

**DOCKET****09-AFC-4**DATE APR 05 2010RECD. APR 14 2010

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April 5, 2010

Joseph Douglas  
Energy Commission Project Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

**MAYOR**  
Pat Anderson

**VICE MAYOR**  
Jim Frazier

**COUNCILMEMBERS**  
Bruce Connelley  
Carol Rios  
Kevin Romick

RE: Docket No. 09-AFC-4  
Application for Certification of Contra Costa Generating Station, LLC  
Response of City of Oakley to Request for Agency Participation and  
Request for Comments and Recommendations

Dear Mr. Douglas:

This letter represents the City of Oakley's ("City") response to the California Energy Commission's ("Commission") Request for Agency Participation in the Review of the Contra Costa Generating Station Project (09-AFC-04) ("Project") dated August 5, 2009. This letter also provides City of Oakley Comments and Recommendations on the Oakley Generating Station Project, as requested by the Commission on November 25, 2009.

We reviewed the Application For Certification ("Application") for the Project submitted by the Radback Energy group ("Applicant"), and are pleased to be able to provide the following responses and comments.

In its August 5<sup>th</sup> Request, the Commission asked for the following information:

- A. ***A discussion of those aspects of the proposed site and related facilities for which the City would have jurisdiction but for the exclusive jurisdiction of the Commission to certify sites and facilities.***

The proposed Project site is located entirely within the city limits of the City. As a result, but for the Commission's exclusive jurisdiction over power plant siting and facilities, any proposed use of the site would be within the City's jurisdiction pursuant to the City's police powers and its land use regulatory authority. The City's jurisdiction and authority over the site would extend to the type of use proposed for the site, the density and/or intensity of the proposed use, the design and construction of any structures proposed on the site, and the on-going operation and maintenance of the site to ensure

compliance with applicable City Municipal Code regulations. The City would also be the lead agency under CEQA, responsible for the implementation of the Mitigation Monitoring and Reporting Program certified for the project.

- B. A determination of the completeness of the list in the Application For Certification (“Application”) submitted by the Radback Energy group (“Applicant”) of the laws, ordinances, regulations and standards (“LORS”) which the City administers or enforces which would be applicable to the proposed site and related facilities, but for the Commission’s exclusive jurisdiction.**

The applicable LORS are identified in the various subsections of Section 5 of the Application. Those applicable LORS administered and/or enforced by the City which are not identified in the Application are described in the following comments. The BAAQMD comments were pending on the Application at the time the City’s comments were prepared. The City would like to reserve its right to provide additional comments on Section 5.1 of the Application after it has had an opportunity to review the BAAQMD comments on the Application.

- C. A description of the nature and scope of the requirements which the Applicant would need to meet in order to satisfy the City’s substantive requirements, but for the Commission’s exclusive jurisdiction, and identification of any analyses that the Commission should perform in order to determine whether these substantive requirements can be met.**

But for the exclusive jurisdiction of the Commission with respect to power plant certifications, the Project would be subject to all applicable provisions of the City’s General Plan and Municipal Code, which includes the City’s Zoning Code. As noted in the Application, the City would require a Conditional Use Permit to allow the power plant on the project site. This requirement would enable the City to impose conditions on the project to mitigate its impacts on the City and require the project to contribute its fair share of the costs of that infrastructure needed to accommodate the project or that would benefit the project. Chapter 2 of Title 9 of the City’s Municipal Code provides for the payment by project applicants of certain development impact fees, as well as certain land dedications. These fees and dedication requirements would normally apply to development of the property, absent the exclusive jurisdiction of the Commission. Therefore, it is imperative that requirements in the City’s conditions of approval are imposed on the project to be consistent with the City’s Municipal Code.

Attached are Recommended Conditions of Approval for the Commission’s consideration that would satisfy the City’s substantive requirements, if not for the Commission’s exclusive jurisdiction.

- D. An analysis of whether there is a reasonable likelihood that the proposed Project would be able to comply with the City’s applicable substantive requirements.**

The City believes that there is a reasonable likelihood that the proposed Project would be able to comply with the City's applicable substantive requirements, as described in this letter.

In its November 25<sup>th</sup> Request, the Commission requested that the City of Oakley provide a letter addressing the land use, traffic/transportation, and visual resources as follows:

***Land Use: Commission staff would like the city to indicate the CUP Findings it would make regarding the OGS and what conditions the city would attach to the Project. In addition, Commission staff would like the city to confirm the need for a site rezone and revision to the DuPont Specific Plan.***

The City's CUP Findings are as follows:

1. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by law to adapt the use with land and uses in the neighborhood;
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;
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;
4. That the proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the general plan;
5. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.

The City's Recommended Conditions of Approval are included as Attachment 1.

The City's General Plan designates the project site for a land use of Utility Energy, which "Allows for power plant uses involved in the clean production of electricity utilizing the best available combustion turbine technology." The project parcel is currently zoned SP-3 (future Specific Plan). However, the City has not yet approved a specific plan for the parcel, therefore, the underlying applicable zoning designation would be Heavy Industry (H-I). This zoning is compatible with power plant development. A rezone would not be required with CEC certification. A revision to the DuPont Specific Plan would not be required with CEC certification.

***Traffic and Transportation: Commission staff would like to know whether the***

***applicant's traffic/transportation information is complete and accurate and what traffic/transportation conditions, if any, would be imposed.***

The applicant's traffic/transportation information is complete. The traffic/transportation conditions that the City would impose on the Project are included in Attachment 1.

***Visual Resources: Commission staff would like to know whether the applicant's visual information is complete and accurate and what aesthetic/visual conditions, if any, would be required.***

The applicant's visual information is complete. The aesthetic/visual conditions that the City would impose on the Project are included in Attachment 1.

***Other issues or concerns: Commission staff is interested in any other aspects of the project that may be of concern to your agency.***

But for the exclusive jurisdiction the Energy Commission, the City of Oakley Building Official would be the Chief Building Official ("CBO") with full responsibility for the plan review, inspections, and the issuance of certificate of occupancy for the site. The City of Oakley has a CBO and contract staff that is fully qualified to perform non-structural and structural plan reviews and code compliance inspections for the proposed power plant. There are many beneficial reasons for using the City of Oakley CBO including, we have a qualified team in place that consists of ICC certified professionals including a licensed architect and structural engineer that have experience performing plan reviews on power plants in California. The City also has the ability to expand contract services to secure additional code specialists as needed. The City's CBO is already familiar with the site, the community, and other outside regulatory agencies that will be involved in the project as well as having an extensive network in the code compliance industry. The City recommends that the Commission: (a) require the project applicant to obtain a building permit from the City of Oakley prior to commencing any ground-disturbing activities on the site; (b) require the project applicant to obtain a certificate of occupancy from the City of Oakley prior to occupying the plant and commencing operations; and (c) designate the City of Oakley's CBO as the inspecting and approving official for all plan reviews, inspections, and issuance of the certificate of occupancy for this project.

Sincerely,



Rebecca Willis  
Community Development Director  
City of Oakley

Cc: Bryan Montgomery, Oakley City Manager  
Bryan Bertacchi, Radback Energy

## **Attachment 1**

### **City of Oakley RECOMMENDED CONDITIONS OF APPROVAL Oakley Generating Station**

In making the findings for the Conditional Use Permit (CUP) for the project, the City would take into consideration the applicant's compliance with all conditions of approval that would be imposed by the City, including conditions relating to site layout, design and landscaping, transportation and circulation improvements, conditions related to construction, operation and maintenance of the project, and conditions intended to mitigate the project's potential environmental impacts. The following are draft conditions of approval based on the information known about the project at this time. Additional conditions may be imposed as additional information about the project becomes available.

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

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FROM THE CITY OF OAKLEY UNLESS OTHERWISE NOTED.

#### ***Planning Division Conditions***

##### **General:**

1. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the California Energy Commission on \_\_\_\_\_.
2. 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.
3. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 6:30 a.m. to 6:30 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. City to defer to conditions imposed by CEC regarding neighborhood notification prior to construction and telephone number for public to report noise complaints.

4. City to defer to conditions imposed by CEC regarding archaeological resources.
5. All mitigation measures addressed in the environmental document shall be complied with and addressed as outlined in the Mitigation Monitoring Program approved for this project.
6. 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) relating to the Oakley Generating Station.

**Site Plan/Architecture:**

7. The project owner shall submit for the Community Development Director's review and approval a site plan with dimensions showing the locations of the proposed buildings and structures in compliance with the minimum setbacks from the property line as set forth in the Oakley Zoning Code.
8. The project shall comply with the parking standards established by the Oakley Zoning Code. All parking stall striping shall be double striped. Parking stalls shall be 9 feet wide by 19 feet deep and drive aisles shall be a minimum 24 feet in width as reviewed and approved by the Community Development Director.
9. A lighting and photometric plan shall be submitted to the Community Development Director for review and approval prior to the issuance of building permits. City to defer to conditions imposed by CECs regarding minimizing backscatter to the nighttime sky, shielding to prevent light trespass, and motion detectors to light areas only when occupied, unless the CEC does not impose any such conditions, in which event measures to minimize backscatter and shield light trespass shall be incorporated into the lighting and photometric plan for review and approval by the City.
10. Trash enclosures shall match Oakley Disposal and City standards and shall provide adequate space to accommodate both trash and recycling, as determined by the Community Development Director. Trash enclosures shall be constructed with a roof to match the building materials and have metal gates.
11. Storage shall be contained inside the buildings. Pallets, boxes, cardboard etc. shall not be stored outside, except within trash enclosures.

**Landscaping Requirements:**

12. 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, side and rear yards. Landscaping shall conform to the City's Water Efficient Landscape Ordinance and shall be installed prior to Certificate of Occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Efficient Landscape Ordinance.

13. California native drought tolerant plants shall be used to the extent feasible, and subject to the approval of the Community Development Director.
14. Prior to start of commercial operation, the applicant shall implement a Screening Trees Plan reviewed and approved by the City of Oakley. If site constraints prevent effective screening of the power plant facility on the subject site, the applicant shall identify and implement screening in offsite locations, as required and approved by the Community Development Director.
15. Prior to issuance of a certificate of occupancy, an on-site inspection shall be made of the entire project site by a licensed landscape architect to determine compliance with the approved landscape plan. A signed certification of completion shall be submitted to the Community Development Director for review and approval.
16. Landscaping shall be maintained as shown on the landscape plan in perpetuity.

**Sound Walls:**

17. If sound walls are required to comply with applicable City and local standards, sound walls shall attenuate, not just deflect sound. Sound absorbing material should be used for the construction of sound walls, per the review and approval of the Community Development Director. Anti-graffiti techniques shall be used on sound walls.

**Signage:**

18. All signage shall meet the requirements of the City of Oakley's Sign Ordinance in the Zoning Code. All proposed signage shall be reviewed and approved by the Planning and Building Divisions.
19. All signs shall be on permanent structures and of design and material to compliment the proposed commercial building. No signs on the premises shall be animated, rotating or flashing. No flags, pennants, banners, pinwheels or similar items shall be permitted on the premises, with the exception of a United States flag, California state flag, and required safety devices, such as windsocks.
20. 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.

**Lay Down/Staging Area:**

21. The project owner shall provide the Oakley Community Development Department for review and approval the descriptions of the final lay down/staging areas identified for construction of the project. The description shall include: Assessor's Parcel numbers, addresses, land use designations, zoning, site plan showing dimensions, owner's name and address (if leased).

**Construction Traffic:**

22. Following completion of project construction of the power plant and all related facilities, the project owner shall repair ( insert affected roadways ) that were affected by the installation of linear facilities, to at least their pre-construction condition. 1) The project owner shall photograph, videotape or digitally record images of portions of ( insert affected roadways ) in the area of the underground linear facility installations. 2) The project owner shall also notify the City of Oakley, Contra Costa County, and Caltrans about the schedule for project construction. The purpose of this notification is to postpone any planned roadway resurfacing and/or improvement projects until after the project construction has taken place and to coordinate construction related activities associated with other projects.
23. Following construction of the power plant and all related facilities, the project owner shall meet with the CPM and City of Oakley to determine the actions necessary and schedule to complete the repair of all roadways to original or as near original condition as possible.

**Marking and/or Lighting of Stacks**

24. The project owner shall provide appropriate evidence of compliance with Federal Aviation Administration (FAA) regulations to the Oakley Community Development Department regarding the marking and/or lighting of the project's exhaust stacks.

**Air Quality:**

25. City to defer to conditions imposed by CEC and BAAQMD for air quality.

**Biological Resources**

26. The project owner shall protect, preserve, and improve the 0.62 acre wetlands located on the Project Site by removing garbage and replacing non native species with native species.



27. The project shall be subject to compliance with East Contra Costa County Habitat Conservation Plan (HCP/NCCP)
28. City to defer to Conditions imposed by CECs regarding other biological resources.

***Facility Closure***

29. City to defer to conditions imposed by CEC regarding facility closure, subject to the City's review and approval of the facility closure plan prepared by the project applicant.

***Building Division Conditions***

30. The Chief Building Official (CBO) shall be the City of Oakley Building Official as referenced in these conditions.
31. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy Requirements per the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625 – 7005.
32. City to defer to conditions imposed by CEC regarding Automatic Life Safety Sprinkler System.
33. City to defer to Conditions imposed by CEC for detailed specifications regarding the plan check and permit process for construction of the power plant.
34. Prior to requesting a Certificate of Occupancy from the Building Division all Conditions of Approval required to be completed prior to occupancy must be completed.

***Public Works and Engineering Conditions***

**General:**

35. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and pay the appropriate processing costs in accordance with the Municipal Code and these conditions of approval. The plans shall be consistent with the Stormwater Control Plan for the project, include the drawings and specifications necessary to implement the required stormwater control measures, and be accompanied by a Construction Plan C.3 Checklist as described in the Stormwater C.3 Guidebook.
36. Submit grading plans including erosion control measures and revegetation plans prepared by a registered civil engineer to the City Engineer for review and

approval and pay appropriate review and processing costs in accordance with the Code and these conditions of approval.

37. Submit landscaping plans for publicly maintained landscaping, including planting and irrigation details, as prepared by a licensed landscape architect to the City Engineer for review and approval and pay appropriate review and processing costs in accordance with the Code and these conditions of approval.

38. Execute any agreements required by the Stormwater Control Plan which pertain to the transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan.

**Roadway Improvements:**

39. Construct the frontage of Bridgehead Road to City public road standards for a four lane divided arterial, including curb, sidewalk, right of way landscaping, a sixteen foot wide landscaped median, necessary longitudinal and transverse drainage, pavement widening, and conformance to existing improvements.

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

**Road Alignment/Sight Distance:**

41. Submit a preliminary plan and profile to the City Engineer for review and approval showing all required improvements to Bridgehead Road, and pay appropriate review and processing costs. The sketch plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance for a design speed of 55 miles per hour. The plan shall extend a minimum of 150 feet  $\pm$  beyond the limits of the proposed work.

42. Locate any project signs so as to not obstruct sight distance at the intersection of Bridgehead Road and the project driveways. The design speed for Bridgehead Road shall be 55 mph.

**Road Dedications:**

43. Convey to the City, by offer of dedication, the right of way for Bridgehead Road along the project frontage.

44. Relinquish abutter's rights of access along Bridgehead Road except for the one approved driveway location.

**Access to Adjoining Property:**

45. 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.
46. Obtain an encroachment permit from Caltrans for construction of any improvements within the State right of way.
47. Applicant shall only be allowed access to the project site at the one location shown on the approved site plan.

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

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

**Street Lights:**

49. Install streetlights along the project Bridgehead Road frontage. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. The lights shall be General Electric spun aluminum "cobra head" style.

**Grading:**

50. Submit a geotechnical report to the City Engineer for review and approval that substantiates the design features incorporated into the project including, but not limited to grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway and pavement sections, and pay all appropriate review and processing costs.
51. At least one week prior to commencement of grading, the applicant shall post on the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

52. A list of all dust control measures to be implemented by the project shall be provided for the review and approval of the City Engineer, which measures shall supplement all measures imposed by the CEC.
53. Grade any slopes with a vertical height of four feet or more at a slope of 3 to 1. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.
54. Submit a dust and litter control plan to the City Engineer for review and approval, and pay all appropriate review and processing costs, prior to beginning any construction activities. The City-approved plan shall supplement all dust and litter control conditions imposed by CEC..
55. Submit a haul route plan to the City Engineer for review and approval prior to importing or exporting any material from the site, and pay all appropriate review and processing costs. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of hauling. Based on this plan the City Engineer shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible to repair to their pre-construction condition any roads along the utilized routes.
56. Prior to commencement of any site work that will result in a land disturbance of one acre or more, the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.
57. Submit an updated erosion control plan reflecting current site conditions to the City Engineer for review and approval no later than September 1st of every year while the Notice of Intent is active, and pay all appropriate review and processing costs.
58. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.
59. The burying of any construction debris is prohibited on construction sites.

**Utilities/Undergrounding:**

60. Underground all new and existing utility distribution facilities along the frontage of Bridgehead Road. The applicant 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.

61. All utility boxes within the public right of way shall be installed underground and all wires and cables must be installed in conduits. The determination of compliance with this condition shall be at the discretion of the City Engineer.
62. Above ground utility boxes within the public right of way shall be screened per the review and approval of the City Engineer.

**Drainage Improvements:**

63. 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. Alternatively, develop an on-site retention and infiltration system of adequate size and capacity to accommodate the 100-year frequency event plus appropriate factors of safety to ensure that stormwater is kept on-site. The applicant shall submit plans and supporting calculations and documentation for the infiltration basin to the City Engineer for review and approval, and shall pay all appropriate review and processing costs.
64. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system and stormwater pond to the City Engineer for review and approval, and pay all appropriate review and processing costs.
65. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
66. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
67. Dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets.

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

68. Comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley -

Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at [www.cccleanwater.org](http://www.cccleanwater.org).

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

- Utilize pavers or other pervious materials for driveways, walkways, and parking areas wherever feasible.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to the Delta" permanent metal markers per City standards.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Install filters in on-site storm drain inlets.
- Sweeping the paved portion of the site at least once a month utilizing a vacuum type sweeper.
- Use of landscape areas, vegetated swales, pervious pavement, and other infiltration mechanisms to filter stormwater prior to entering the storm drain system.
- Provide a sufficient amount of on-site trash receptacles.
- Distribute public information items regarding the Clean Water Program to vendors and suppliers.
- Other alternatives as approved by the City Engineer.

**Fees/Assessments:**

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

- A. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);
- B. Regional Transportation Development Impact Mitigation Fee or any future alternative regional fee adopted by the City (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);
- C. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);
- D. Park Impact Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 19-03);

- E. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);
- F. Fire Facilities Impact Fee, collected by the City (adopted by Ordinance No. 09-01);
- G. General Plan Fee (adopted by Resolution No. 53-03): and
- H. East Contra Costa County Habitat Conservation Plan Fee (adopted by Resolution No. 12-07)

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

- 70. 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.
- 71. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide landscaping and park maintenance, subject to an assessment for maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to issuance of a certificate of occupancy. The Applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 72. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide street lighting costs and maintenance, subject to an assessment for street light maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to issuance of a certificate of occupancy. The applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
- 73. Participate in the provision of funding to maintain police services by voting to approve a special tax for the parcels utilized by this project. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for

the tax shall be completed prior to issuance of a certificate of occupancy. Should the building be occupied prior to the City receiving the first disbursement from the tax bill, the applicant shall be responsible for paying the pro-rata share for the remainder of the tax year prior to the City conducting a final inspection.

74. Participate in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting. The appropriate funding mechanism shall be determined by the City and may include, but not be limited to, an assessment district, community services district, or community facilities district. The funding mechanism shall be formed prior to issuance of a certificate of occupancy, and the project proponent shall fund all costs of the formation.
75. 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 the time of building permit issuance. Certain improvements required by the Conditions of Approval for this development or the Code may be eligible for credit or reimbursement against the drainage area fee. The applicant should contact the City Engineer to determine the extent of any credit or reimbursement for which they might be eligible. Any credit or reimbursements shall be determined prior to building permit issuance or as approved by the Flood Control District.

#### ADVISORY NOTES

ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. Comply with the requirements of the Ironhouse Sanitary District.
- C. Comply with the requirements of the Fire Protection District.
- D. Comply with the requirements of the Diablo Water District.