTRIC–<br>FIRE–<br>TELEPHONE–<br>CABLE TV–<br>LEVEE– | <br>DIABLO WATER DISTRICT<br>IRONHOUSE SANITARY DISTRICT<br>CITY OF OAKLEY<br>PACIFIC GAS & ELECTRIC<br>CCC FIRE PROTECTION DISTRICT<br>AT&T<br>COMCAST<br>RD 799 |
| FLOODING: | SITE FALLS WITHIN FIRM PANEL NUMBERS 060025 0170G AND 060766 0170G, ZONE AE (EL 9) CURRENT FLOOD ZONE AE. SITE TO BE REMOVED FROM HAZARD FLOOD ZONE AFTER CONSTRUCTION OF THE CYPRESS PRESERVE PERIMETER LEVEE. |
| DATUM NOTE: | HORIZONTAL AND VERTICAL CONTROL DATA IS BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE III, NAD83, NAVD88 EPOCH 2011 DATUM. UNITS ARE U.S. SURVEY FEET.<br><br>THE PROJECT REFERENCE POINTS AND DATUM INFORMATION ARE AS FOLLOWS: |

| POINT# | NORTHING | EASTING | ELEVATION | DESCRIPTION |
|---|---|---|---|---|
| 1 | 2185373.47 | 6232871.85 | 16.95 | MAG NAIL CSLS WASHER |
| 156 | 2180254.34 | 6232482.92 | 13.8 | BM HS3769 |
| 157 | 2193565.21 | 6224466.13 | 10.11 | BM DH6895 |
| 158 | 2175993.44 | 6227442.82 | 23.6 | BM DB3879 |

NOTES

1. TO BE CONSTRUCTED UNDER A DIFFERENT PERMIT SET OR BY OTHERS
2. TO BE CONSTRUCTED UNDER APPROVED BETHEL ISLAND RD PRECISE ALIGNMENT

| TOTAL PROPOSED LOTS | | |
|---|---|---|
| NUMBER OF LOTS | | 89 |
| PARKING COUNT | | |
| REQUIRED* | | 89 |
| PROVIDED | GARAGE | 178 |
| | GUEST | 54 |
| | ADA | 0 |
| | TOTAL | 234 |
| SHORTFALL | | 35 |

*REQUIRED NUMBER OF PARKING STALLS IS FOR NON–GARAGE OR DRIVEWAY PARKING

**NOTE**

STREET X
DEDICATED TO AND
MAINTAINED BY THE CITY

PARCEL A&B TO BE
MAINTAINED BY HOA

PARCEL C TO BE
MAINTAINED BY RD 799

PRELIMINARY

THIS SUBDIVISION MAY BE CONSTRUCTED IN PHASES.

| EARTHWORKS QUANTITIES | |
|---|---|
| RAW FILL | 95,420 CY |
| RAW CUT | 0 CY |
| NET (FILL) | 95,420 CY |

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SHEET: 1 OF 8

JOB NO. 180180

# SUBDIVISION TRACT 9636
# GREATER CYPRESS PRESERVE
# PA-6H
# VESTING TENTATIVE MAP
## EXISTING CONDITIONS

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

AUGUST 3 2023 SCALE: 1"=40'

**FLOOD ZONE NOTE**

CURRENT FLOOD ZONE AE. SITE TO BE REMOVED FROM HAZARD FLOOD ZONE AFTER CONSTRUCTION OF THE CYPRESS PRESERVE PERIMETER LEVEE.

**LEGEND**

| EXISTING: | DESCRIPTION: |
|---|---|
| ---–---–--- | RIGHT OF WAY LINE |
| — — — — | PROPERTY LINE |

**NOTES**

1. TO BE CONSTRUCTED UNDER APPROVED BETHEL ISLAND RD PRECISE ALIGNMENT
2. PROPERTY LINE TO BE REMOVED THROUGH LLA
3. SEE SHEET 4 FOR DETAILED PARCEL DEDICATION

20' ROADWAY OFFER OF DEDICATION

80'-80' EX ROW

BIR DEDICATION

PROPOSED 150' ULTIMATE ROW

N

40 20 0 40 80 120
SCALE IN FEET

PRELIMINARY

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SHEET: 2 OF 8

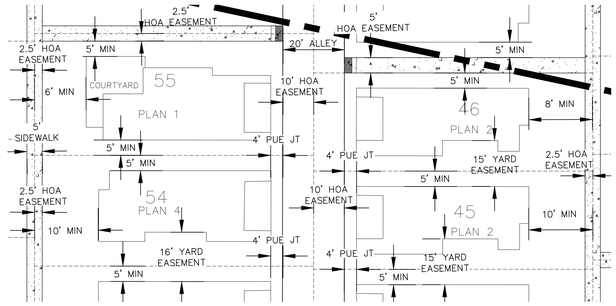
JOB NO. 180180

# SUBDIVISION TRACT 9636
# GREATER CYPRESS PRESERVE
# PA-6H
# VESTING TENTATIVE MAP
## SITE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

AUGUST 3 2023 SCALE: 1"=40'




TYPICAL EASEMENTS AND SETBACKS
NOT TO SCALE

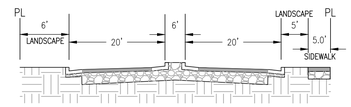



PRELIMINARY

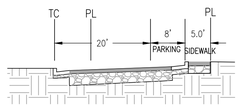
LEGEND

| PROPOSED: | DESCRIPTION: |
|---|---|
| | LANDSCAPE |
| | CONCRETE SIDEWALK |
| | BIORETENTION FACILITY |
| | LOT LINE |
| | LIMITS OF DEVELOPMENT |
| | RIGHT OF WAY LINE |
| | CENTERLINE |
| | FUTURE IMPROVEMENTS BY OTHERS/UNDER A DIFFERENT PERMIT SET |
| | PROPERTY LINE |
| | HOA PARCEL BOUNDARY |
| | ADA RAMP |
| | 12" STRIPING |

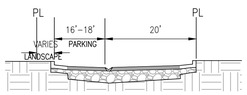
TYPICAL STREET SECTIONS:



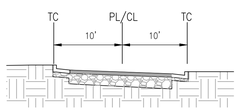

A A STREET -TYP (PRIVATE)
NOT TO SCALE



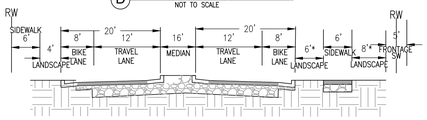

B B STREET-TYP (PRIVATE)
NOT TO SCALE




C CIRCLE WITH PARKING -TYP (PRIVATE)
NOT TO SCALE




D CIRCLE-TYP (PRIVATE)
NOT TO SCALE




E STREET X -TYP (PUBLIC)
NOT TO SCALE

* LANDSCAPE AREAS TO VARY WITHIN RIGHT OF WAY TO FIT COLLECTOR STREET CRITERIA FOR BIKE AND TRAVEL LANES.

NOTES

1 BIR AND STREET X INTERSECTION SIGNALIZED PER BIR PRECISE ALIGNMENT PLAN

2 INSTALL "NO PARKING" SIGN AND RED CURB

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SHEET: 3 OF 8

JOB NO. 180180

# SUBDIVISION TRACT 9636
# GREATER CYPRESS PRESERVE
# PA-6H
# VESTING TENTATIVE MAP
## PARCEL DELINEATION PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

AUGUST 3 2023 SCALE: 1"=40'

LEGEND

| PROPOSED: | DESCRIPTION: |
|---|---|
| | LANDSCAPE |
| | CONCRETE SIDEWALK |
| | BIORETENTION FACILITY |
| | LOT LINE |
| | LIMITS OF DEVELOPMENT |
| | RIGHT OF WAY LINE |
| | CENTERLINE |
| | FUTURE IMPROVEMENTS BY OTHERS/UNDER A DIFFERENT PERMIT SET |
| | PROPERTY LINE |
| | HOA PARCEL BOUNDARY |
| | ADA RAMP |
| | 12" STRIPING |

PARCEL LEGEND

- PUBLIC STREET – TO BE DEDICATED AND MAINTAINED BY THE CITY
- PARCEL A – TO BE MAINTAINED BY HOA
- PARCEL B – TO BE MAINTAINED BY HOA
- PARCEL C – TO BE MAINTAINED BY RD799

DELIN
032-082-009-5
1999-0109833

ACD-TI OAKLEY LLC
032-082-010-3
2018-0197521

PHASE 2 LEVEE

PARCEL B 90400 SF±

LEVEE PARCEL C 219050± SF

DEVELOPMENT BOUNDARY

D STREET

C CIRCLE

D CIRCLE

A STREET

B STREET

PARCEL A 38200 SF±

PARCEL A 38200± SF

BETHEL ISLAND ROAD

STREET X

RD 799
032-082-012-9

ROBERT A DAL PORTO D32-082-002-0

QIN JIN-LONG
032-082-004-6

ACD-TI OAKLEY LLC
032-082-011-1
2018-0197521

CIVIC SUMMER NORTH LAKE LLC
032-370-033-6

PRELIMINARY

SCALE IN FEET

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SHEET: 4 OF 8

JOB NO. 180180

# SUBDIVISION TRACT 9636
# GREATER CYPRESS PRESERVE
# PA-6H
# VESTING TENTATIVE MAP
## GRADING & DRAINAGE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

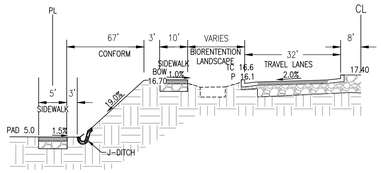
BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

AUGUST 3 2023 SCALE: 1"=40'

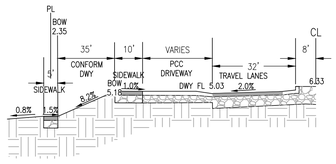



## LEGEND

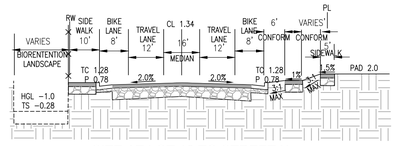
| PROPOSED: | DESCRIPTION: |
|---|---|
| | LANDSCAPE |
| | CONCRETE SIDEWALK |
| | BIORETENTION FACILITY |
| | LOT LINE |
| | LIMITS OF DEVELOPMENT |
| | PROPERTY LINE |
| | RIGHT OF WAY LINE |
| | CENTERLINE |
| | FUTURE IMPROVEMENTS BY OTHERS/UNDER A DIFFERENT PERMIT SET |
| | GRADE BREAK |
| | STORM LINE |
| | VALLEY GUTTER |
| | SDMH |
| | SDCB |
| | ADA RAMP |
| | 12" STRIPING |



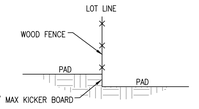

A SITE AT LOT 31 TO BETHEL ISLAND ROAD
NOT TO SCALE




B SECONDARY EVA TO BETHEL ISLAND ROAD
NOT TO SCALE




C SITE AT LOT 18 TO STREET X
NOT TO SCALE




D HEADER BOARD DETAIL-TYP
NOT TO SCALE

**NOTES**

1. ELEVATION FROM CBG BETHEL ISLAND ROAD PRECISE ALIGNMENT SHEET 9 DATED JUNE 2022. CBG ELEVATIONS BASED ON NGVD29 DATUM. A CONVERSION OF +2.37 WAS USED TO BRING ELEVATIONS TO NAVD88

40 20 0 40 80 120
SCALE IN FEET

PRELIMINARY

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SHEET: 5 OF 8

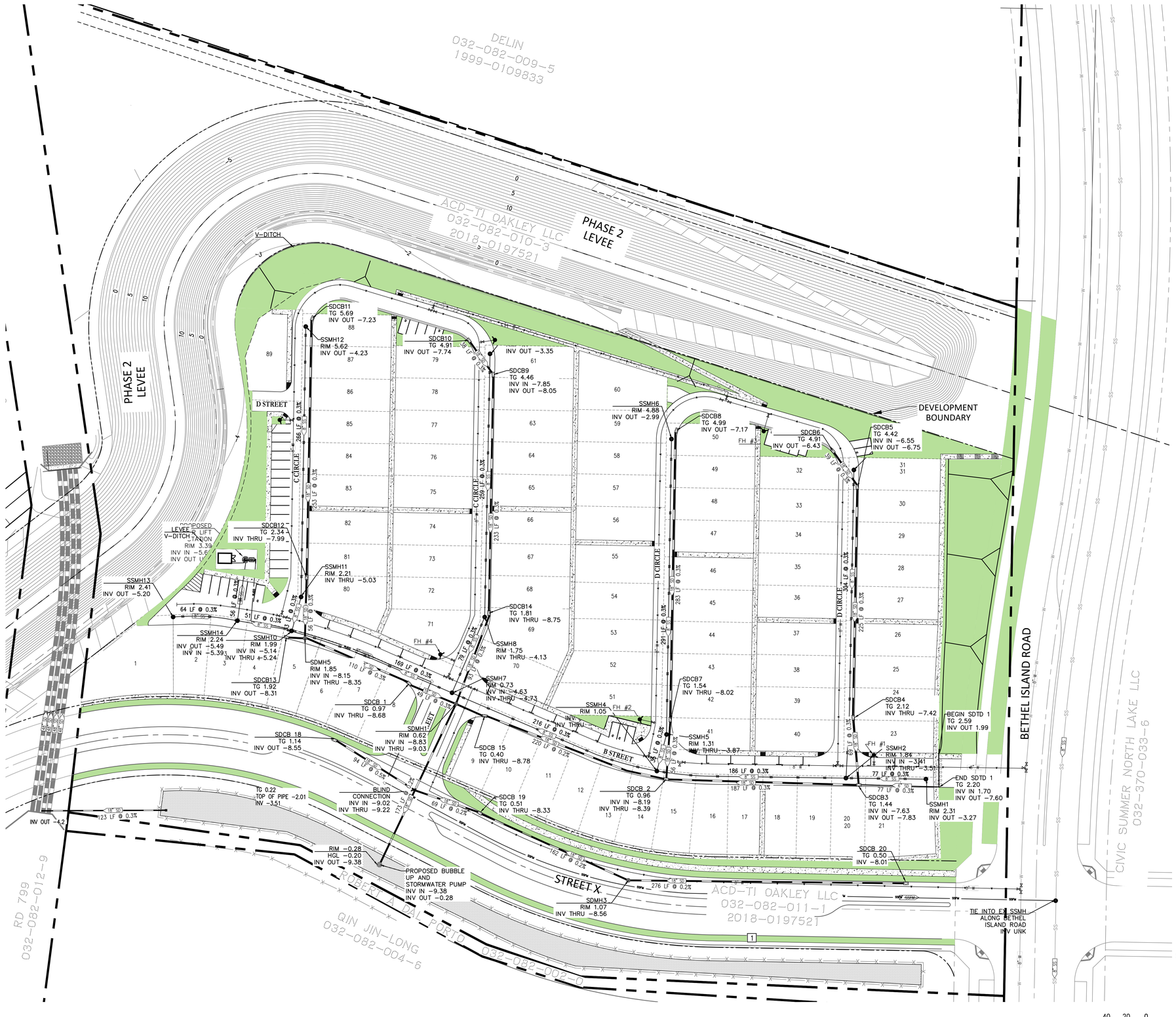
JOB NO. 180180

# SUBDIVISION TRACT 9636
# GREATER CYPRESS PRESERVE
# PA–6H
# VESTING TENTATIVE MAP
## UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

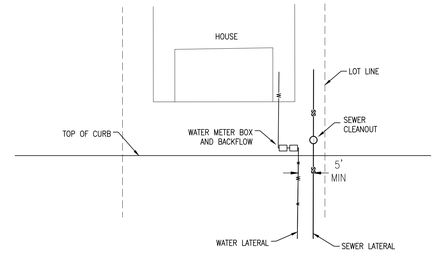
BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

AUGUST 3 2023 SCALE: 1"=40'




## LEGEND

| PROPOSED: | DESCRIPTION: |
|---|---|
| | LANDSCAPE |
| | CONCRETE SIDEWALK |
| | BIORETENTION FACILITY |
| | LOT LINE |
| | LIMITS OF DEVELOPMENT |
| | PROPERTY LINE |
| | STORM LINE |
| | VALLEY GUTTER |
| W W | WATER LINE |
| SS SS | SEWER LINE |
| SSFM | SANITARY SEWER FORCE MAIN LINE |
| W | PROPOSED BETHEL ISLAND ROAD WATER |
| SS | PROPOSED BETHEL ISLAND ROAD SEWER |
| | WATER VALVE |
| | FIRE HYDRANT |
| | SSMH |
| | SDMH |
| | SDCB |
| | ADA RAMP |
| | THRUST BLOCK |




TYPICAL UTILITY LATERAL DETAIL
NOT TO SCALE

**NOTES**

1 THE USE OF GRAVITY AND A HIGH HGL WILL CAUSE A BUBBLE–UP EFFECT WITH THE STORMWATER RUNNOFF RELEASE INTO THE BIORETENTION FACILITY, ONCE THE HGL IS NO LONGER SUFFICIENT ENOUGH TO PUSH THE RUNOFF OUT OF THE STORM DRAIN PIPE, A PUMP WILL KICK–IN TO RELEASE THE REMAINING AMOUNT OF RUNNOFF TO BE TREATED

N

40 20 0 40 80 120
SCALE IN FEET

PRELIMINARY

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SHEET: 6 OF 8

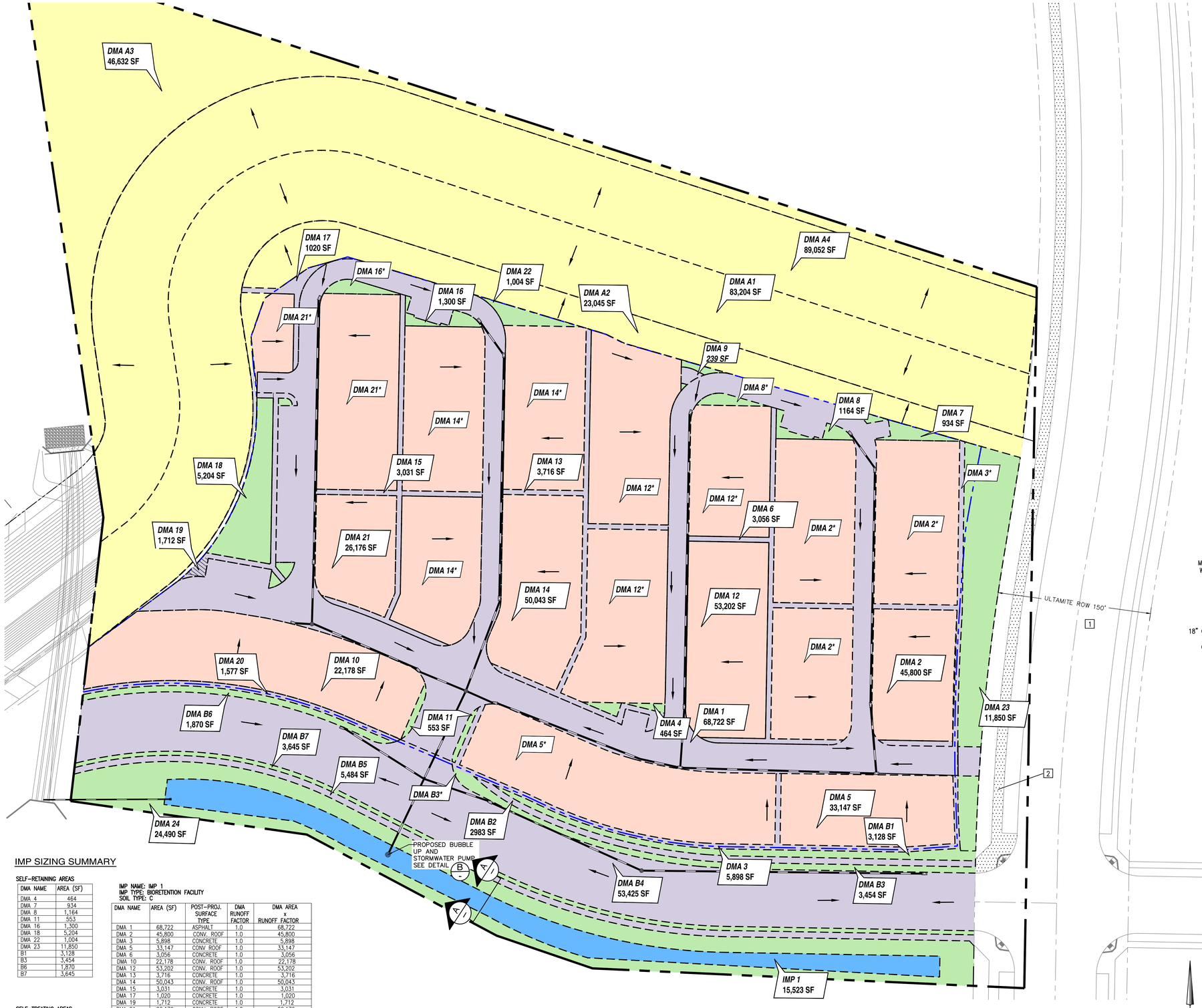
JOB NO. 180180

# SUBDIVISION TRACT 9636
# GREATER CYPRESS PRESERVE
# PA–6H
# VESTING TENTATIVE MAP
## STORMWATER CONTROL PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

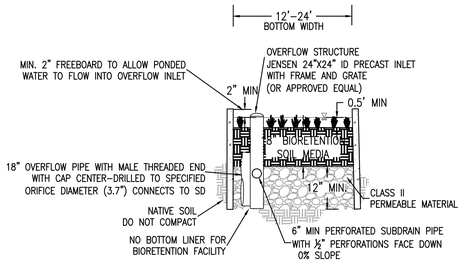
BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

AUGUST 3 2023 SCALE: 1"=40'

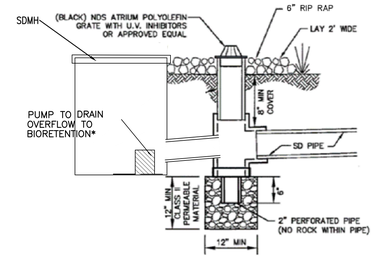



## LEGEND

- PROPERTY LINE
- PROJECT BOUNDARY LIMITS
- DMA BOUNDARY
- PROPOSED STORM DRAIN LINE
- IMPERVIOUS DMA – PROPOSED LOT AREAS
- SELF–TREATING AREA – LEVEE
- IMPERVIOUS DMA – ASPHALT/CONCRETE
- SELF–RETAINING LANDSCAPE
- BIORETENTION/FLOW–THROUGH PLANTER
- DIRECTION OF FLOW
- STORM DRAIN MANHOLE
- STORM DRAIN INLET
- * CONTINUATION OF DMA




A – TYPICAL SECTION - FLOW-THROUGH PLANTER/ BIORETENTION FACILITY
NOT TO SACLE




B – BUBBLE UP AND BACKUP STORMWATER PUMP DETAIL
NOT TO SACLE

NOTE:
*WHEN SYSTEM BACKS–UP INTO THE PUMP WELL, THE PUMP WILL TRIGGER TO TURN ON AND RELEASE STORMWATER INTO THE BIORETENTION FACILITY.

## IMP SIZING SUMMARY

**SELF–RETAINING AREAS**

| DMA NAME | AREA (SF) |
|---|---|
| DMA 4 | 464 |
| DMA 7 | 934 |
| DMA 8 | 1,164 |
| DMA 11 | 553 |
| DMA 16 | 1,300 |
| DMA 18 | 5,204 |
| DMA 22 | 1,004 |
| DMA 23 | 11,850 |
| B1 | 3,128 |
| B3 | 3,454 |
| B6 | 1,870 |
| B7 | 3,645 |

**SELF–TREATING AREAS**

| DMA NAME | AREA (SF) |
|---|---|
| DMA A1 | 83,204 |
| DMA A2 | 23,045 |
| DMA A3 | 46,432 |
| DMA A4 | 89,052 |

**IMP NAME: IMP 1**
**IMP TYPE: BIORETENTION FACILITY**
**SOIL TYPE: C**

| DMA NAME | AREA (SF) | POST–PROJ. SURFACE TYPE | DMA RUNOFF FACTOR | DMA AREA x RUNOFF FACTOR |
|---|---|---|---|---|
| DMA 1 | 68,722 | ASPHALT | 1.0 | 68,722 |
| DMA 2 | 45,800 | CONV. ROOF | 1.0 | 45,800 |
| DMA 3 | 5,898 | CONCRETE | 1.0 | 5,898 |
| DMA 5 | 33,147 | CONV. ROOF | 1.0 | 33,147 |
| DMA 6 | 3,056 | CONCRETE | 1.0 | 3,056 |
| DMA 10 | 22,178 | CONV. ROOF | 1.0 | 22,178 |
| DMA 12 | 53,202 | CONV. ROOF | 1.0 | 53,202 |
| DMA 13 | 3,716 | CONCRETE | 1.0 | 3,716 |
| DMA 14 | 50,043 | CONV. ROOF | 1.0 | 50,043 |
| DMA 15 | 3,031 | CONCRETE | 1.0 | 3,031 |
| DMA 17 | 1,020 | CONCRETE | 1.0 | 1,020 |
| DMA 19 | 1,712 | CONCRETE | 1.0 | 1,712 |
| DMA 21 | 26,176 | CONV. ROOF | 1.0 | 26,176 |
| DMA 20 | 1,577 | CONCRETE | 1.0 | 1,577 |
| DMA 24 | 24,490 | LANDSCAPE | 0.1 | 2,449 |
| DMA B2 | 2,983 | CONCRETE | 1.0 | 2,983 |
| DMA B4 | 53,425 | ASPHALT | 1.0 | 53,425 |
| DMA B5 | 5,484 | CONCRETE | 1.0 | 5,484 |
| | | | TOTAL | 383,619 |
| | | | AREA | |

| | IMP SIZING | | | |
|---|---|---|---|---|
| IMP SIZING FACTOR | RAIN ADJUSTMENT FACTOR | MINIMUM AREA OR VOLUME | PROPOSED AREA OR VOLUME |
| 0.040 | 1.000 | 15,344 | 15,523 |

PRELIMINARY

NOTES

1. APPROVED BETHEL ISLAND RD PRECISE ALIGNMENT TO BE CONSTRUCTED BY OTHERS.
2. BIR ROW DEDICATION AREA TO BE TREATED BY PROPOSED BIR PRECISE ALIGNMENT PLANS BIORETENTION FACILITIES.

N

40 20 0 40 80 120
SCALE IN FEET

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SHEET: 7 OF 8

JOB NO. 180180

# SUBDIVISION TRACT 9636
# GREATER CYPRESS PRESERVE
# PA-6H
# VESTING TENTATIVE MAP
## FIRE ACCESS TURNING MOVEMENTS

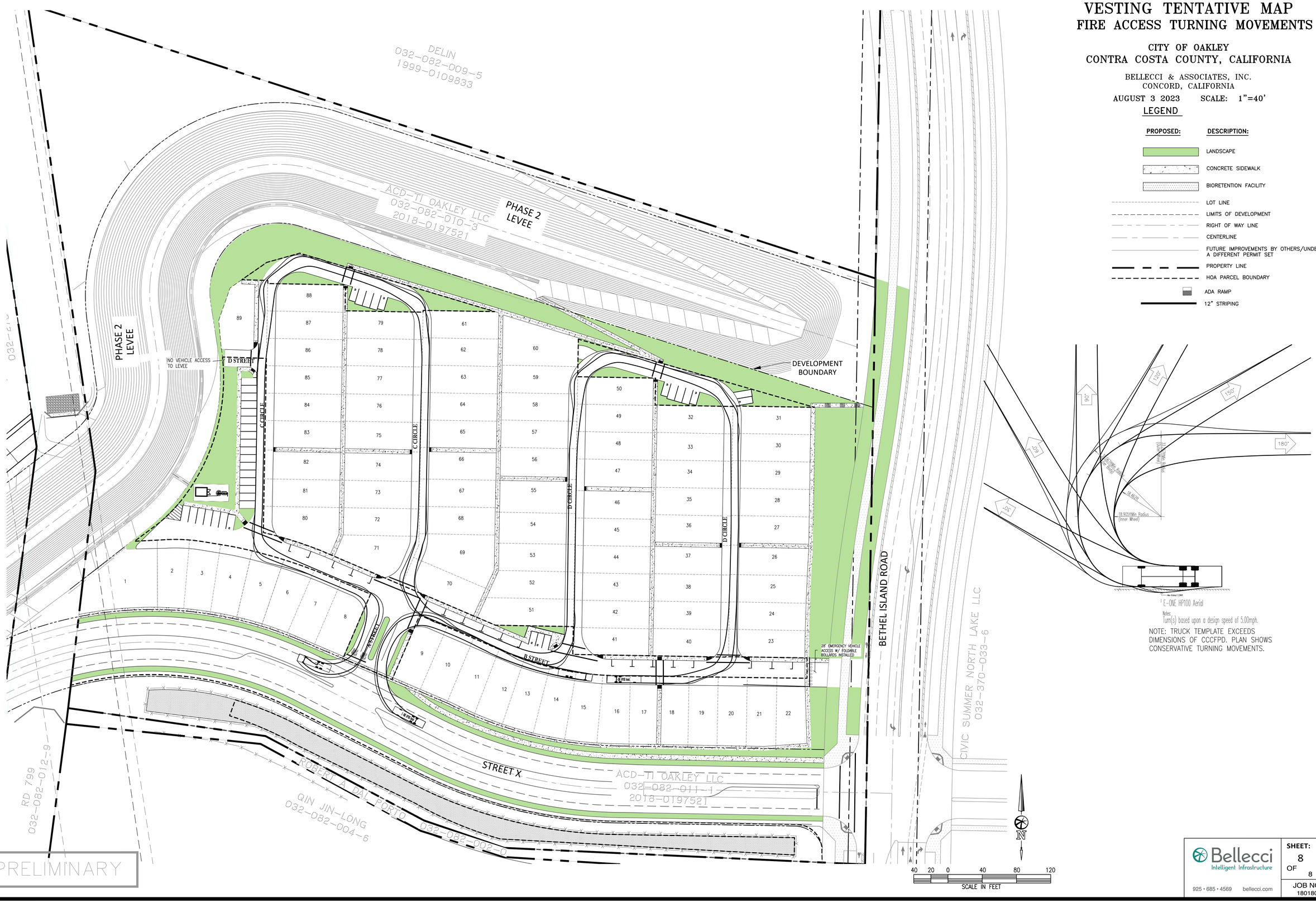
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

AUGUST 3 2023 SCALE: 1"=40'

LEGEND

| PROPOSED: | DESCRIPTION: |
|---|---|
| | LANDSCAPE |
| | CONCRETE SIDEWALK |
| | BIORETENTION FACILITY |
| | LOT LINE |
| | LIMITS OF DEVELOPMENT |
| | RIGHT OF WAY LINE |
| | CENTERLINE |
| | FUTURE IMPROVEMENTS BY OTHERS/UNDER A DIFFERENT PERMIT SET |
| | PROPERTY LINE |
| | HOA PARCEL BOUNDARY |
| | ADA RAMP |
| | 12" STRIPING |







Notes:
Turn(s) based upon a design speed of 5.00mph.

NOTE: TRUCK TEMPLATE EXCEEDS DIMENSIONS OF CCCFPD. PLAN SHOWS CONSERVATIVE TURNING MOVEMENTS.

PRELIMINARY

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SHEET: 8 OF 8

JOB NO. 180180








1 Main Entry
2 City Standard Light Post
3 Decomposed Granite Picnic Area (Impervious)
4 Grade Resilient Planting
5 Seating Nodes with Skate Blocks
6 Concrete Pedestrian Pathways (Impervious)
7 Shade Trees
8 Planting Areas
9 EVA to Bethel Island Road
10 Levee Conforme Area (By Others)
11 Bio Retention Area
12 Site Triangles per Civil Drawings. Planting within designated areas is to not exceed <2'-6"
13 Street Trees
14 Removable Bollards in compliance with Contra Costa County Fire. 5' Max clearance Between Bollards
15 Entry Signage
16 3' Planting Buffer
17 Sewer Lift Station
18 Levee Network Path
19 Fire Hydrants, S.C.D.

NOTES:
1. ROOT BARRIER REQUIRED FOR ALL TREES LES THAN 6 FEET FROM PAVING OR UNDERGROUND UTILITY LINE.
2. PLANTING IS REQUIRED TO SCREEN ABOVE GROUND UTILITIES AND BACKFLOW PREVENTION DEVICES
3. ALL PLANTING MUST BE DRESSED WITH A 3" LAYER OF MULCH ON ALL EXPOSED SOIL SURFACES OF PLANTING AREAS EXCEPT TURF AREA, CREEPING OR ROOTING GROUNDCOVERS, OR DIRECT SEEDING APPLICATIONS WHERE MULCH IS CONTRAINDICATED. (MWELO)
4. JUTE NETTING FOR SLOPES 2.5:1 AND GREATER AS APPLICABLE
5. THERE IS NO EXISTING TREES ON SITE TO BE REMOVED OR REMAIN.

0 20' 40' 80'

GATES +ASSOCIATES

**GRAND CYPRESS PRESERVE NH 6H** OAKLEY, CALIFORNIA

CONCEPT PLAN
DECEMBER 2023

## TREES



*Arbutus x 'Marina'*
Arbutus Standard
Mature Size: 25'-40'
24" Box



*Ginkgo biloba 'Princeton Sentry'*
Princeton Sentry Ginkgo
Mature Size: 25'-40'
24" Box



*Pistacia chinensis*
Chinese Pistache
Mature Size: 30'-30'
24" Box



*Platanus x acerifolia*
London Plane Tree
Mature Size: 30'-50'
24" Box



*Quercus agrifolia*
Coast Live Oak
Mature Size: 30'-50'
24" Box



*Zelkova serrata 'Village Green'*
Sawleaf Zelkova
Mature Size: 25'-40'
24" Box

## SHRUBS



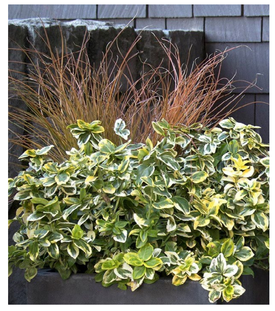
*Calamagrostis x acutiflora 'Karl Foerster"*
Mature Size: 2.5'-6'
5 Gal



*Epilobium canum 'Hurricane Point'*
Hummingbird Trumpet
Mature Size: 2.5'-3'
5 Gal



*Eriogonum grande rubescens*
Red Buckwheat
Mature Size: 1'-3'
5 Gal



*Euonymus fortunei 'Golden Prince'*
Golden Prince Euonymus
Mature Size: 2'-4'
5 Gal



*Festuca mairei*
Atlas Fescue
Mature Size: 2'-3'
5 Gal



*Iris douglasiana*
Douglas Iris
Mature Size: 2'-3'
5 Gal



*Lavandula x Intermedia 'Provence'*
Provence Lavendin
Mature Size: 2'-3'
5 Gal



*Lomandra longifolia 'Breeze'*
Breeze Mat Rush
Mature Size: 4'-5'
5 Gal



*Muhlenbergia rigens*
Deer Grass
Mature Size: 4'-5'
5 Gal



*Myrtus communis 'Compacta'*
Dwarf Myrtle
Mature Size: 2'-3'
1 Gal



*Nepeta racemosa 'Walker's Low'*
Catmint
Mature Size: 1'-1.5'
1 Gal



*Osteospermum fruticosum*
African Daisy
Mature Size: 1'-3'
1 Gal



*Pennisetum orientale*
Oriental Fountain Grass
Mature Size: 2'-2'
1 Gal



*Rosa floribunda*
Rose
Mature Size: 3'-3'
1 Gal



*Salvia microphylla 'Hot Lips'*
Hot Lips Sage
Mature Size: 2'-2'
1 Gal

## BIO TREATMENET



*Juncus patens 'Elk Blue'*
Spreading Rush
Mature Size: 2'-4'
1 Gal



*Leymus condensatus 'Canyon Prince'*
Native Blue Rye
Mature Size: 2'-3'
1 Gal

PLANTING NOTES:

1. SOILS REPORT TO BE PREPARED BY A QUALIFIED SOIL, AND PLANT LABORATORY TO INCLUDE SOIL TEXTURE, INFILTRATION RATE, PH, TOTAL SOLUBLE SALTS, SODIUM, PERCENT OF ORGANIC MATTER AND RECOMMENDATIONS. RECOMMENDATIONS FOR SOIL AMENDMENT AND FERTILIZERS SHALL BE INDICATED ON PLANTING PLAN (SOIL TESTS REQUIREMENT MAY BE INCLUDED AS PART OF SPECIFICATION)
2. PLANTING HAS COMPLIED WITH THE CRITERIA OF THE STATE OF CALIFORNIA MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE AND IRRIGATION DESIGN PLAN.
3. LANDSCAPE & IRRIGATION MAINTENANCE SCHEDULE, IRRIGATION AUDIT, IRRIGATION SURVEY, AND IRRIGATION WATER USE ANALYSIS SHALL BE SUBMITTED WITH THE CERTIFICATE OF COMPLETION IN COMPLIANCE WITH THE STATE OF CALIFORNIA MODEL OF WATER EFFICIENT LANDSCAPE ORDINANCE.
4. IRRIGATION SCHEDULE WILL BE INCLUDED FOR PLANT ESTABLISHMENT, ESTABLISHED LANDSCAPE AND TEMPORARY IRRIGATION AREAS. (MWELO)

**RESOLUTION NO. -24**

**A RESOLUTION OF THE CITY OF OAKLEY PLANNING COMMISSION RECOMMENDING THE CITY OF OAKLEY CITY COUNCIL MAKE FINDINGS APPROVING THE PROJECT KNOWN AS PLANNING AREA 6-H (EAST CYPRESS CORRIDOR SPECIFIC PLAN) TENTATIVE MAP 9636 (TM 01-23) APNS 032-082-010 AND 032-082-011**

**WHEREAS,** on January 10, 2023, Owen Poole, on behalf of ACD TI, Oakley, LLC., ("Applicant") filed an application requesting approval of a Vesting Tentative Map 9636 (TM 01-23) to subdivide 16.5 acres into 89 single family residential lots with a minimum lot size of 2,605 square feet and average lot size of 3,024 square feet ("Project"). The Tentative Map also includes acreage for the East Cypress Corridor Specific Plan levee, dedication and improvement of Bethel Island Road frontage, and dedication and improvement of "Street X" which provides access to the project from Bethel Island Road and serves as the connecting road to development west of the project site. The project site is located on the west side of Bethel Island Road, approximately 0.8 miles north of East Cypress Road. The project is zoned SP -1 (East Cypress Corridor Specific Plan) District and is identified as Planning Area 6-H within the SP-1 District. APNs 032-082-010 and 032-082-011; and

**WHEREAS,** on September 25, 2023, the project application was deemed complete per Government Code section 65920 et. seq; and

**WHEREAS,** the project site is designated as Specific Plan (SP) in the Oakley General Plan, and zoned SP-1 (East Cypress Corridor Specific Plan) District; and

**WHEREAS**, on March 13, 2006, the City Council adopted City Council Resolution No. 30-06 certifying the Initial Final EIR (SCH # 2004092011), and City Council Resolution No. 31-06 approving Amendments to the Oakley 2020 General Plan, approving the "SP" Land Use Designation for the East Cypress Corridor Expansion Area, adopting the East Cypress Corridor Specific Plan, and making Mitigation Findings and adopting a statement of overriding considerations, as required by the California Environmental Quality Act ("CEQA"); and

**WHEREAS**, in response to a Peremptory Writ of Mandate issued on August 20, 2007, regarding a challenge to the adequacy of the EIR, the City Council adopted City Council Resolution No. 111-07, rescinding City Council Resolutions 30-06 and 31-06; and

**WHEREAS**, the Initial Final EIR and the Final Supplemental EIR, including all appendices and documents incorporated in them by reference, together comprise the Revised Final EIR for the East Cypress Corridor Specific Plan project ("Revised Final EIR"); and

**WHEREAS**, the Revised Final EIR identifies potentially significant environmental impacts and related mitigation measures, shall apply to development in the Specific Plan Area; and

**WHEREAS**, the Revised Final EIR also identifies potentially significant environmental impacts that will remain significant despite adoption of the mitigation measures that will apply to development in the Specific Plan Area, and for which the City must adopt a statement of overriding considerations pursuant to CEQA; and

**WHEREAS**, the components of the Revised Final EIR are separately bound documents, incorporated herein by reference, and are available for review in the City's Planning Division. The custodian of the documents and other materials which constitute the record of proceedings for the East Cypress Corridor Specific Plan and the Revised Final EIR is the City of Oakley Community Development Director at 3231 Main Street, Oakley, California 94561; and

**WHEREAS,** on March 10, 2009 the City Council adopted City Council Resolution 46-09 certifying the East Cypress Corridor Specific Plan Revised Final EIR, making certain findings concerning environmental impacts and mitigation measures, adopting a mitigation monitoring program, making findings concerning alternatives, and adopting a statement of overriding consideration in connection with the East Cypress Corridor Specific Plan; and

**WHEREAS,** on March 24, 2009, the City Council adopted City Council Ordinance 10-09 with the second reading waived, making findings and adopting the East Cypress Corridor Specific Plan; and

**WHEREAS,** on or before March 22, 2024, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, was posted at the Project site, at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, and outside the library at Freedom High School located at 1050 Neroly Road, was posted to the City's website, and was mailed out to all owners of property within a 500-foot radius of the project's boundaries, to parties requesting such notice, and to outside agencies; and

**WHEREAS,** on April 2, 2024, the Planning Commission 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 Planning Commission took a vote and adopted this resolution recommending the City Council approve the project, as conditioned; and

**WHEREAS,** these Findings are based on the City's General Plan and the City's Zoning Ordinance, the East Cypress Corridor Specific Plan, the Subdivision Map Act, and the information submitted to the Planning Commission at its April 2, 2024 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"); and

**WHEREAS,** the Planning Commission City Council hereby makes the following factual findings regarding this application:

A. The real property affected by this vesting tentative map is designated SP (Specific Plan) in the Oakley 2020 General Plan and zoned SP-1 (East Cypress Corridor Specific Plan) District; and

B. The Revised Environmental Impact Report (EIR) for the East Cypress Corridor Specific Plan (Project EIR) was certified by the City Council on March 10, 2009. The Project EIR, which is made up of the Initial EIR and Supplemental EIR, was prepared to support adoption of the East Cypress Corridor Specific Plan. The Project EIR contains a project level analysis of the development of the real property affected by this vesting tentative map also referred to as Planning Area 6-H of the East Cypress Corridor Specific Plan.

**NOW, THEREFORE, BE IT RESOLVED THAT,** on the basis of the above findings of fact and the entire Record, the Planning Commission makes the following additional findings in support of the recommendation to the City Council to approve the Project, as conditioned:

A. Regarding the application requesting approval of a Vesting Tentative Map 9636 (TM 01-23) to subdivide approximately 16.5 acres into 89 single family residential lots with a minimum lot size of 2,605 square feet and average lot size of 3,024 square feet, 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 Code, adopted SP-1 District (East Cypress Corridor Specific Plan) given the allowable transfer of density between Planning Areas, and applicable General Plan land use designations, as approved by City Council for the Project, in that it allows for orderly residential development in a residential area that meets the General Plan density allowance and complies with all of the applicable regulations set forth in the Project's SP-1 District;

2. The proposed Vesting Tentative Map and all identified mitigation measures have been incorporated into Project EIR Mitigation and Monitoring Plan, certified March 10, 2009, and prepared in accordance with the CEQA Guidelines;

3. The site is physically suitable for the project in that it is accessible as a result of the proposed right of way that will connect to Bethel Island Road and will be within the final perimeter levee;

4. The site is physically suitable for the proposed density and number of dwelling units in that the project's gross density falls within the gross density range of the project area when considering the transfer of 53 units from Planning Area 1;

5. The site is not physically constrained other than the reduction in net developable acres due to perimeter levee and frontage right of way dedication, and it is also able to accommodate the proposed density resulting in 89 units in that the site could potentially accommodate a development with a density of 20-units per acre per the East Cypress Corridor Specific Plan.

6. 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 89 single family residential lots, open space, a 100-year storm event levee with trail and access, public and private streets, common areas and other improvements consistent with the East Cypress Corridor Specific Plan. Construction and grading of the project are subject to building or grading permits, and violations of any such permits are subject to appropriate enforcement;

7. The design of the subdivision includes the construction of improvements within public right-of-way that are consistent with major subdivisions, the City's design standards and design standards approved in the East Cypress Corridor Specific Pan. The improvements consist of roads, sidewalks, curbs and gutters; and

8. 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. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. The Vesting Tentative Map does not conflict with easements acquired by the public for access and utilities.

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

**BE IT FURTHER RESOLVED THAT,** on the basis of the above Findings and the Record, the Planning Commission recommends the City Council approves of the Applicant's request for approval of a **Tentative Map (TM 01-23),** 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 **January 10, 2023**, as well as additional information acquired since that time and made part of the project file.

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

## PLANNING DIVISION CONDITIONS OF APPROVAL

**General:**

1. The proposed project is recommended for City Council approval, as shown on the revised plan included as attachments to the April 2, 2024 Planning Commission Staff Report, and as modified by or with the following conditions of approval.

2. These approvals shall be effectuated within a period of three (3) years from the effective date of the Tentative Map Resolution by recording a final map and if not effectuated shall expire on that same date three years later. Prior to the expiration date, the applicant may apply for a Tentative Map Extension pursuant to the provisions of the Zoning Code and Subdivision Map Act, which would include extension of the related entitlements.

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 **[TBD]**.

4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.

6. Should archaeological materials be uncovered during grading, trenching or other on- site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.

7. All mitigation measures addressed in the East Cypress Corridor Specific Plan environmental document shall be complied with and addressed as outlined in the Mitigation Monitoring Program approved for the East Cypress Corridor Specific Plan project, per the review and approval of the Community Development Director.

8. The applicant shall comply with all requirements of the HCP/NCCP Take Authorization Agreement and it's First Amendment, per the review and approval of the parties of the agreement.

9. 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).

10. The applicant shall post a copy of the City of Oakley General Plan Land Use Diagram, in a conspicuous place, within the model homes or sales office.

**Development Standards:**

11. All development regulations shall be subject to Section 6 of the East Cypress Corridor Specific Plan, unless otherwise specified in this resolution.

**Landscaping:**

12. This project will include a Homeowners Association ("HOA") which will own and maintain the private roads and other common areas. .

13. The final landscape plan shall include all trees as shown on the conceptual landscape plans approved with the project. Modifications to the species, size, or location of the trees is subject to the review and approval of the Community Development Director and City Engineer. It is the responsibility of the applicant to plan utilities, joint trenches, and other improvements that could interfere with placement of trees in a manner to allow the trees to be planted without conflict to those other improvements.

14. All trees located along the Street X frontage and along the entryway (Street A) to the subdivision shall be 36" box size at installation.

15. 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 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 fifteen-gallon, 24" box, and 36" box where conditioned; 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. Areas covered with bark shall use a weed barrier.

18. The applicant shall maintain all private landscaping until occupancy or until the HOA is put in place to maintain such occupancy, depending on the final responsible party.

**Fences and Walls:**

19. Fences and walls have not been submitted with the Tentative Map application. All fences and walls shall be submitted with a future Design Review application and shall be designed in consistency with the ECCSP.

**Subdivision Design:**

20. The neighborhood entry along Street A shall be modified to include accent paving outside of the right of way in a manner consistent with the ECCSP.

21. Driveway openings shall be a maximum 18' in width or up to 25% of a lot's frontage.

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

**Subdivision Disclosures:**

23. 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.

24. Where a lot/parcel is located within 300' of a high voltage electric transmission line, the applicant shall record the following notice:

> "The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse

health effects can be resolved, the basis for such a hypothesis is established. At this time, no risk assessment has been made."

When a Final Subdivision Public Report issued by the California Department of Real Estate is required, the applicant shall also request that the Department of Real Estate insert the above note in the report.

25. The following statements shall be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that they own property in an agricultural area:

> "This document shall serve as notification that you have purchased land in an agricultural area where you may regularly find farm equipment using local roads; farm equipment causing dust or blowing sand; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment such as zon guns and aerial crop dusting and certain animals, including equestrian trails as well as flies may exist on surrounding properties. This statement is again notification that this is part of the agricultural way of life in the open space areas of the City of Oakley and you should be fully aware of this at the time of purchase.

26. 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 for the public to view:

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

**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, sin and wind exposure, and solar energy opportunities.

**Waste Management Plan:**

31. 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

32. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy requirements from the State of California Energy Commission. To confirm the most recently adopted codes please contact the Building Division at (925) 625-7005.

33. An Automatic Life Safety Sprinkler System shall be required in all new construction pursuant to Ordinance 22-06. The automatic Life Safety Sprinkler Systems in commercial and industrial buildings shall be designed and installed to the standards and requirements found in the most recent version of the NFPA (National Fire Protection Association). Automatic Life Safety Sprinkler Systems in hotels and apartments shall be installed to the standards and requirements found in the most recent version of the NFPA Standard 13R. After July 1, 2011, the Automatic Life Safety Sprinkler Systems in one and two family dwellings, and townhouses not more than three stories above grade plane, shall be designed and installed to the standards and requirements found in the 2010 California Residential Code section R313.

34. Prior to requesting a Certificate of Occupancy from the Building Division, all Conditions of Approval required for occupancy must be completed. When the Public Works Division and the Planning Division place Conditions of Approval on the project, those divisions will sign off on the project prior to the request for a Building division final inspection. Similarly, if the Health Department and/or Fire Department reviewed and approved the original plans, those departments must sign off on the project prior to the request for a final inspection by the Building Division.

## PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL

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

35. GENERAL. All public improvements shall be made according to the design standards as set forth in the East Cypress Corridor Specific Plan and where no such standards are identified 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. All conditions of approval shall be satisfied by the owner(s)/developer(s). All costs associated with compliance with the conditions shall be at the owner(s)/developer(s)'s expense. All applicable Mitigation Measures contained in the master EIR shall be complied with and responded to.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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 comply with applicable measures contained in the City of Oakley's NPDES Permit.

42. 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 to ensure 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.

43. FIRE CONTROL. The project developer shall keep the site free of fire hazards from the start of construction until final inspection. The plan must adhere to the satisfaction of the Contra Costa Fire District.

44. 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.

45. 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 M, T, TH & F. 8:30AM to 12:00PM on W.

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.

46. 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. The public street shall not be used for any construction related activities, including parking for workers and storage of vehicles.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. SITE SUPERVISION. The General Contractor shall provide qualified supervision on the job site at all times during construction.

53. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit.

54. EASEMENTS. Owner/Applicant/Developer shall provide copy of recorded Grant of Easements and/or land acquisitions and duly executed rights of entry for all permanent and temporary construction of improvements required for the project and shall fully comply with their requirements.

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

55. EXISTING WELLS. All abandoned or inactive wells on the subject site shall be destroyed in accordance with the required abandonment wells standards by the

agencies responsible for the wells. Provide documentation that any gas wells located onsite have been abandoned per regulations.

56. 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.

57. GRADING.

a) 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.

b) Retaining wall or other suitable option acceptable by the City Engineer is required where the grade differential between property or adjacent lots are greater than 6". Retaining walls are required to be identified on the grading plans and shall have a note stating a separate building permit is required for retaining wall greater than four (4) feet in height, measured from the bottom of footing to top of wall.

c) At least one week prior to commencement of grading, the applicant shall post at 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 be 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

58. 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:*

59. DEVELOPMENT STANDARDS. All development regulations shall be subject to Section 6 of the East Cypress Corridor Specific Plan, unless otherwise specified in this Conditions of Approval, including but limited to the Trail Master Plan Exhibit, Emergency Evacuation Plan.

60. LEVEES. The levee system design and construction shall be coordinated between two or more subdivision projects within the East Cypress Corridor Specific Plan (ECCSP) area as needed to provide adequate flood protection and to the satisfaction of the City Engineer. Development of this site cannot proceed until a final levee plan consistent with the ECCSP is approved by the City.

61. FAIR SHARE OBLIGATIONS. Developer is responsible to paying the fair share contribution as required by the ECCSP for the following projects:

    a) East Cypress Road widening project between Knightsen Avenue to Bethel Island Road.

    b) Bethel Island Road widening between East cypress Road to Sandmound Boulevard.

    c) Mitigation Measures outside of the ECCSP area.

    d) Levee Improvements.

    e) Master Storm Drain Improvements.

    Any units approved as part of this Tentative Map that were assumed in the "Superseding Agreement Regarding Reimbursement for and Implementation of Construction of Improvements Related to the Grand Cypress Preserve Project" ("Superseding Agreement") entered into on October 24, 2023 by and between the City of Oakley and ACD-TI Oakley, LLC shall be considered as satisfying this condition.

    Prior to City Council consideration of the project, the Developer and City shall coordinate and agree on which units approved as part of this map are covered by the Superseding Agreement and which units are subject to this Condition of Approval.

62. PUBLIC IMPROVEMENTS. Construct the project streets within public right of way 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 entrance 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. Provide a minimum outside turning radius of 45 feet and a minimum inside turning radius of 28 feet within each cul-de-sac or knuckle. Show truck turning radius for garbage truck for garbage pickup. Please provide narrative on how this process will be handled for private roadways and alleys. If the applicant can receive Contra County Fire District approval, they may use the 42 foot outside turning radius as allowed in the ECCSP.

63. PRIVATE IMPROVEMENTS. Private onsite improvement plans shall be prepared by a California registered civil engineer, reviewed, and approved by the City.

64. ROADWAY IMPROVEMENTS. The following improvements shall be installed by the developer as shown on the Tentative Map. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed, and approved by the City, to the satisfaction of the City Engineer.

a) Design and construct the roadway frontage improvements along Bethel Island Road to conform to the ECCSP guidelines and precise alignment adopted by the city. The developer may request to enter into a Deferred Improvement Agreement with the City for the improvements of Bethel Island Road if the ultimate alignment of the roadway is not yet constructed at time of development of this subdivision.

b) Design and construct Street X as shown in the Tentative Map per the ECCSP. Provide a horizontal and vertical profile showing that the alignment of this roadway is consistent with the proposed roadway alignment for the adjacent subdivision (Subdivision 9311).

c) Install traffic calming measures consistent with the City's Neighborhood Traffic Management Program and Section 5.1.3 of the ECCSP. The traffic calming measures shall be included in the improvement plans and are subject to the review and approval of the City Engineer.

d) Submit a phasing plan for roadway and infrastructure improvements along with schedule for completion to the City Engineer for approval. The plan shall include provisions for emergency vehicle access, evacuation routes, solid waste truck access, temporary turn-around facilities, and safe access to occupied lots.

e) Provide a Signal Warrant for the main entrance to the development from Street X.

f) If a signal is not installed at the intersection of Bethel Island Road and Street X at the time of development of this subdivision, provide a Signal Warrant. If determined that the signal is required at the time of development of this subdivision, the developer shall be responsible for the design and construction of the traffic signal.

g) Install traffic control devices such as stop signs and other signing and striping on the project streets to the satisfaction of the City Engineer.

h) Design and Construct emergency vehicle access from Bethel Island Road to B Street as shown on the approved Tentative Map. The design and configuration of the accesses shall be per the current City standard and shall be subject to the review and approval of the City Engineer and the Contra Costa County Fire Protection District.

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

65. DRAINAGE IMPROVEMENTS.

a) Submit a Master Drainage Plan to provide for onsite and offsite storm water drainage for the project, designed by a California registered civil engineer and approved by the City Engineer. The plan must be consistent with ECCSP and drainage improvements proposed for the surrounding subdivisions. Development of this project cannot proceed without the city's approval of the master drainage plan improvements for this area. The cost to construct the master drainage improvements should be coordinated among the benefiting properties prior to approval of the master drainage plan.

b) 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.

c) Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system and stormwater basins to the City Engineer for review and approval. The report shall include an analysis of the downstream storm drain facilities to confirm adequate capacity exists to convey post construction flows. The report must include a narrative that describes the project's proposed overland release for storm water runoff. In the event of a failure of the project's storm drain system, the overland

release path shall convey storm water runoff to a public street right-of-way or drainage channel. All structure finished floor elevations shall be designed to be a minimum of 12 inches above the 100-year storm elevation or at the overland release elevation.

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.

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

g) On-site parking area and driveways shall not surface drain across public sidewalk or driveway aprons.

66. 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 identified with this project as required by the City Engineer.

67. 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.

68. JOINT TRENCH PLANS. The applicant shall submit Joint Trench Composite 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 owner. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

69. 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 paving a street.

70. STREETLIGHTS. Install streetlights along all public streets as required by the City Engineer. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. Streetlights shall be spun aluminum “cobra head” style as required by the City of Oakley Standard Plans.

71. LANDSCAPE IMPROVEMENTS.

a) Prepare landscape plans for landscape improvements within the public right of way. Landscape plans shall be prepared by a licensed landscape architect.

b) Install public right-of-way landscaping along the project’s frontages as required by the City Engineer and Community Development Director.

c) Maintain all landscaping within the public right-of-way until such time that the adjacent roadway improvements have been accepted for maintenance.

d) Prior to the issuance of certificate of occupancy, an inspection will be performed to verify the health and location of the street trees. Trees in poor health or those without adequate clearance from utilities will require replacement or relocation.

e) Landscaping at street corners must adhere to sigh distance requirements.

72. FENCING. Any proposed fencing and walls shall be located on private property and maintained by the property owner(s) and/or HOA. The design and placement of walls, fences, and sign features near intersections and driveways shall allow stopping site distance per Caltrans standards and comply with the City’s corner sight distance requirements.

73. GATE: Any proposed private gates are to be set be minimum 20’ from all public and private streets, roads, alleys.

74. SOUNDWALL. Soundwalls shall be installed within private property and not within public right of way.

75. MAINTENANCE EXHIBIT. Submit a maintenance exhibit showing the responsible maintenance entity of proposed subdivision improvements. Exhibit must clearly show which areas are to be maintained by the City of Oakley and areas to be maintained by the property owner(s) and/or HOA.

    a) Parcel A and B are to be retained and maintained by the Owner/Developer/HOA.

    b) Parcel C to be maintained by RD 799.

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

76. 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), 50% (labor and material) prior to issuance of any permit.

77. 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 are issued. Insurance shall be provided per the terms of the Subdivision Agreement.

78. DEDICATIONS. The following shall be dedicated on the final map. The dedication shall be recorded before any permits are issued and under specific timelines listed below:

    a) Right-of-Way shall be dedicated for Bethel Island Road for the ultimate condition per the Bethel Island Road Precise Alignment and shown on the typical section of the Vesting Tentative Map.

    b) Right-of-Way shall be dedicated and improvements shall be constructed for Street “X” as shown on the Vesting Tentative Map.

    c) Dedicate the required right-of-way along the project frontage as shown in the typical sections of the Tentative Map.

    d) Dedicate the required right-of-way as defined in the ECCSP, Development Agreement, or any other agreements with other agencies.

    e) Public Utility Easement (PUE): 5’ PUE beyond public right of way as required.

    f) Ingress-egress, storm drainage easements, emergency access easements as required.

    g) 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. Prior to the issuance of the first building permit, the applicant must provide the necessary documentation that any existing easements no longer necessary have been quitclaimed.

79. 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.

80. UTILITY SETBACKS. Building 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.

81. UTILITY EASEMENTS. Deed restrictions shall be placed on lots containing utility easements, as applicable. 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 assist and provide guidance for the deed language and the Applicant's surveyor shall prepare the legal description and plat. The Applicant shall pay any recordation costs.

82. HOMEOWNER'S ASSOCIATION: Prior to the sale of any lot or acceptance of site improvements, whichever occur first, Conditions, Covenants and Restrictions (CC&R's), creating a Homeowners Association (HOA) for the project shall be reviewed and approved by the City of Oakley and recorded. The HOA shall own and maintain the private roadways, alleys and common landscape, private infrastructures and on-site storm drain systems within the development.

83. ANNEXATIONS

a) The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on fire protection services provided in the City. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to final map approval.

b) The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on police services provided in the City. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to final map approval.

c) The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on maintenance and operation services

associated with public landscaping, parks, streetlighting, levee, and stormwater facilities. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to final map approval.

*THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT(S):*

84. 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.

85. 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.

86. 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.

87. 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.

88. 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, update Resolution No 91-21);

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, updated Resolution No. 48-17);

d) Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03, updated Resolution No. 48-17);

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. 24-21);

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.

89. 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, update Resolution No 91-21);

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, updated Resolution No. 48-17);

d) Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03, updated Resolution No. 48-17);

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. 24-21);

g) General Plan Fee (adopted by Resolution No. 53-03);

h) East Contra Costa County Habitat Conservation Plan Fee (adopted by Ordinance 6-23).

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.

## 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 Oakley Municipal Code.

C. The applicant shall comply with the requirements of Ironhouse Sanitary District.

D. The applicant shall comply with the requirements of the Diablo Water District.

E. The applicant shall comply with the requirements of the Contra Costa Water District.

F. The applicant shall comply with the requirements of the Contra Costa County Fire Protection District.

G. The applicant shall comply with the requirements of Contra Costa Environmental Health if subject to applicable permits.

H. The applicant shall comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.

I. This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife, 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.

J. The applicant shall be responsible for paying applicable CEQA filing fees for the County Clerk for the Notice of Determination as well as the State Department of Fish and Wildlife's Filing Fee.

K. 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.

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

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

**PASSED AND ADOPTED** by the Planning Commission of the City of Oakley at a meeting held on the 2nd day of April 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Oleksii Chuiko, Chairperson Date

ATTEST:

Libby Vreonis, City Clerk Date

**DATE:** April 2, 2024

**TO:** Joshua McMurray, City Manager

**FROM:** Evan Gorman, Associate Planner

Approved and Forwarded to the Planning Commission

**SUBJECT:** Delta Pointe Plaza Conditional Use Permits (CUP 04-23 and CUP 03-24) and Design Review (DR 08-23) – Request for approval to construct a mixed-use development within Oakley's Downtown.

## Summary

This is an application by Joey Rojas of R&R Pacific Construction ("Applicant") requesting approval of a new two-story, mixed-use project with commercial and multi-family residential uses. The application includes: 1) Conditional Use Permits (CUP 04-23 and CUP 03-24) for multi-family housing within Oakley's Downtown and a ground-floor accessible unit; and 2) Design Review (DR 08-23) for site development and building design ("Project"). The first floor of the project would consist of seven commercial spaces totaling 6,800 square feet and one accessible apartment. The second floor of the proposal includes seven 950-square-foot, one-bedroom apartments. The project site is located along the north side of Main Street, east of Ace Hardware. (APN: 037-160-018).

Figure 1 – 3D Render of Proposed Project



# Background

## GENERAL PLAN AND ZONING

- The General Plan Land Use Designation for the project site is *Commercial Downtown ("CD")* as depicted in the Oakley 2022 Focused General Plan Update Figure 2-2 (Land Use Diagram).
- The site is zoned SP-4 (Downtown Specific Plan) District as depicted on the City of Oakley Zoning Map.
- The SP-4 District is further divided into three subareas, and the subject site is located within the "Downtown Core" subarea.

## PROJECT SITE

The project site is an approximately one-acre triangular parcel situated within Oakley's Downtown. It lies east of Ace Hardware and north of Main Street, adjacent to the recently developed commercial building at 3350 Main Street. The southern border of the property is lined by a newly constructed streetscape, which provides access to the site. To the north, long-established train tracks and their associated right-of-way separate the property from single-family homes beyond that. Towards the southeast, new parking facilities have been constructed to support the future train station and existing and future commercial uses.

While most of the property is flat, the areas along the northern and western property lines slope steeply downward. The zoning designation for this parcel allows for mixed-use commercial/retail and residential development, which is consistent with the zoning regulations for all nearby properties south of the train tracks, which permit similar types of development.

## SITE HISTORY

The redevelopment and revitalization of Downtown Oakley has long been a priority of the City Council. The City of Oakley purchased 4.62 acres of unimproved land that included the future project site for Delta Pointe Plaza. The property was purchased with the anticipation of developing public improvements and to facilitate commercial development.

In March 2023, the City Council designated a 40,000 square-foot portion of this property as surplus land and instructed staff to initiate the process outlined in state laws (AB 1255 and AB 1486) governing surplus public land. The California Department of Housing and Community Development and relevant local agencies were promptly notified to ensure transparency and regulatory compliance. After the 60-day notification period elapsed without any offers from affordable housing developers, the City proceeded to issue a Request for Proposal (RFP) to solicit interest from private developers.

At the conclusion of the bidding period, the City received a single project bid from R&R Pacific Construction, Inc. which included the general outline of the Delta Pointe Plaza project. City Council and Staff found that the proposal significantly conformed to the City's Downtown Specific Plan and strategic development goals, furthering the City's ongoing efforts in the Downtown. It was further found that the new development would offer more tenant space in the Downtown, it would bring more residents into the Downtown area by providing housing in a location that would also be served by the future multi-modal train platform that is expected to be operational by 2025. The development proposal was also from the same developer who constructed the commercial project at 3350 Main Street. Lastly, the City found that it had very few Economic Development incentives that could potentially be offered to stimulate development like the one proposed. The sale was ultimately approved to facilitate higher-quality development.

## Project Description

### DESIGN REVIEW

The City of Oakley's Design Review Ordinance outlines specific procedures for reviewing and approving Design Review Permits, which vary depending on the project type and development scale. According to Oakley Municipal Code section 9.1.1604(c)(2)(i), any new commercial structure must be heard and approved by the Planning Commission before proceeding. The proposed Delta Pointe Plaza development, which includes the construction of a new mixed-use building, falls under the criteria specified in the ordinance.

The proposed design review covers all of the physical development of the site, such as building siting, layout, architecture, colors and materials, landscaping, lighting, and parking. The applicant is seeking Design Review approval to construct a mixed-use development with commercial tenants and an accessible residential unit on the ground-floor and seven apartments on the second floor. The development would include:

- Seven commercial spaces on the ground floor which would range in size from 800 to 1,400 square feet. (6,800 square feet in total).
- A 900 square-foot, one bedroom, ADA Accessible residential unit on the ground floor. This unit would be market-rate.
- Seven, stair-accessed second-floor units. These units are each 950 square feet, have one bedroom and a balcony, and they are also market-rate.
- Façades with a variety of exterior materials, including stucco, faux-brick cement fiberboard, metal awnings, and faux-wood cement fiberboard.
- An outdoor seating area and extensive landscaping.
- 37 on-site parking spaces.

Figure 2 – South Elevation (Front)




Figure 3 – East Elevation (Side)




Figure 4 – North Elevation (Rear)



Figure 5 – West Elevation (Side)

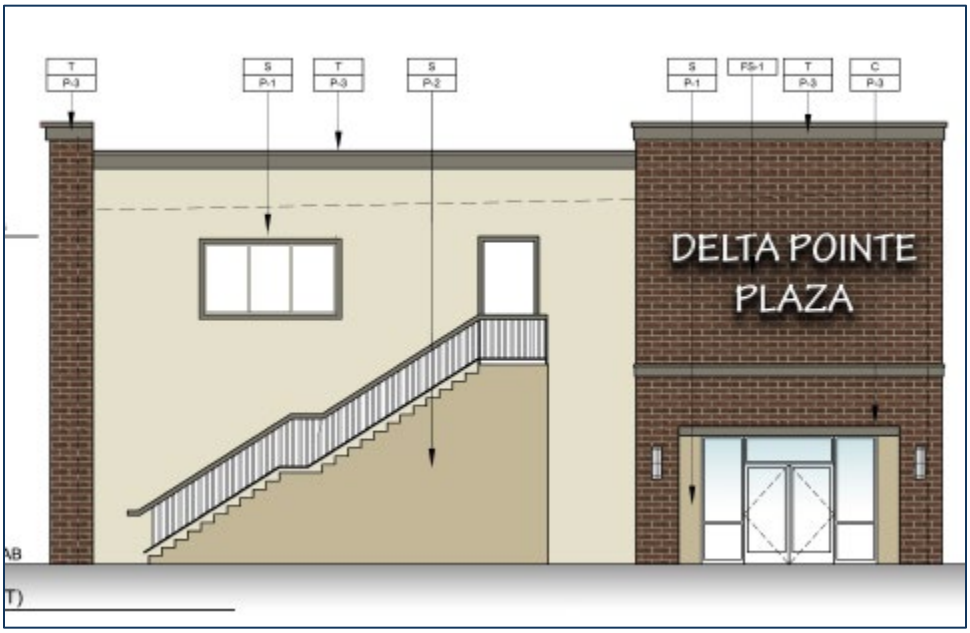
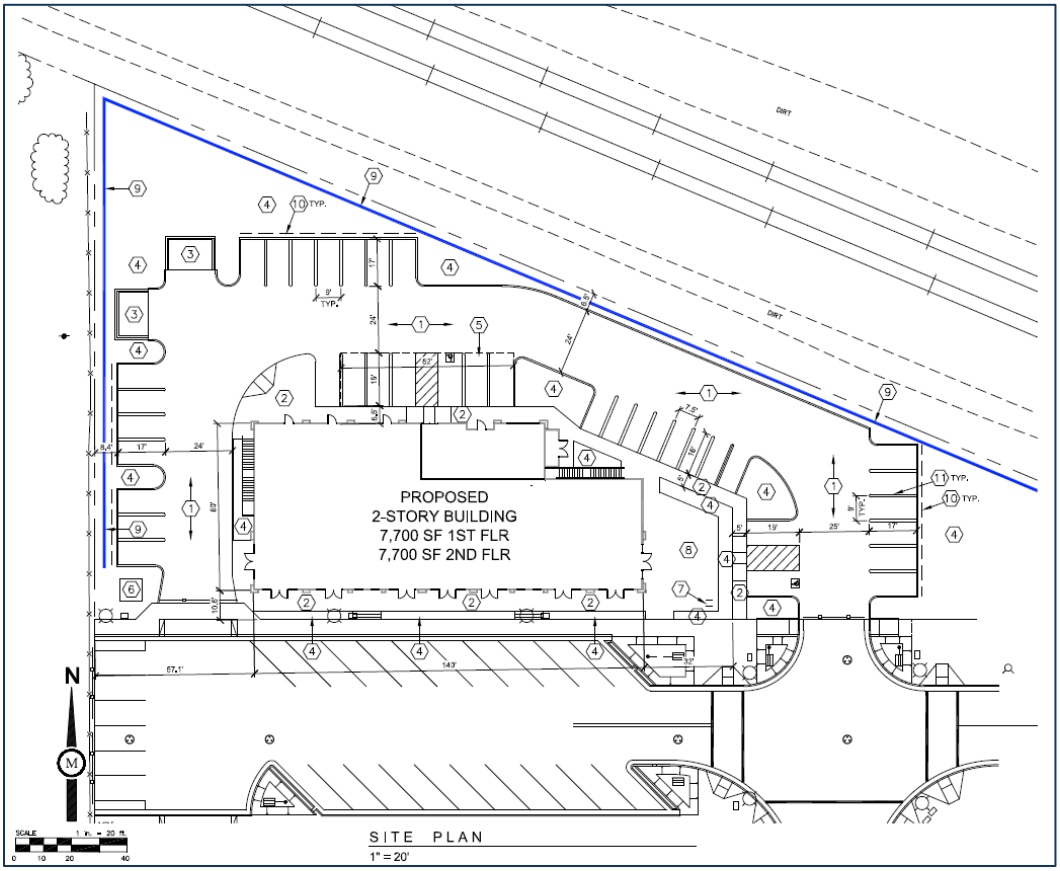



Figure 6 – Site Plan



### CONDITIONAL USE PERMITS

In addition to design review, the applicant has applied for two Conditional Use Permits required in the Downtown Specific Plan to facilitate the proposed development. The first conditional use permit is for the establishment of multifamily housing above the ground floor. The second conditional use permit utilizes the section of the specific plan that allows for applications for additional, unlisted uses which, "[when] permitted with a conditional use permit […] may be deemed by the decision making body approving the conditional use permit to meet the spirit and intent of the goals and policies of this Specific Plan", and is a request to construct the accessible unit on the ground floor to make development of the project feasible.

## Environmental Review

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Class 32 – Infill Development Projects). The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services.

## Analysis

### DESIGN REVIEW

Design Review is governed by section 9.1.1604, *"Design Review",* of the Oakley Municipal Code. Pursuant to that section, the Planning Commission shall consider the following aspects of each Design Review application:

a) *Site planning, including building siting (location), setback and orientation; entries, circulation and parking; landscape setbacks and buffers; and location of trash, loading and service areas, and mechanical equipment.*

b) *Architecture, including massing and grouping; facades, entries and roofs; materials and colors; and screening of trash, loading and service areas, and mechanical equipment.*

c) *Landscaping and site elements, including general landscape areas; entry and plaza enhancements; parking lot landscaping; walls and fences; and lighting.*

*d) Streetscapes, including major community entries; highlighted intersections; and district entries.*

The applicant's plans were also analyzed for consistency with the applicable development regulations in the Oakley Municipal Code, the Downtown Specific Plan, and the City of Oakley Commercial and Industrial Guidelines.

The proposed project is found to provide high quality design solutions that address each of the four categories associated with the Design Review ordinance. The site planning for the project has included appropriate fire vehicle access and resident parking that is as close to the proposed building as possible and would include accessible parking. Drive aisle widths meet the Municipal Code's requirements and ensure proper circulation. The proposed parking exceeds the requirements in the Downtown Specific Plan, as the architect indicated that they worked to meet stricter requirements for parking intended for other areas of the City. The Downtown Core area's parking requirements in the Downtown Specific Plan are lower than other zones within the City to encourage higher density development. Three parking spaces are required for every 1,000 square feet of commercial space and one parking stall is required for each apartment. At 37 parking spaces, the applicant has provided more than the 26 required spaces, even before considering that the Downtown specific Plan allows the applicant to count the ten adjacent on-street parking spaces.

The locations of trash enclosures have been thoughtfully placed to allow appropriate access by waste management providers and their design meets the Commercial Design Guidelines. Conduit for commercial exhaust, a common afterthought on mix-used projects, has been incorporated for each commercial space without negatively affecting the layout and the resulting massing of the residences above. The mechanical equipment on the roof would also be appropriately screened by a parapet. The property is adjacent to train tracks and the applicant intends to utilize the modern insulation standards in the California Building Code to mitigate that.

The proposed façades of the Delta Pointe Plaza building feature an articulated design that conforms to the City's established design guidelines. The use of multiple exterior material types on the façades further enhances the development's adherence to Oakley's aesthetic standards. To prevent blank, uninteresting wall sections, the applicant has incorporated interesting metalwork and residential windows, adding visual interest and depth to the overall design. Landscaping areas have been thoughtfully integrated throughout the proposed plan, ensuring that this more dense, downtown development does not become dominated by concrete and stucco. Despite the challenges of incorporating greenery in a compact downtown setting, the project architect has strategically placed landscaping areas around the entire development, ensuring that each part of the property strikes a balance between built and natural elements. Furthermore, the pedestrian walkways have been seamlessly woven into the

public streetscape, featuring stairs, landscaping, and accessible pathways, promoting a pedestrian-friendly environment.

There are several conditions within the draft resolution that require further information to be submitted like detailed landscape plans and other site improvements prior to them being constructed. The building and site improvements have been reviewed and they do comply with both the development regulations and the spirit and intent of the Downtown Specific Plan. With adoption of the proposed resolution for the Design Review approval, as conditioned, the project will comply with the Downtown Specific Plan.

### CONDITIONAL USE PERMITS

Second-floor housing above ground-floor businesses is one of the primary types of development envisioned for the Downtown Specific Plan area. It's a permitted use in the Downtown Core subarea with the approval of a Conditional Use Permit, reflecting that the community wants a vibrant downtown but also thoughtful review of housing proposals. With this proposed project, the applicant has suggested multifamily housing consistent with the goals of the Downtown Specific Plan and the findings for approval for a Conditional Use Permit. The design of the development is compatible with the surrounding Downtown as it incorporates high-quality materials as well as adequate parking and circulation. Furthermore, there is adequate infrastructure in the form of feasible utility connections and multimodal transportation options. The second Conditional Use Permit request, which is for an accessible ground-floor unit, is also found to be consistent with the Downtown Specific Plan. The accessible unit allows access to the surrounding streetscape and downtown while ensuring the project is feasible to construct.

## Findings

Draft findings for the Design Review and Conditional Use Permit applications can be found in the proposed resolution.

## Consistency with the Oakley Strategic Plan 27+

Approval of this application would be consistent with the goals in the section of the Oakley Strategic Plan 27+ entitled, "Community and Economic Development Goal". Thorough evaluation of the project in connection with the approval criteria and the suggested conditions of approval ensures that the exterior alterations adhere to the local regulations established with the help of the greater community and its stakeholders.

## Fiscal Impact

The approval of these entitlements will not impact the General Fund. This is a developer funded account. All Staff time and City of Oakley generated materials are charged to the account.

## Staff Recommendation

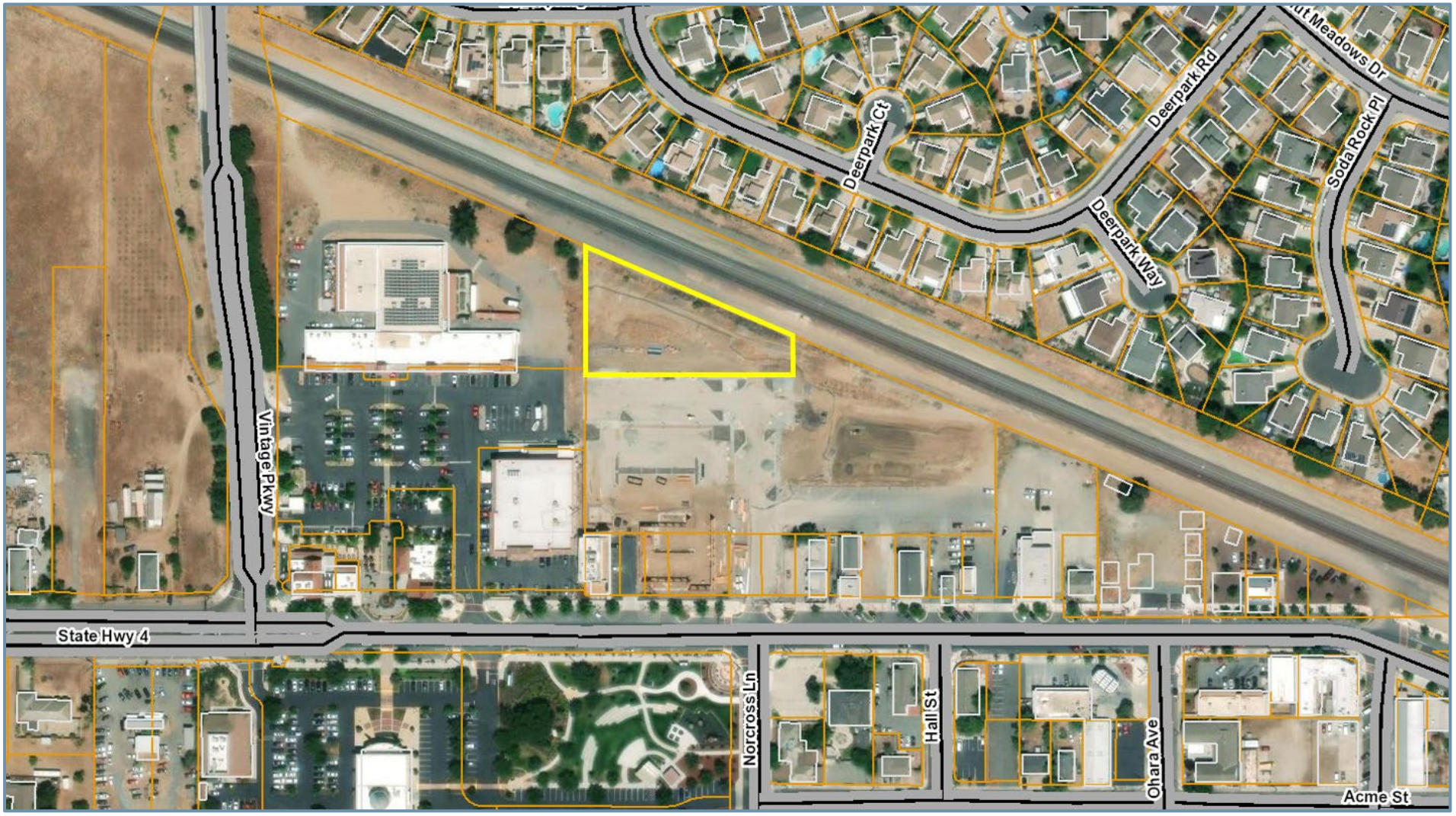
Staff recommends that the Planning Commission approve the project titled “Delta Pointe Plaza”, as conditioned.

## Attachments

1. Vicinity Map
2. Notice of Public Hearing
3. Applicant’s Plans
4. Proposed Resolution

# Vicinity Map

**Delta Pointe Plaza Conditional Use Permits (CUP 04-23, 01-24) and Design Review (08-23)**
**Oakley, CA 94561 APN: 037-160-018**



OAKLEY
CALIFORNIA

# NOTICE OF PUBLIC HEARING

Notice is hereby given that on **April 2, 2024** at 6:30 p.m., or as soon thereafter as the matter may be heard, the Planning Commission 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 project as described below:

**Project Name:** Delta Pointe Plaza Conditional Use Permits (CUP 04-23, 03-24) and Design Review (08-23).

**Project Location:** The Project Site is located along the north side of Main Street, east of Ace Hardware (APN: 037-160-018)

**Applicant:** Joey Rojas of R&R Pacific Construction, 619 Main Street, Woodland, CA, 95695.

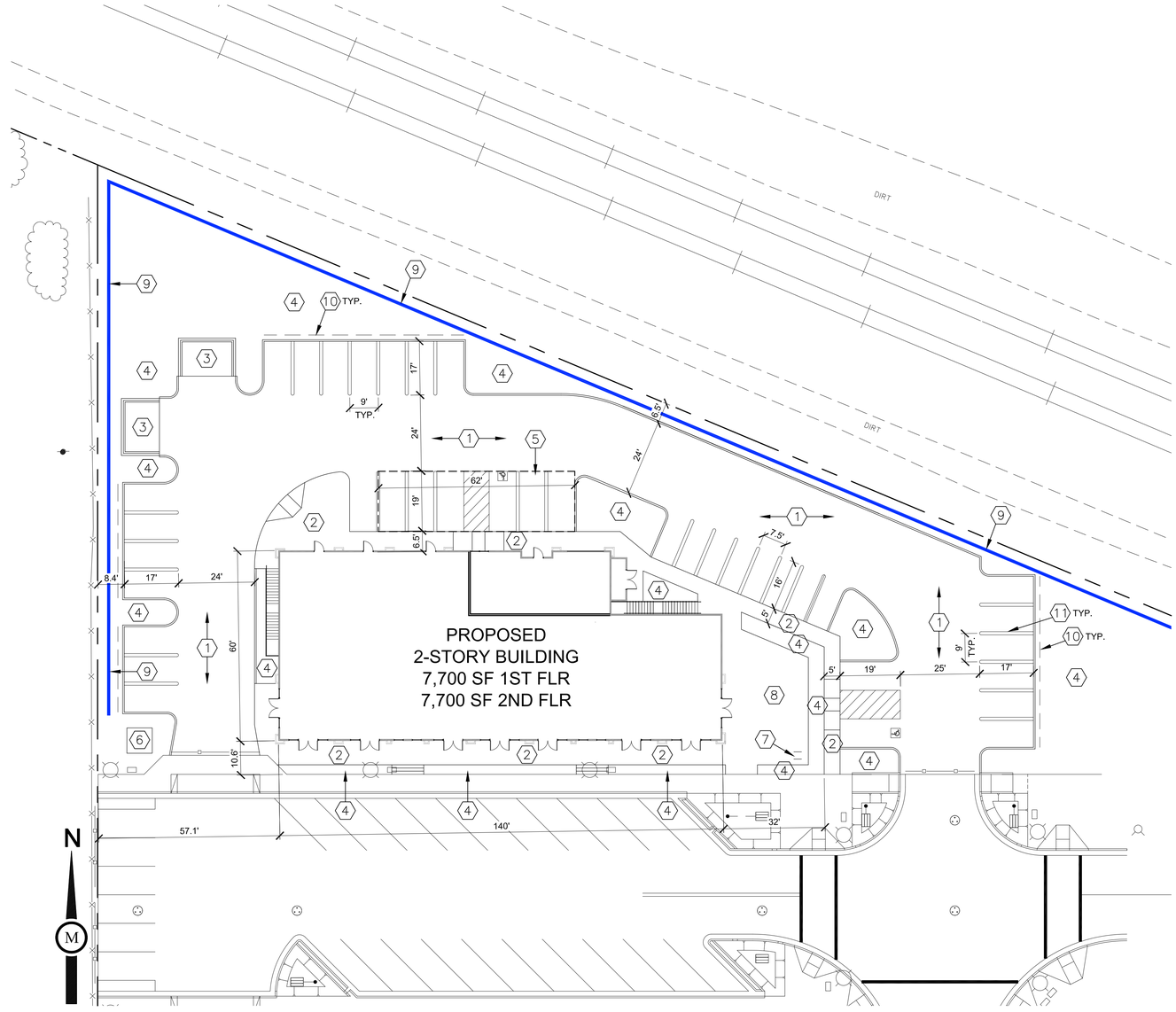
**Request:** Application by Joey Rojas of R&R Pacific Construction ("Applicant") requesting approval of a new two-story, mixed-use project with commercial and multi-family residential uses. The application includes: 1) Conditional Use Permits (CUP 04-23 and CUP 03-24) for multi-family housing within Oakley's Downtown and a ground-floor accessible unit; and 2) Design Review (DR 08-23) for site development and building design ("Project"). The first floor of the project would consist of seven commercial spaces totaling 6,800 square feet and one accessible apartment. The second floor of the proposal includes seven 950-square-foot, one-bedroom apartments. The project site is zoned SP-4 (Downtown Specific Plan) District. The Project Site is located along the north side of Main Street, east of Ace Hardware. (APN: 037-160-018).

**How to Review:** The Staff Report and its attachments will be available for public review, on or before **March 27, 2024** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the **April 2, 2024** Planning Commission 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 Evan Gorman, Associate Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to Gorman@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.

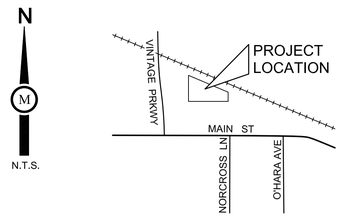
# DELTA POINTE PLAZA

## LOT 1 - DOWNTOWN OAKLEY PARKING
## A.P.N. 037-160-018 (portion)




SITE PLAN
1" = 20'

CITY OF OAKLEY




## VICINITY MAP
NOT TO SCALE

## CONSTRUCTION NOTES

1. NEW ASPHALT CONCRETE PAVEMENT
2. NEW PORTLAND CEMENT CONCRETE SIDEWALK
3. NEW COVERED TRASH ENCLOSURE
4. NEW LANDSCAPE AREA
5. NEW OVERHEAD CANOPY
6. NEW TRANSFORMER PAD
7. NEW BICYCLE RACK PER CITY STDS.
8. OUTDOOR SEATING AREA
9. RETAINING WALL (BY OTHERS)
10. 2.0' CAR OVERHANG INTO LANDSCAPE AREA
11. 4" WHITE PAVEMENT STRIPE (DOUBLE STRIPED)

## SITE UTILITIES

| | |
|---|---|
| SEWAGE DISPOSAL: | CITY |
| WATER SUPPLY: | CITY |
| DRAINAGE: | CITY |

## APPLICANT

RAUL MELENDEZ
619 1/2 MAIN STREET
WOODLAND, CA 95695
PH: 530-219-2070
raulm@rrpaccon.com

## DESIGN FIRM

MILESTONE ASSOCIATES
1000 LINCOLN ROAD, STE. H202
YUBA CITY, CA 95991
PH: 530-755-4700
ATTN: JULIO J. TINAJERO
julio@milestone-ae.com

## SHEET INDEX


| | |
|---|---|
| 1 | SITE PLAN / PROJECT DATA |
| 1.1 | SITE AMENITIES AND FURNISHING PACKAGE |
| 2 | SITE PHOTOGRAPHS |
| 3 | LANDSCAPE CONCEPT PLAN |
| 4 | PHOTOMETRIC PLAN |
| 5 | 1ST FLOOR PLAN - MIXED USE |
| 6 | 2ND FLOOR PLAN - APARTMENT UNITS |
| 7 | EXTERIOR ELEVATIONS |
| 8 | EXTERIOR ELEVATIONS |
| 9 | TRASH ENCLOSURE AND CARPORT ELEVATIONS |


## LOT DATA:

| | |
|---|---|
| A.P.N.: | PORTION OF 037-160-018 |
| TOTAL ACREAGE: | 39,466 SF (0.91 AC) |
| EXISTING PARCELS: | 1 |
| PROPOSED PARCELS: | 1 |
| EXISTING ZONE: | C GENERAL COMMERCIAL |
| PROPOSED ZONE: | SAME |
| EXISTING USE: | VACANT - UNDEVELOPED |
| PROPOSED USE: | RETAIL / APARTMENT MIXED USE BUILDING |

## PROPERTY DESCRIPTION

REAL PROPERTY IN THE CITY OF OAKLEY, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF THAT CERTAIN MAP ENTITLED "CAROL PARK M.B. 32-43, A PORTION OF THE SOUTHWEST 1/4 OF SECTION 23, T. 2 N., R. 2 E., M.D.B.&M. FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COUNTY.

## SITE COVERAGE

| | |
|---|---|
| STRUCTURE: | 7,700 SF (19.5%) |
| LANDSCAPE AREA: | 10,830 SF (14.9%) |
| PAVED SURFACE AREA: | 20,936 SF (65.6%) |

## PARKING DATA:

REQUIRED:

| | |
|---|---|
| 1ST FLOOR: 7,700 SF | |
| BAKERY (1,400 SF) (1 SPACE PER 250 SF) | 6 |
| BUTCHER SHOP (2,200 SF) (1 SAPCE PER 250 SF) | 9 |
| RETAIL SPACE (800 SF) (1 SPACE PER 250 SF) | 4 |
| RESTAURANT (2,400 SF) (1 SPACE PER 150 SF) | 16 |
| 1-BEDROOM ADA UNIT (900 SF) (1.5 SPACE PER UNIT) | 1.5 |
| GUESS PARKING (8 TOTAL UNITS) (1/4 SPACE PER UNIT) | 2 |
| 2ND FLOOR (7,700 SF) | |
| 1-BEDROOM UNIT (7 UNITS) (1.5 SPACE PER UNIT) | 10.5 |
| REQUIRED: | 49 |

PROVIDED:

| | |
|---|---|
| STANDARD SPACE (9' x 19') | 35 |
| COVERED SPACE (9'X19') | (6) |
| ACCESSIBLE PARKING (9'X18') | 2 |
| GUESS PARKING | 2 |
| RECIPROCAL SPACES (ALONG SOUTH PARKING LOT) | 10 |
| PROVIDED: | 49 |

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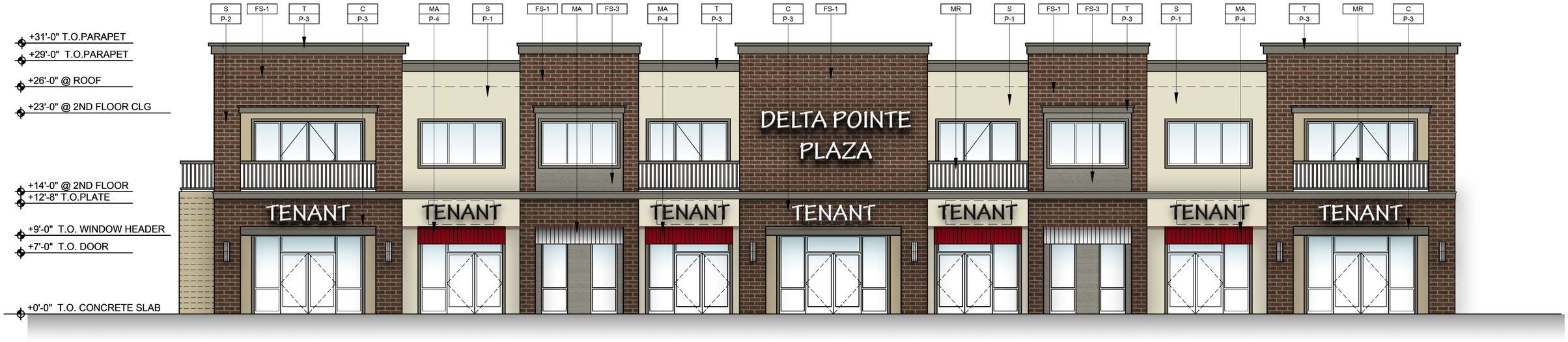
*(530) 755-4700*

DELTA POINTE PLAZA
LOT 1 - DOWNTOWN OAKLEY PARKING

SITE PLAN / PROJECT DATA

1

01-08-24




FRONT ELEVATION (SOUTH)

3/16" = 1'-0"

## GENERAL NOTES:

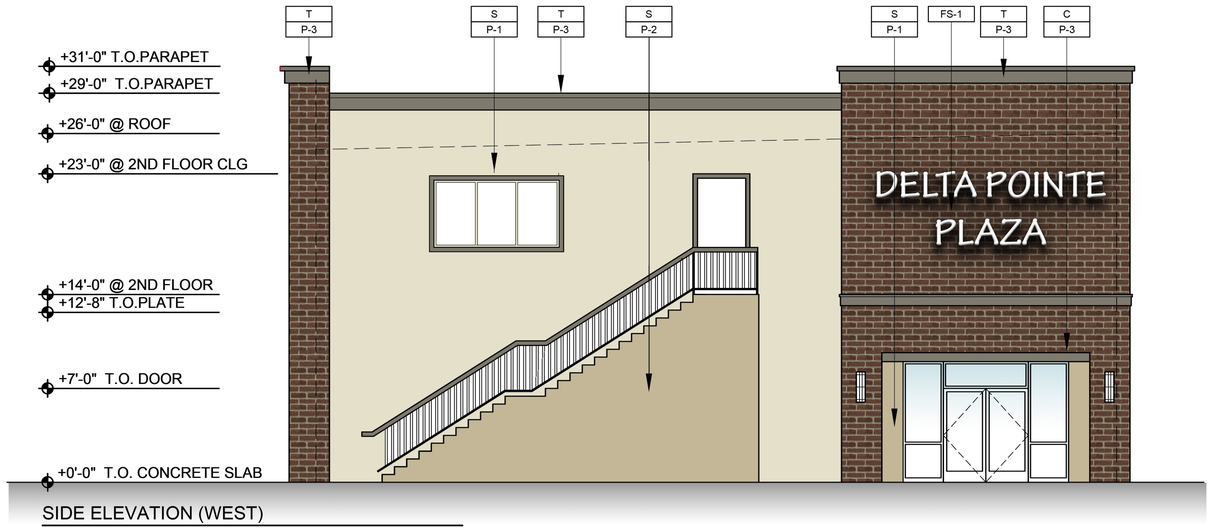
A. REAVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

## MATERIAL LEGEND:

| | |
|---|---|
| C | CANOPY |
| S | STUCCO; 7/8" CEMENT PLASTER TEXTURE: FINE SAND FINISH |
| MA | METAL AWNING |
| T | TRIM AND CORNICE |
| MR | METAL RAILING |

## COLOR LEGEND:

| | |
|---|---|
| P-1 | SHERWIN WILLIAMS SW6133 COLOR: MUSLIN |
| P-2 | SHERWIN WILLIAMS SW9120 COLOR: TUMBLIN TUMBLEWEED |
| P-3 | SHERWIN WILLIAMS SW7046 COLOR: ANONYMOUS |
| P-4 | SHERWIN WILLIAMS SW6321 COLOR: RED BAY, OR MATCH COLOR |
| FS-1 | VINTAGE BRICK NICHIHA ALEXANDRIA BUFF ARCHITECTURAL WALL PANELS |
| FS-3 | NICHIHA- ROUGHSAWN SMOKE ARCHITECTURAL WALL PANELS |




SIDE ELEVATION (WEST)

3/16" = 1'-0"

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# DELTA POINTE PLAZA
# LOT 1 - DOWNTOWN OAKLEY PARKING

EXTERIOR ELEVATIONS 7

01-05-24




REAR ELEVATION (NORTH)

3/16" = 1'-0"

## GENERAL NOTES:

A. REAVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

## MATERIAL LEGEND:

| | |
|---|---|
| C | CANOPY |
| S | STUCCO; 7/8" CEMENT PLASTER<br>TEXTURE: FINE SAND FINISH |
| MA | METAL AWNING |
| T | TRIM AND CORNICE |
| MR | METAL RAILING |

## COLOR LEGEND:

| | |
|---|---|
| P-1 | SHERWIN WILLIAMS<br>SW6133 COLOR: MUSLIN |
| P-2 | SHERWIN WILLIAMS<br>SW9120 COLOR: TUMBLIN TUMBLEWEED |
| P-3 | SHERWIN WILLIAMS<br>SW7046 COLOR: ANONYMOUS |
| P-4 | SHERWIN WILLIAMS<br>SW6321 COLOR: RED BAY |
| FS-1 | VINTAGE BRICK<br>NICHIHA<br>ALEXANDRIA BUFF<br>ARCHITECTURAL WALL PANELS |
| FS-3 | NICHIHA- ROUGHSAWN<br>SMOKE<br>ARCHITECTURAL WALL PANELS |




SIDE ELEVATION (EAST)

3/16" = 1'-0"

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# DELTA POINTE PLAZA
# LOT 1 - DOWNTOWN OAKLEY PARKING

EXTERIOR ELEVATIONS

8

01-05-24







3 VIEW FROM CORNER OF MAIN STREET AND NORCOSS LN



4 VIEW FROM MAIN STREET LOOKING NORTH TOWARDS SITE




1 VIEW FROM MAIN STREET LOOKING NORTH




5 VIEW FROM ON SITE LOOKING NORTHWEST



2 VIEW FROM MAIN STREET LOOKING EAST




6 VIEW FROM MAIN STREET AND HALL STREET INTERSECTION

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# DELTA POINTE PLAZA
# LOT 1 - DOWNTOWN OAKLEY PARKING

SITE PHOTOGRAPHS 2

9-15-23

PRELIMINARY PROJECT LANDSCAPE NOTES:

TREE PLANTING

1. PLANTINGS WILL BE HYDRO-ZONED IN GROUPS OF LIKE WATER USAGE FOR MAXIMUM IRRIGATION EFFICIENCY AND WATER CONSERVATION. LANDSCAPE WILL PROVIDE A VISUALLY PLEASING DEVELOPMENT, PROVIDE A UNIFIED DEVELOPMENT SCHEME THROUGHOUT THE PROJECT, PROVIDE PEDESTRIAN COMFORT, AND ENHANCE VIEWS OF THE SITE BY SCREENING POTENTIALLY UNATTRACTIVE ELEMENTS. LANDSCAPE WILL INCORPORATE THE THREE-TIERED SYSTEM: 1) GROUND COVERS (INCLUDING FLOWERING PLANTS - ANNUALS AND PERENNIALS), 2) SHRUBS AND VINES, AND 3) TREES.
2. TREES MUST HAVE AN UNCUT LEADER AND MEET AT LEAST NORMAL CALIPER/HEIGHT FOR CONTAINER SIZE. OVERGROWN TREES ARE NOT ACCEPTABLE.
3. TREES SHALL BE 3'-0" MIN. CLEAR OF ALL PEDESTRIAN PATHWAYS AND RIGID SURFACES.
4. ALL TREES TO BE PLANTED 6' OR GREATER FROM UNDERGROUND UTILITIES.

DOWNTOWN SPECIFIC PLAN: (MAR 2010, REVISED 2017):

**A. PARKING LOCATION:** THE VISUAL IMPACT OF PARKING AREAS SHOULD BE MINIMIZED THROUGHOUT THE DOWNTOWN SPECIFIC PLAN AREA.

1. **COMMERCIAL** - PARKING AREAS SHALL BE LOCATED TO THE REAR OR SIDE OF COMMERCIAL BUILDINGS, NOT BETWEEN BUILDINGS AND THE STREET FRONTAGE. SUBSURFACE/BELOW GRADE PARKING IS STRONGLY RECOMMENDED WHERE FEASIBLE.

**B. LANDSCAPING IN SURFACE PARKING LOTS:** SHOULD UTILIZE A SIGNIFICANT AMOUNT OF SITE AREA AND BE AN INTEGRAL FEATURE OF THE OVERALL SITE DEVELOPMENT PLAN.

1. **PARKING AREAS SHALL BE PLANTED:** WITH SHADE TREES AT A MIN. RATIO OF 1 TREE FOR EVERY 4 PARKING STALLS; HIGHER RATIOS DESIRED.
2. **"ORCHARD" TREE ARRANGEMENT:** SHADE TREES SHOULD BE DISTRIBUTED EVENLY THROUGHOUT PARKING LOTS TO PROVIDE SHADE, ENHANCE VISUAL APPEARANCE, PARTICULARLY AS SEEN FROM ADJACENT STREETS, AND SCREEN VIEWS FROM NEARBY BUILDINGS. ARRANGE FOR EVEN DISTRIBUTION OF VEGETATION AND SHADE THROUGHOUT THE PARKING AREA.
3. **OTHER NON-TYPICAL PLANTING APPROACHES:** COULD UTILIZE TRELLISES, COLUMNS, WALLS, AND/OR ARBORS WITH VINES, HEDGEROWS, WIND ROWS, OR OTHER ELEMENTS THAT REDUCE THE SCALE & VISUAL IMPACT OF PARKING AREAS. THESE ELEMENTS SHOULD BE CONSISTENT IN DESIGN & MATERIALS WITH PRINCIPAL BUILDINGS & OTHER FEATURES, & COMPLEMENTARY WITH PARKING AREA LIGHTING.
4. **THE PERIMETER OF PARKING AREAS:** ADJACENT TO STREETS & SIDEWALKS SHALL BE SCREENED WITH AN ATTRACTIVE LOW WALL, FENCE A MIN. OF 32" AND A MAX. OF 48" IN HEIGHT. (SEE "SITE IMPROVEMENTS AND LANDSCAPING" FOR DESIGN OF WALLS AND FENCES.)
5. **ALONG THE BNSF RAILROAD:** "WIND ROW" PLANTINGS OF POPLARS OR OTHER DENSE COLUMNAR TREES ARE RECOMMENDED ALONG PARKING LOTS AND REAR PROPERTY LINES TO DEFINE THE DOWNTOWN AREA VISUALLY AND SCREEN THE RAILROAD.
6. **TRASH AND SERVICE EQUIPMENT:** SHALL BE SCREENED BY LANDSCAPING, FENCING OR OTHER ARCHITECTURAL MEANS.

**D. PLANT MATERIALS**

1. **ALONG MAIN STREET:** DECIDUOUS SHADE TREES SHOULD BE THE PREDOMINANT LARGE PLANT MATERIAL USED. THEY SHOULD BE USED AS STREET TREES WITHIN PARKING AREAS TO PROVIDE SHADE IN SUMMER AND ALLOW SUN IN WINTER. SPECIES SHOULD BE SELECTED THAT HAVE AN OPEN BRANCHING HABIT AND MINIMAL LITTER AND/OR OTHER MAINTENANCE ISSUES.
2. **PARKING LOTS:** IN ADDITION TO SHADE TREES, PARKING LOTS SHOULD HAVE A SIMPLE PALETTE OF PLANT SPECIES.
3. **FLOWERING/SEASONAL COLOR PLANTS:** ARE RECOMMENDED TO HIGHLIGHT SPECIAL LOCATIONS, SUCH AS MAIN BUILDING ENTRANCES AND ENTRANCE WALKS.

**A. FLOWERING SHRUBS AND TREES:** SHOULD BE USED WHERE THEY CAN BE MOST APPRECIATED, ADJACENT TO WALKS AND OPEN SPACE AREAS, AND WALKS.

**B. FLOWERS WITH ANNUAL OR SEASONAL COLOR:** TO HIGHLIGHT SPECIAL LOCATIONS, SUCH AS BUILDING ENTRANCES, OR ACCESS DRIVES.

**C. EVERGREEN SHRUBS AND TREES:** USED AS SCREENING DEVICES ALONG PROPERTY LINES (NOT DIRECTLY ADJACENT TO RESIDENCES), AROUND MECHANICAL APPURTENANCES, AND TO OBSCURE GRILLWORK AND FENCING ASSOCIATED WITH SUBSURFACE PARKING GARAGES.

## PRELIMINARY PLANTING PALETTE

**TREE SPECIES**

| SYM | BOTANICAL NAME | COMMON NAME | SIZE | QTY | WATER DEMAND |
|---|---|---|---|---|---|
| | QUERCUS LOBATA | VALLEY OAK | 15 GAL | 9 | V. LOW |
| | PISTACIA CHINENSIS 'KEITH DAVEY' | CHINESE PISTACHE | 15 GAL | 10 | LOW |
| | LAGERSTROEMIA H. 'MUSKOGEE' | LAVENDER CRAPE MYRTLE | 15 GAL | 6 | LOW |

**SHRUB SPECIES**

| BOTANICAL NAME | COMMON NAME | SIZE | WATER USAGE |
|---|---|---|---|
| ARCTOSTAPHYLOS 'JOHN DOURLEY' | LOW GROWING MANZANITA | 5 GAL | LOW |
| FEIJOA SELLOWIANA | PINEAPPLE GUAVA | 5 GAL | LOW |
| HESPERALOE PARVIFLORA | RED YUCCA | 5 GAL | LOW |
| LAVANDULA S. 'OTTO QUAST' | SPANISH LAVENDER | 5 GAL | LOW |
| NANDINA D. 'NANA' | DWARF HEAVENLY BAMBOO | 5 GAL | LOW |
| RHAPHIOLEPIS I. 'CLARA' | WHITE INDIAN HAWTORN | 5 GAL | LOW |
| ROSMARINUS OFFICINALIS 'COLLINGWOOD INGRAM' | DWARF ROSEMARY | 5 GAL | LOW |

**GROUNDCOVER SPECIES**

| BOTANICAL NAME | COMMON NAME | SIZE | WATER USAGE |
|---|---|---|---|
| MYOPORUM PARVIFOLIUM 'PUTAH CREEK' | CREEPING MYOPORUM | 1 GAL | LOW |

DOWNTOWN SPECIFIC PLAN: (MAR 2010, REVISED 2017):

**WATER EFFICIENT LANDSCAPE REQUIREMENTS**

**4.31.102 APPLICABILITY.**

THE "MODEL WATER EFFICIENT LANDSCAPE ORDINANCE" OF THE STATE OF CALIFORNIA, AS CONTAINED IN CALIFORNIA CODE OF REGULATIONS TITLE 23, WATERS, DIVISION 2, DEPARTMENT OF WATER RESOURCES, CHAPTER 2.7, MODEL WATER EFFICIENT LANDSCAPE ORDINANCE, SECTION 490 ET SEQ., IS HEREBY ADOPTED BY REFERENCE AS THE WATER EFFICIENT LANDSCAPE ORDINANCE OF THE CITY OF OAKLEY, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, AS IF SET OUT IN FULL IN THIS CHAPTER. IN ADDITION TO COMPLIANCE WITH THE STATE'S MWELO, NEW INSTALLATION OF "NON-FUNCTIONAL TURF" IS PROHIBITED FOR APPLICABLE PROJECTS.

**9.1.1126 COMMERCIAL SCREENING AND COLOR SCHEMES.**

(D)(4) PARKING LOT SCREENING THAT IS ONLY PROVIDED BY LANDSCAPE SHALL BE OF A MATERIAL CAPABLE OF HEIGHT AND DENSITY TO PROVIDE A POSITIVE VISUAL BARRIER WITHIN TWO (2) YEARS OF THE TIME OF PLANTING SPECIES.

## PROJECT INFORMATION:

PROJECT SF: 42,065 (+/- 0.36 AC)
LANDSCAPE SF: 12,696 SF (30.1%)
ETo RATE: BRENTWOOD, CA = 48.3; WUCOLS REGION #2; CALIFORNIA CENTRAL VALLEY; SUSNET CLIMATE ZONE 14. DOWNTOWN SPECIFIC PLAN - OAKLEY, CA

PARKING STALLS: 37 STALLS
PARKING TREES: 26 TREES
RATIO: 1 TREE FOR EVERY 1.4 STALLS

PROJECT BOUNDARY

PROJECT BOUNDARY

PROJECT BOUNDARY

PROJECT BOUNDARY

OVERHEAD CANOPY

**PROPOSED 2-STORY COMMERCIAL BUILDING**

N

0' 5' 10' 15' 20'

SCALE: 1" = 10'-0"

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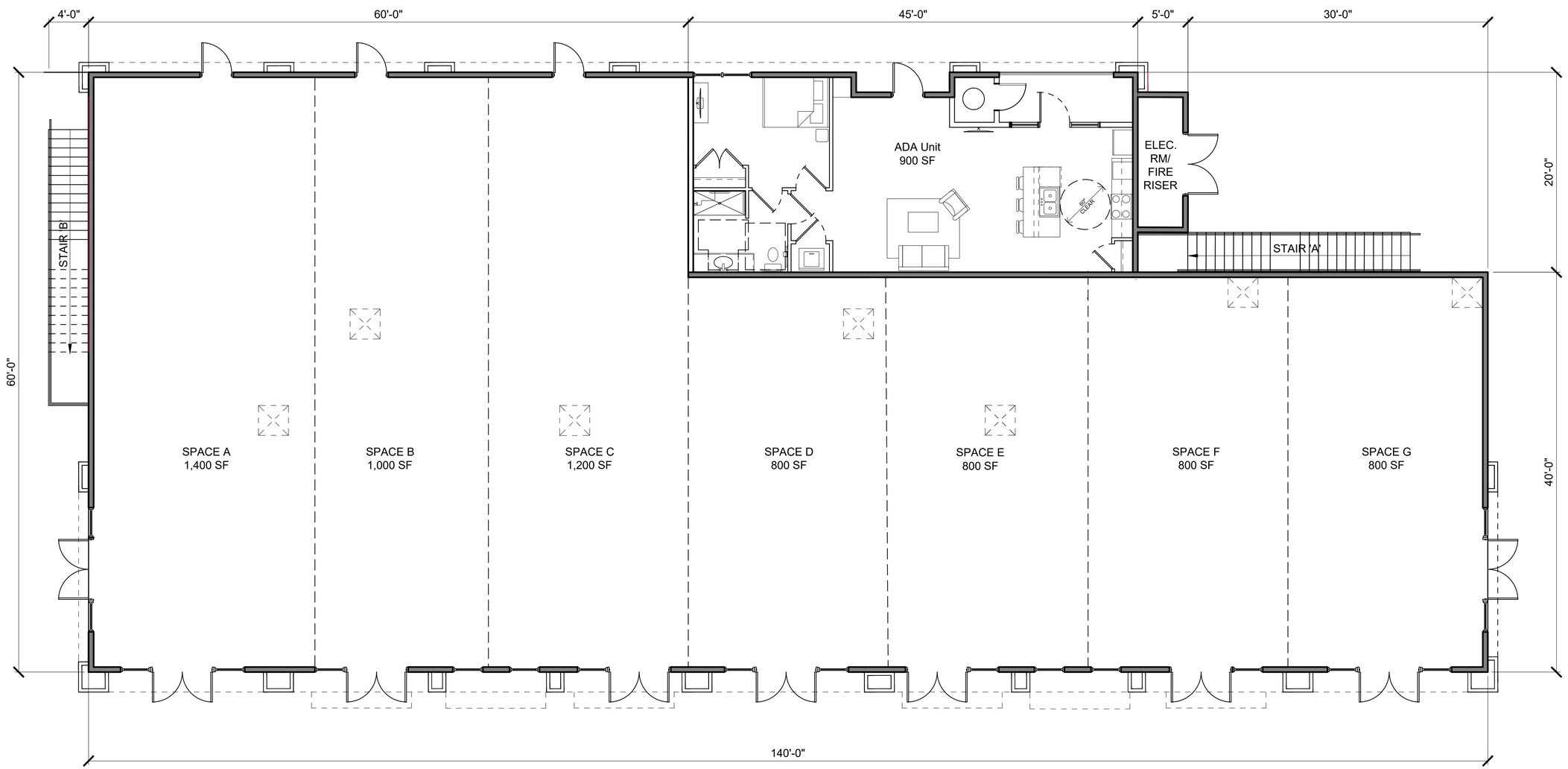
1000 Lincoln Road, Suite H202,
Yuba City, CA 95991
(530) 755-4700

WPLA
WATKINS PLANNING & LANDSCAPE ARCHITECTURE, INC.
ERIK WATKINS, PLA
CA #5753
(707) 628-5326

# DELTA POINTE PLAZA
# LOT 1 - DOWNTOWN OAKLEY PARKING

## CONCEPTUAL LANDSCAPE PLAN

10-16-2023




N

Ground Floor Plan

3/16" = 1'-0"

7 COMMERCIAL SPACES AND 1 ADA APARTMENT UNIT

SPACE 'A' 1,400 SF, SPACE 'B' 1,000 SF, SPACE 'C' 1200 SF
SPACE 'D' 800 SF, SPACE 'E' 800 SF, SPACE 'F' 800 SF
SPACE 'G' 800 SF, ADA UNIT- 900 SF

TOTAL SQUARE FOOTAGE AT 1ST FLOOR= 7,700 SF

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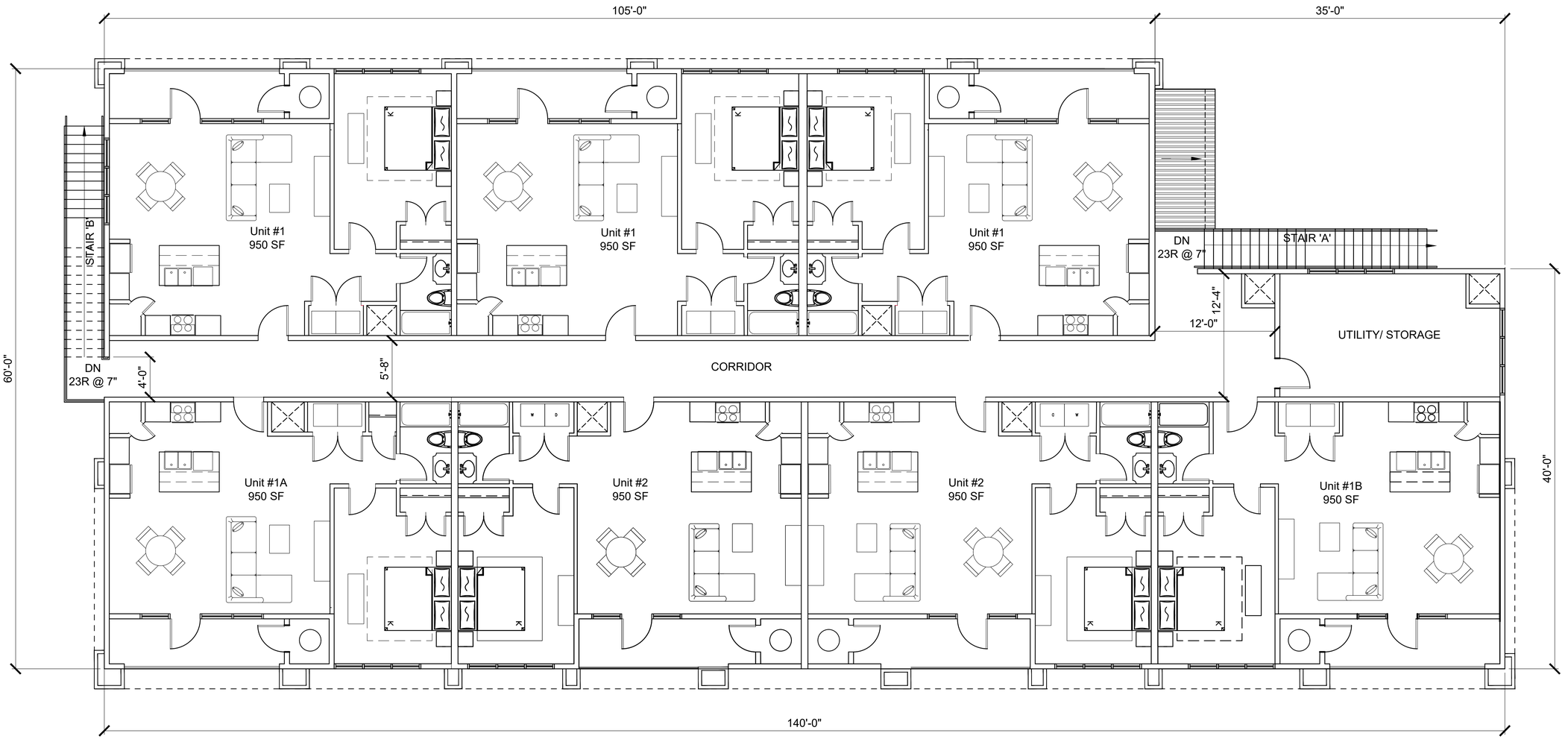
# DELTA POINTE PLAZA
# LOT 1 - DOWNTOWN OAKLEY PARKING

1ST FLOOR PLAN-
MIXED USE

5

01-08-24




N

M

Second Floor Plan

3/16" = 1'-0"

7 APARTMENT UNIT

ALL UNIT SPACES ARE 950 SF, (7 X 950 = 6,650 SF)
UTILITY/ STORAGE 300 SF
CORRIDOR 750 SF

TOTAL SQUARE FOOTAGE AT 2ND FLOOR= 7,700 SF


Milestone Associates Imagineering, Inc.
*1000 Lincoln Road, Suite H202, Yuba City, CA 95991*
*(530) 755-4700*


# DELTA POINTE PLAZA
# LOT 1 - DOWNTOWN OAKLEY PARKING

2ND FLOOR PLAN-
APARTMENT UNITS

6

01-08-24







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DELTA POINTE PLAZA
LOT 1 - DOWNTOWN OAKLEY PARKING

RENDERING

10

9-15-23

**RESOLUTION NO. -24**

**A RESOLUTION OF THE CITY OF OAKLEY PLANNING COMMISSION MAKING FINDINGS AND APPROVING THE PROJECT KNOWN AS "DELTA POINTE PLAZA CONDITIONAL USE PERMITS (CUP 04-23 AND CUP 03-24) AND DESIGN REVIEW (DR 08-23)" LOCATED ON PARCEL APN 037-160-018, APPROXIMATELY 400 FEET NORTH WEST OF MAIN STREET AND NORCROSS LANE INTERSECTION**

**FINDINGS**

**WHEREAS,** on November 7, 2023, Joey Rojas of R&R Pacific Construction ("Applicant") filed an application requesting Design Review (DR 08-23) approval for a new mixed-use development. The project includes both commercial tenant spaces as well as residential apartments. The applicant also requests approval of two Conditional Use Permits (CUP 04-23) to establish multifamily, second-floor housing and (CUP 03-24) for a ground-floor, accessible unit ("Project"). The project site is located approximately 400 feet northwest of the intersection of Main Street and Norcross Lane. The site is zoned SP-4 (Downtown Specific Plan) District. APN: 037-160-018; and

**WHEREAS,** the Applicant's Plans include site plan, grading plan, conceptual landscape plans, building elevations, and a storm water control plan; ("Plans"); and

**WHEREAS,** on February 7, 2024 the project application was deemed complete per Government Code section 65920 et. seq; and

**WHEREAS,** the project site is designated *Commercial Downtown* (CD) in the Oakley 2020 General Plan Land Use Map, and zoned *Downtown Specific Plan* (SP-4) District; and

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

**WHEREAS,** on or before March 22, 2024, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also emailed/mailed out to all owners of property within a 500-foot radius of the project's boundaries, interested agencies, and to parties requesting such notice; and

**WHEREAS,** on April 2, 2024, the Planning Commission 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 Planning Commission took a vote and adopted this resolution to approve the project, as revised by the Planning Commission during its deliberations; and

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

**WHEREAS,** these Findings are based on the City's General Plan, the City's Zoning Ordinance, Oakley's Downtown Specific Plan, the Oakley Commercial and Industrial Design Guidelines, the project plans, and the information submitted to the Planning Commission at its April 2, 2024 meeting, both written and oral, including oral information provided by the Applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

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

A. Regarding the application requesting Design Review approval to develop an approximately one-acre parcel located along the north side of Main Street, east of Ace Hardware with a new two-story, mixed-use project with commercial and multi-family residential uses (DR 08-23), the Planning Commission finds:

1. Site planning, including building siting (location), setback and orientation; entries, circulation, and parking; landscape setbacks and buffers; and location of trash, loading and service areas, and mechanical equipment: The overall site panning meets required setbacks, circulation and parking, landscape, and buffer requirements, and locates the trash enclosure in a manner where it has minimal interference with the proposed use and other nearby uses; and

2. Architecture, including massing and grouping; facades, entries and roofs; materials and colors; and screening of trash, loading and service areas, and mechanical equipment: architecture and massing of the building meets the criteria as found in the adopted Oakley Commercial and Industrial Guidelines. The trash is located within an enclosure 9'6" in height and covered with a metal roof. Roof top equipment is screened from public view from all adjacent at-grade angles; and

3. Landscaping and site elements, including general landscape areas; entry and plaza enhancements; parking lot landscaping; walls and fences; and lighting: Landscaping areas have been thoughtfully integrated throughout the proposed plan, ensuring that this more dense, downtown development does not become dominated by concrete and stucco. Despite the challenges of incorporating greenery in a compact downtown setting, the project architect has strategically placed landscaping areas around the entire development, ensuring that each part of the property strikes a balance between built and natural elements; and

4. Streetscapes, including major community entries; highlighted intersections; and district entries: The pedestrian walkways have been seamlessly woven into the public streetscape, featuring stairs, landscaping, and accessible pathways, promoting a pedestrian-friendly environment. Vehicle access is consistent with other commercial developments and conforms to City requirements.

B. Regarding the application requesting approval of a Conditional Use Permit to establish multifamily housing above the ground floor (CUP 04-23), the Planning Commission finds:

1. That the site for the proposed use is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that the site is approximately one-acre and the Downtown Specific Plan (SP-4) Zoning District allows for the proposed development with the approval of a Conditional Use Permit. The new building and site improvements will provide a significant aesthetic upgrade to the property, and help facilitate the economic development activities of the City; and

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 site is accessible from Journey way, which is designated to handle project generated traffic; and

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 proposed use is permitted in the Downtown Specific Plan (SP-4) Zoning District with the approval of a Conditional Use Permit. The use will comply with the noise standards set forth in the Oakley Municipal Code, will provide parking on-site, and will bring new businesses into the City, and will house Oakley residents near a variety of transportation options; and

C. Regarding the application requesting approval of a Conditional Use Permit to permit a use not specified in the Downtown Specific Plan that may be deemed by the decision making body approving the conditional use permit to meet the spirit and intent of the goals and policies the Plan (CUP 03-24), which here takes the form of a request to establish a residential unit on the ground floor, the Planning Commission finds:

1. The project site and proposed development conform to the goals of the downtown specific plan and provide adequate infrastructure for a ground floor unit including lighting, landscaping, and commercial tenant spaces on site. A ground floor unit would not encounter the negative externalities that

could be experienced in other locations due to the site design and large setbacks of the subject development; and

2. That the site for the proposed use is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that the site is approximately one-acre and the Downtown Specific Plan (SP-4) Zoning District allows for a large variety of land uses. The new building and site improvements will provide high-quality pedestrian circulation and access to services and various modes of transportation; and

3. 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 site is accessible from Journey way, which is designated to handle project generated traffic; and

4. 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 proposed ground floor unit is consistent in proposed use and design with the rest of the development. There is adequate infrastructure, parking, walkways, access to services, and modes of transportation to accommodate the unit.

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 Planning Commission approves the Applicant's request for approval of the project titled, "Delta Pointe Plaza Conditional Use Permits (CUP 04-23 and 03-24) and Design Review (DR 08-23)," 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 plans date stamped received by the Planning Division on January 11, 2024, as well as additional information acquired since that time and made a part of the project file.

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

### *Planning Division Conditions*

**General:**

1. These **Conditional Use Permits (CUP 04-23 and 03-24) and Design Review (DR 08-23)** are approved, as shown on the plans, date stamped by the Planning Department on **January 11, 2024**, and as modified by the following conditions of approval, subject to final review by the Community Development Director.

2. This approval for **Conditional Use Permits (CUP 04-23 and 03-24) and Design Review (DR 08-23)** shall be effectuated within a period of one (1) year from the effective date of this resolution by pulling a building or grading permit and if not effectuated shall expire on April 2, 2025. 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 Planning Commission on April 2, 2024, and as conditioned 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 defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court), 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.

8. The curb along the 24’ travel aisles shall be painted red in conformance with Fire Protection District requirements.

**Site Plan:**

9. All parking stall striping shall be double striped. Parking stalls shall be 9 feet wide by 19 feet deep, apart from the eight (8) approved compact parking spaces, and all drive aisles shall be a minimum 24 feet in width as reviewed and approved by the Community Development Director.

10. A lighting and photometric plan shall be submitted prior to the issuance of building permits. The minimum requirement shall be one foot of candlelight within public parking areas and pedestrian pathways.

11. Light poles shall be a maximum height of twenty-five (25) feet, as measured from the bottom of the base on grade, and shall provide glare shields where adjacent to existing residences per the review and approval of the Community Development Director.

12. Trash enclosures shall match Oakley Disposal and City standards and shall provide adequate space to accommodate both trash and recycling. Also, trash enclosures shall be constructed with complementary materials, have metal gates, and when appropriate be surrounded by landscaping with climbing vines on three sides per the review and approval of the Community Development Director.

13. Storage shall be contained inside the building. Storage containers are not allowed and pallets, boxes, cardboard etc. shall not be stored outside.

**Architectural Details:**

14. All roof-mounted equipment shall be architecturally screened from view from all angles.

15. The plans submitted by the applicant for a building permit shall provide the location of the fire sprinkler backflow preventer. The fire sprinkler backflow preventer shall be screened from view with screening materials and design subject to the review and potential approval of the Community Development Director.

16. Anti-graffiti techniques shall be used on the exterior walls of the buildings.

17. Security cameras shall be installed in locations to be reviewed and approved by the Community Development Director.

18. All exterior light fixtures shall be of quality design and materials. Specs for the exterior fixtures, including building lights, shall accompany the construction

drawings for building permits, and be subject to review and approval of the Community Development Director.

19. The applicant may submit plans for a more traditional covered parking structure, subject to the review and approval of the Community Development Director.

**Landscaping:**

20. A landscaping and irrigation plan for all areas shown on the site plan shall be submitted for review and approval of the Community development Director prior to the issuance of building permits. The landscaping plan shall include the project's frontage and side yards and shall conform to the Oakley Water Efficient Landscape Ordinance ("WELO"), 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 including the following signed statement on the cover sheet or same sheet as the WELO calculations in a visible text box: "These plans are certified to conform to the Oakley Water Efficiency Landscape Ordinance."

21. California native drought tolerant plants shall be used as much as possible. All trees shall be a mix of 15-gallon, 24-inch box and 36-inch box; all shrubs shall be a minimum five-gallon size, except as otherwise noted.

22. Parking lot trees shall provide 50 percent shading of the parking areas at tree maturity.

23. Prior to occupancy, an on-site inspection shall be made of privately owned lands by a licensed third-party inspector to determine compliance with the approved landscape plan. A signed certification of completion shall be submitted to the Community Development Director for review and approval.

24. If occupancy is requested prior to the installation of the landscape and irrigation improvements, then either a cash deposit or a letter of credit shall be delivered to the City for 125 percent of the estimated cost of the uncompleted portion of the landscape and irrigation improvements. If compliance is not achieved after six months of occupancy as determined by the Community Development Director, the City shall contract for the completion of the landscaping and irrigation improvements to be paid for by the held sum. The City shall return the unused portion within one year of receipt or at the completion of all work.

25. Landscaping shall be maintained as shown on the landscape plan in perpetuity.

**Signage:**

26. The proposed signage shall meet the requirements of the City's Zoning Ordinance. All proposed signage shall be reviewed by the Planning and Building Divisions.

27. The wall signs shall be constructed of individual letters.

28. All signs shall be on permanent structures or the building and of design and material to compliment the proposed building. No signs on the premises shall be animated, rotating, or flashing. No flags, pennants, banners, pinwheels, or similar items shall be permitted on the premises, with the exception of a United States flag and California state flag.

29. Temporary signage for such things as special events and grand openings shall require a Temporary Use Permit per the review and approval of the Community Development Director. Signage shall be subject to the Oakley Municipal Code Chapter 9.5 (Regulation of Signs and Outdoor Advertising).

**Waste Management Plan:**

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

***Building Division Conditions***

30. Plans shall meet the currently adopted Uniform Codes as well as the newest California Green Code requirements and the T-24 Energy requirements from the State of California Energy Code. To confirm the most recent adopted codes please contact the Building Division at (925) 625-7005.

31. An automatic Life Safety Sprinkler System shall be required in all new construction as per the California Building Code (for commercial buildings) and as per the California Residential Code (for residential buildings). The plans for all sprinklers systems shall be submitted to the local Fire Marshal's office for review and approval. All sprinkler systems and Fire alarms system shall be inspected and approved as required by the local Fire Inspector.

32. Prior to requesting a Certificate of Occupancy from the Building Division, all Conditions of Approval required for occupancy must be completed.

**PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL**

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

33. 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.

34. 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.

35. 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 as determined by the City Engineer.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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 M, T, TH & F. 8:30AM to 12:00PM on W.

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.

43. 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. The public street shall not be used for any construction related activities, including parking for workers and storage of vehicles.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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:*

49. 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.

50. GRADING.

a) 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.

b) Retaining wall or other suitable option acceptable by the City Engineer is required where the grade differential between property or adjacent lots are greater than 6". Retaining walls are required to be identified on the grading plans and shall have a note stating a separate building permit is required for retaining wall greater than four (4) feet in height.

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 be 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

51. 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:*

52. 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.

b) Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system to the city Engineer for review and approval. The report shall include study of the downstream stormdrain facilities to confirm its adequacy and

mitigate on-site so that the peak flows of post-project conditions do not exceed the pre-project peak flows.

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

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

e) On-site parking area and driveways shall not surface drain across public sidewalk or driveway aprons.

53. 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 identified with this project as required by the City Engineer.

54. 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.

55. JOINT TRENCH PLANS. The applicant shall submit Joint Trench Composite Plans to the City for review prior to approval of improvement plans. 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 owner. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

56. 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 paving a street.

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

57. 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 commencing with foundation construction of the building.

58. 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.

59. RIGHTS OF ENTRY. Furnish necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

60. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS. The property owner 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 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.

61. 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.

62. DRAINAGE FEES. Applicant shall comply with the drainage fee requirements as adopted by the County Board of Supervisors. The applicant shall pay the fee in effect at building permit issuance.

63. ANNEXATIONS

a) The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on fire protection services provided in the City. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to building permit issuance.

b) The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on police services provided in the City. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior building permit issuance.

c) The applicant shall establish a funding mechanism to cover the ongoing financial impact their project has on maintenance and operation services associated with public landscaping, parks, streetlighting, and stormwater facilities. All costs associated with meeting this condition of approval shall be paid for by the applicant. Compliance with this requirement shall be to the satisfaction of the City Engineer and shall be completed prior to building permit issuance.

64. 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, update Resolution No 91-21);

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, updated Resolution No. 48-17);

d) Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03, updated Resolution No. 48-17);

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. 24-21);

g) General Plan Fee (adopted by Resolution No. 53-03);

h) East Contra Costa County Habitat Conservation Plan Fee (adopted by Ordinance 6-23).

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.

**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.

**PASSED AND ADOPTED** by the Planning Commission of the City of Oakley at a meeting held on the April 2, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
Oleksii Chuiko, Chair,

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

**DATE:** April 2, 2024

**TO:** Joshua McMurray, City Manager

**FROM:** Evan Gorman, Associate Planner

Approved and Forwarded to the Planning Commission

**SUBJECT:** Pancho's Market 2 Preliminary General Plan Amendment (PA 02-23) – Work Session to discuss the merits of a potential project to amend the General Plan Land Use Designation of an approximately 0.42-acre parcel from Residential Low/Medium (RLM) to Commercial (CO)

## Summary

This is a work session on a request by Mario Tenorio ("Applicant") to discuss the merits of a potential project to amend the General Plan Land Use Designation of two parcels made up of approximately 0.42 acres currently occupied by an existing grocery and convenience store with off-street parking lot from Residential Low/Medium (RLM) to Commercial (CO) for the purposes bringing the Land Use Designation, eventual Zoning Classification, and underlying use into consistency. The project site is located at 5500 Main Street and is zoned R-6 (Single Family Residential) District. APNs 033-052-009 and 033-052-010.

Figure 1 – 5500 Main Street Viewed from Main Street



## Preliminary General Plan Amendment Process

The process of amending the City of Oakley 2020 General Plan ("General Plan") is subject to California Government Code ("GC") Sections 65350 - 65362, which apply to the preparation, adoption and amending of general plans and general plan elements. GC Section 65351 is written as follows:

> "During the preparation or amendment of the general plan, the [City] shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deems appropriate."

The application process for a General Plan Land Use Amendment can come with significant costs when factoring in Staff time involved in preparing documents, conducting analysis, holding non-public and public meetings, hiring consultants for technical and environmental studies and documents, and consulting with outside agencies. Since a General Plan Land Use Amendment is a legislative and discretionary action that sets the tone for all other land use decisions on a property, Staff encourages potential applicants to first file a Preliminary General Plan Amendment, or "PGPA."

The purpose of the PGPA is to allow Staff to provide a brief description of the proposed amendment and provide a concept of the project as submitted by the applicant to the Planning Commission and City Council. The applicant is provided a chance to present the request, further describe the concept, and provide additional insight on the background of the request.

## EXISTING GENERAL PLAN AND ZONING DESIGNATION

- The General Plan Land Use Designation for the project site is Residential Low/Medium (RLM) – This designation provides for moderately dense single-family residential development that is consistent with suburban uses.
- The site is zoned R-6 (Single-Family Residential) District.

## PROPOSED LAND USE DESIGNATION

- The General Plan Land Use Designation proposed by the applicant is Commercial (CO) – This designation provides for neighborhood, community, and regional-serving retail and service uses; limited office uses; restaurants; service stations; highway-oriented and visitor-serving commercial and lodging; auto-serving and heavy commercial uses; public and semi-public uses; public gathering facilities, and similar and compatible uses.

## PROJECT SITE

The project site occupies the southeastern corner of Main Street and Malicoat Avenue, featuring a long-standing convenience store (“Pancho’s Market 2”) and associated parking area. Despite appearing as a single 0.42-acre lot, the property is divided into two parcels, with a property line running parallel to the approximately 2,500 square foot convenience store's southern wall. The site's frontage on Main Street lacks curbs, gutters, or sidewalks, resulting in extensive vehicle access from the street. Additionally, a gravel driveway provides access from Malicoat Avenue.

Topographically, the lot has a downward slope towards the northeastern corner near the entrance of the driveway. Three trees line the southern property boundary. The property is surrounded by residential uses, but it's important to note that the properties to the south along Main Street are zoned for commercial development.

Figure 2 – Aerial View of 5500 Main Street




## Analysis

The applicant is seeking a modification of the General Plan Land Use Designation in order to operate with the same regulations as other commercial properties in town. Currently, due to the existing residential designation, the convenience store is considered a legal non-conforming property under Oakley's municipal code. Legal non-conforming properties are those that were legally established before the enactment of an ordinance but do not comply with the current provisions of the Zoning Ordinance or General Plan. A commercial business on a residentially zoned property is considered legal non-conforming. Such properties face limitations on the alterations or improvements that can be made to them. Non-conforming land use regulations are commonly adopted by cities to encourage the transition of existing land uses to different uses that better align with community objectives. Non-conforming land use regulations can also prevent a land use that is no longer permitted from intensifying. With their request, the applicant finds that a commercial

land use designation would be appropriate, it would afford them the same options as other commercial properties and would enhance the property's alignment with community objectives.

The City's planning documents envision a series of commercial properties lining Main Street, serving the nearby neighborhoods in this area of town. The existing convenience store land use aligns with this vision, and this stretch of Main Street features multiple properties on intersection corners zoned for commercial development, similar to what the applicant is seeking. A change to a commercial designation would be consistent with adjacent properties and compatible with the surrounding area.

## Consistency with the Oakley Strategic Plan 27+

Holding an advisory hearing is consistent with the goals in the section of the Oakley Strategic Plan 27+ entitled, "Community and Economic Development Goal". Reviewing applications for compliance with Oakley's development standards ensures thoughtful growth.

## Fiscal Impact

There is no fiscal impact. This is a developer funded account. All Staff time and City of Oakley generated materials are charged to the account.

## Staff Recommendation

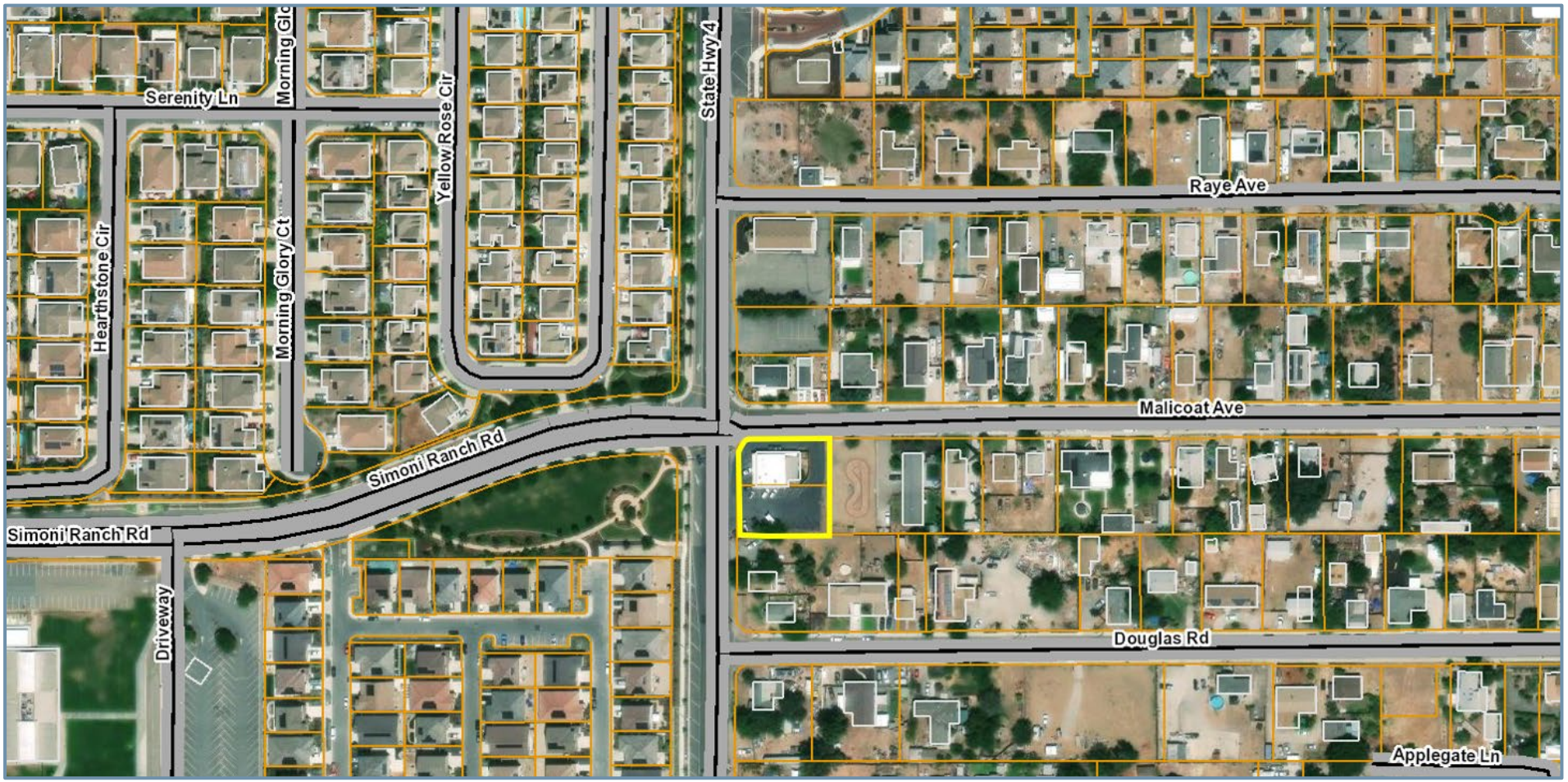
This is an advisory hearing only. There is no process to approve a project because of this work session. The Planning Commission may act in an advisory role to the City Council. Staff will include the Planning Commission's consensus direction and minutes from this meeting to the City Council at a future work session.

## Attachments

1. Vicinity Map
2. Notice of Work Session
3. General Plan Land Use Map Excerpt

# Vicinity Map

**Pancho's Market 2 - Preliminary General Plan Amendment (PA 01-24)**
**5500 Main Street, Oakley, CA 94561 APNs: 033-052-009 and 033-052-010**



OAKLEY
CALIFORNIA

# NOTICE OF WORK SESSION

Notice is hereby given that on **April 2, 2024** at 6:30 p.m., or as soon thereafter as the matter may be heard, the Planning Commission 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 project as described below:

**Project Name:** Pancho's Market 2 Preliminary General Plan Amendment (PA 02-23)

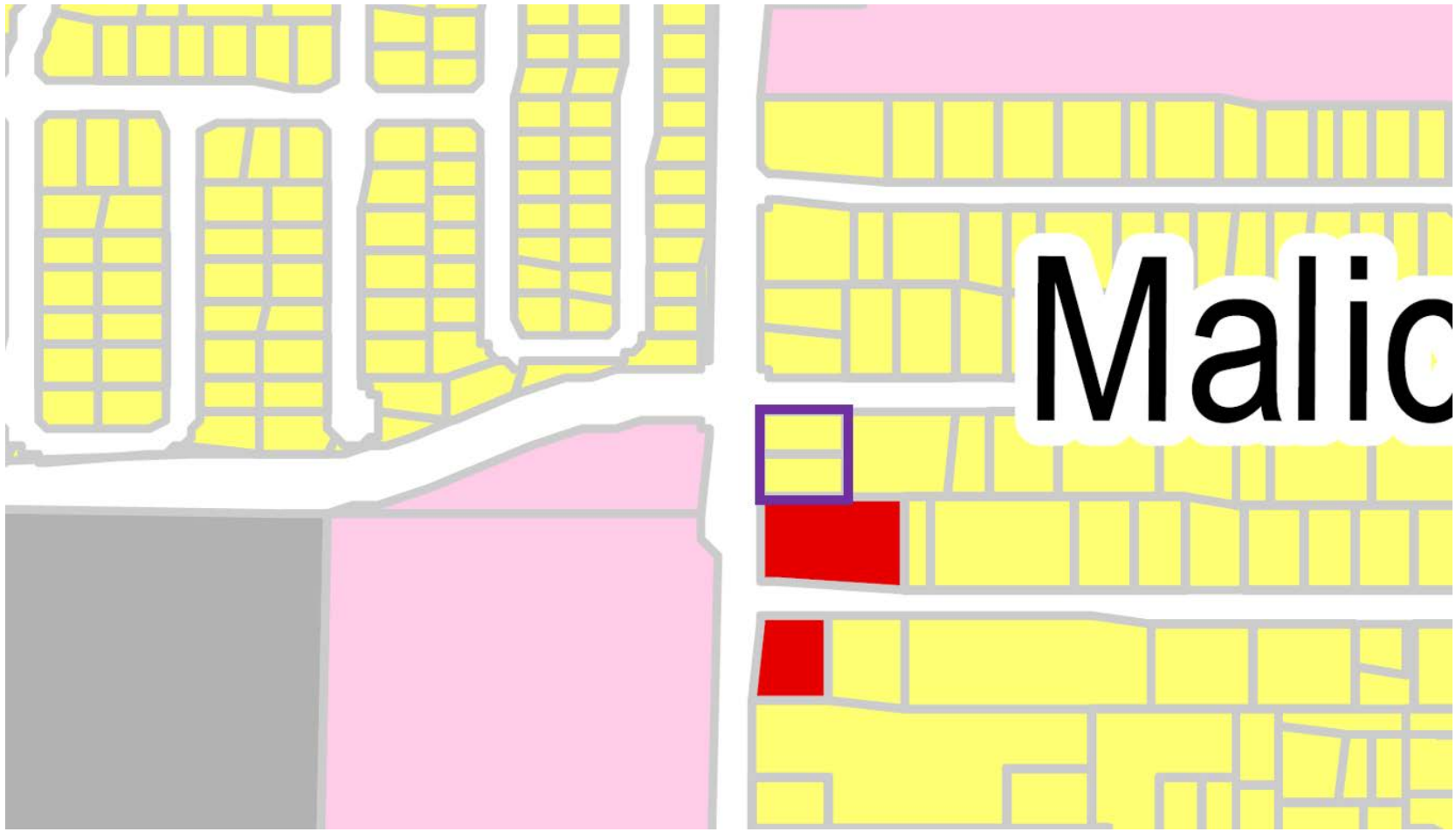
**Project Location:** The project site is located at 5500 Main Street. APNs 033-052-009 and 033-052-010.

**Applicant**: Mario Tenorio, 2324 Roberto Street, Napa, CA 94558, 415-504-4599

**Request:** This is a work session on a request by Mario Tenorio ("Applicant") to discuss the merits of a potential project to amend the General Plan Land Use Designation of two parcels made up of approximately 0.42 acres currently occupied by an existing grocery and convenience store with off-street parking lot from Residential Low/Medium (RLM) to Commercial (CO) for the purposes bringing the Land Use Designation, and eventually Zoning Classification, and underlying use into consistency. The project site is located at 5500 Main Street and is zoned R-6 (Single Family Residential) District. APNs 033-052-009 and 033-052-010.

**How to Review:** The Staff Report and its attachments will be available for public review, on or before **March 27, 2024** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the **April 2, 2024** Planning Commission 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 Evan Gorman, Associate Planner at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to Gorman@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.




LEGEND

- Oakley City Limit
- Oakley Sphere of Influence
- Oakley Planning Area
- Country Costa County Urban Limit Line
- Agriculture
- Agricultural Limited
- Rural Residential
- Residential Very Low
- Residential Low
- Residential Low/Medium
- Residential Medium
- Residential High
- Residential Mobile Home
- Commercial
- Commercial Downtown
- Commercial Recreation
- Business Park
- Light Industrial
- Utility Energy
- Public and Semi-Public
- Delta Recreation
- Parks and Recreation
- Specific Plan

OAKLEY
CALIFORNIA

**DATE:** April 2, 2024

**TO:** Joshua McMurray, City Manager

**FROM:** Evan Gorman, Associate Planner

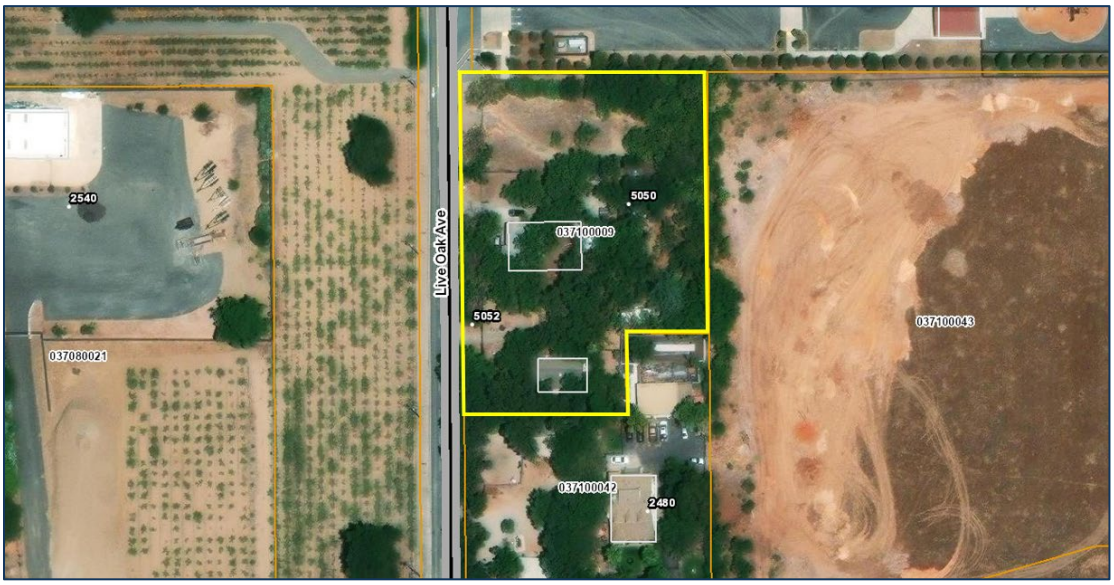
Approved and Forwarded to the Planning Commission

**SUBJECT:** 5050 Live Oak Avenue - Preliminary General Plan Amendment (PA 01-24) – Work Session to discuss the merits of a potential project to amend the General Plan Land Use Designation of an approximately 1.42-acre parcel from Light Industrial (LI) to Residential Low/Medium (RLM)

## Summary

This is a work session on a request by Angela Pi ("Applicant") to discuss the merits of a potential project to amend the General Plan Land Use Designation of an approximately 1.42-acre site from Light Industrial (LI) to Residential Low/Medium (RLM) for the purposes of applying for the entitlements to subdivide the property for residential use. The project site is located at 5050 Live Oak Avenue and is zoned LI (Light Industrial) District. APN 037-100-009. This item is to be an advisory hearing only.

Figure 1 – 5050 Live Oak Avenue




## Preliminary General Plan Amendment Process

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The application process for a General Plan Land Use Amendment can come with significant costs when factoring in Staff time involved in preparing documents, conducting analysis, holding non-public and public meetings, hiring consultants for technical and environmental studies and documents, and consulting with outside agencies. Since a General Plan Land Use Amendment is a legislative and discretionary action that sets the tone for all other land use decisions on a property, Staff encourages potential applicants to first file a Preliminary General Plan Amendment, or "PGPA."

The purpose of the PGPA is to allow Staff to provide a brief description of the proposed amendment and provide a concept of the project as submitted by the applicant to the Planning Commission and City Council. The applicant is provided a chance to present the request, further describe the concept, and provide additional insight on the background of the request.

## EXISTING GENERAL PLAN AND ZONING DESIGNATION

- The General Plan Land Use Designation for the project site is Light Industrial (LI) - The Light Industrial designation allows for limited fabrication, manufacturing, processing, packaging and assembling uses; wholesale, distribution, warehousing and storage uses; vehicle and machinery repair; research and development; industrial parks; public/semi-public uses and similar and compatible uses.
- The site is zoned LI (Light Industrial) District.

## PROPOSED LAND USE DESIGNATION

- The General Plan Land Use Designation proposed by the applicant is Residential Low/Medium (RLM) – This designation provides for moderately dense single-family residential development that is consistent with suburban uses. The maximum density permitted by the General Plan on this parcel would be five lots.

## PROJECT SITE

The subject property is a 1.42-acre lot, situated approximately 300 feet northeast of the intersection of Live Oak Avenue and Oakley Road. It has two detached homes constructed before the City's incorporation, which reflect a rural character with high

fences, dirt and gravel driveways, and numerous trees. The property is accessed from Live Oak Avenue and is relatively flat.

Immediately north of the subject property lies Orchard Park Elementary School. The adjacent lots share a similar rural character to the subject property, with most being long-established. To the south, a single-family residence is visible on the 1914 historical USGS map for the area. The property to the west, across Live Oak Avenue, has an active vineyard, while the eastern side features a vacant lot with an approved subdivision for 22 single-family homes. The neighboring subdivision to the east underwent a similar General Plan Amendment process in 2020 as the one being requested for the current subject property.

## Analysis

When evaluating amendments to the General Plan's land use designations, it's important to conduct a comparative review of the land uses and designations of adjacent properties. Although a significant portion of the surrounding area is designated as light industrial in the City's General Plan and Zoning Map, the presence of nearby residential homes and an adjacent school lends the actual development a distinctly residential character. The existing light industrial designation indicates that previous decision makers had a business-focused vision for the area. This discrepancy between the official designations and the on-the-ground conditions provides for a potential decision-point, and it could necessitate careful examination to ensure that any amendments balance the area's character and needs with the goals of the established light industrial designation.

Given the surrounding context, the area around the northeast corner of the intersection, including the subject property, could potentially accommodate residential development without significantly impacting the City's goals for industrial business growth. As previously mentioned, immediately to the east there is a recently approved subdivision while an existing neighborhood lies just beyond that. To the north, there is an elementary school, and the area south across Oakley Road is zoned for residential uses. With this residential character already established in the vicinity, introducing additional land designated for housing in this area may create development that is compatible with the neighborhood while not posing a substantial hindrance to Oakley's business objectives.

## Consistency with the Oakley Strategic Plan 27+

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## Fiscal Impact

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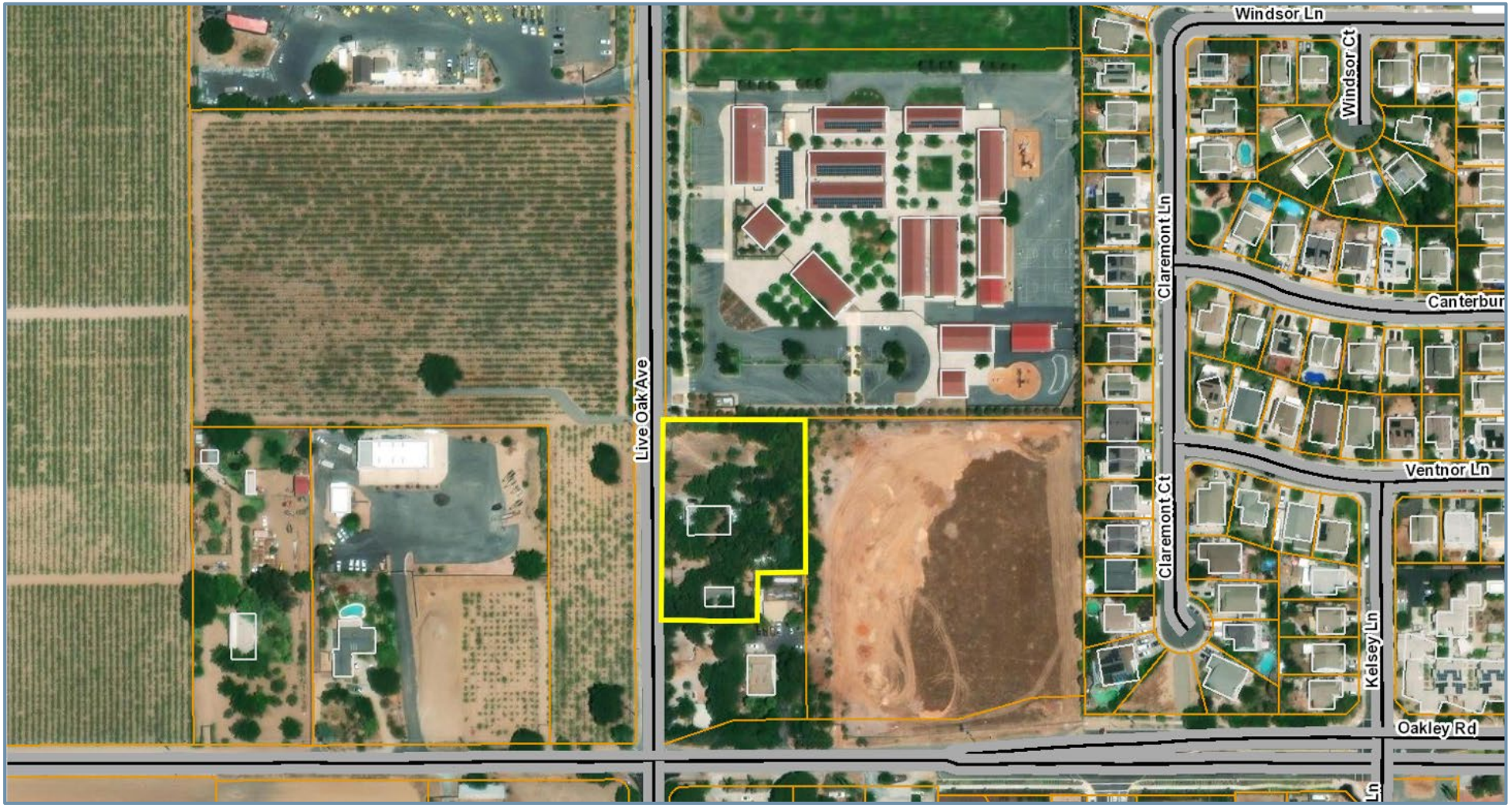
**5050 Live Oak Avenue, Oakley, CA 94561 APN: 037-100-009**



OAKLEY
CALIFORNIA

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**Project Name:** 5050 Live Oak Avenue - Preliminary General Plan Amendment (PA 01-24)

**Project Location:** 5050 Live Oak Avenue, Oakley, CA 94561

**Applicant:** Angela Pi, 423 Broadway #209, Millbrae, CA 94030, 209-237-9362, act.nov1@gmail.com

**Request:** This is a work session on a request by Angela Pi ("Applicant") to discuss the merits of a potential project to amend the General Plan Land Use Designation of an approximately 1.42-acre site from Light Industrial (LI) to Residential Low/Medium (RLM) for the purposes of applying for the entitlements to subdivide the property for residential use. The project site is located at 5050 Live Oak Avenue and is zoned LI (Light Industrial) District. APN 037-100-009. This item is to be an advisory hearing only.

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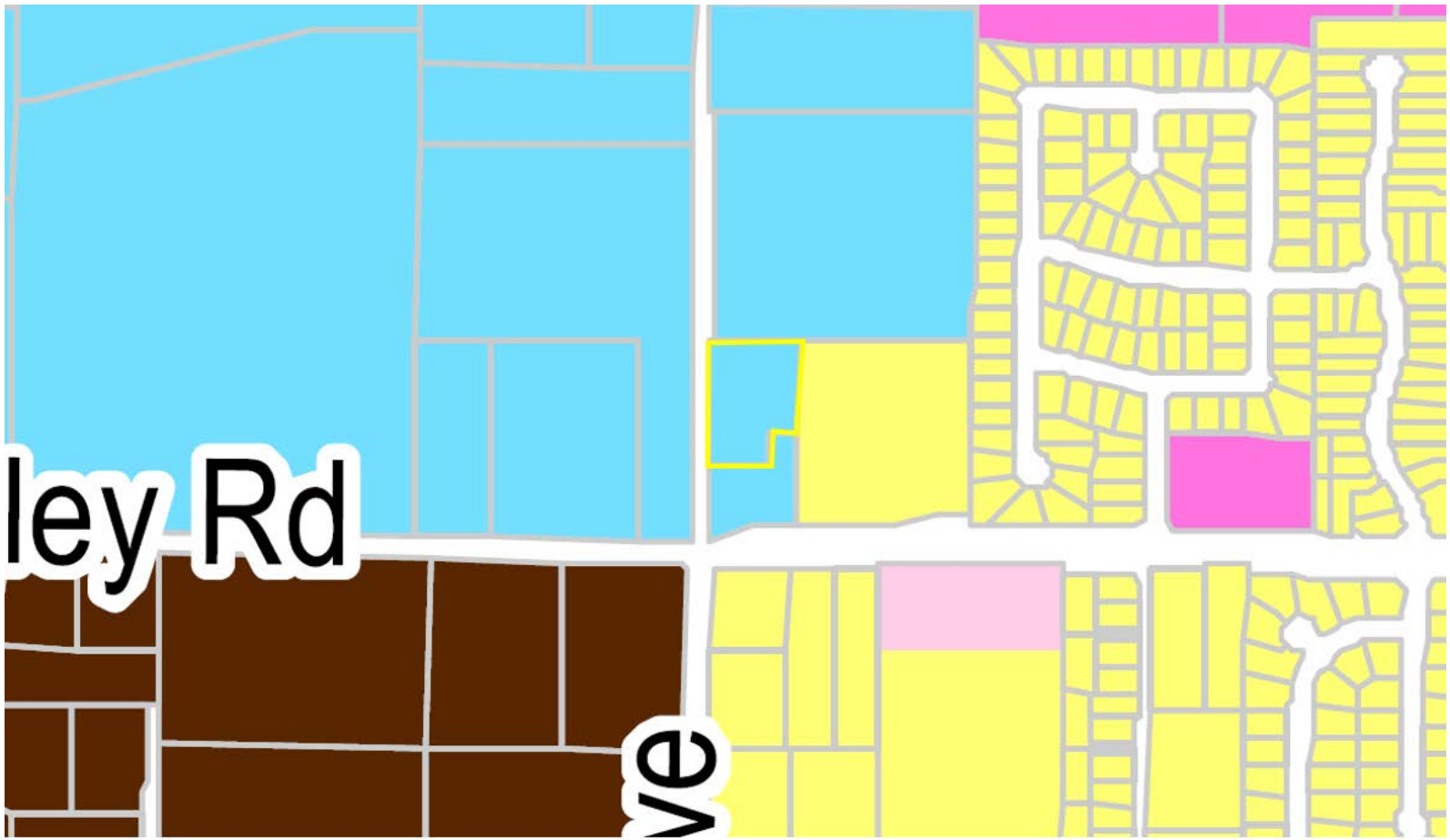


LEGEND

- Oakley City Limit
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- Oakley Planning Area
- Country Costa County Urban Limit Line
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