

AGENDA

REGULAR JOINT MEETING OF THE OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

Tuesday, January 27, 2015

6:30 p.m.

Oakley City Council Chambers
3231 Main Street, Oakley, CA

MISSION STATEMENT: The City of Oakley exists to build and enhance a quality community and to serve the public in a friendly, efficient, responsive manner.

VISION STATEMENT: The City of Oakley will be recognized as a model of civic participation and a vibrant delta community where families live, work, play, shop and visit.

Agendas are posted at the Oakley City Hall, the "White House" at 204 Second Street and outside the Library at Freedom High School; 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 City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council or Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency 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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(Please keep cell phones/pagers turned off during the meeting.)

1.0 OPENING MATTERS

Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

1.1 Call to Order and Roll Call of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency and Public Financing Authority

1.2 Pledge of Allegiance to the Flag

2.0 PUBLIC COMMENTS

At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency on non-agendized items. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda. The Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency may respond to statements made or questions asked or may request Staff to report back at a future meeting on the matter. The exceptions under which the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency MAY discuss and/or take action on items not appearing on the agenda are contained in Government Code §54954.2(b)(1)(2)(3). Members of the public should submit any Speaker Cards for Public Comments in advance of the Mayor calling for Public Comments.

3.0 CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency with one single action. Members of the audience, Staff or the Oakley City Council/ Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor remove the item. Members of the public should submit any Speaker Cards related to the Consent Calendar in advance of the Consent Calendar being considered.

Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency

3.1 Approve the Minutes of the Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Public Financing Authority Meeting of January 13, 2015 (Libby Vreonis, City Clerk)

Oakley City Council

- 3.2 Ratify Election: Waive the Second Reading and Adopt Ordinance No. 01-15, Establishing Zone 153 for a Special Tax for Police Protection for Subdivision 9032, Emerson Ranch, Located North of E. Cypress and West of Sellers Avenue (Kevin Rohani, Public Works Director/City Engineer)**
- 3.3 Waive the Second Reading and Adopt Ordinance No. 03-15 to Levy a Special Tax for Fiscal Year 2015-16 and Ensuing Fiscal Years Solely Within and Relating to the City of Oakley Community Facilities District Number 2015-1 at the Emerson Ranch Subdivision, Located North of E. Cypress Road and West of Sellers Avenue (Kevin Rohani, Public Works Director/City Engineer)**
- 3.4 Waive the Second Reading and Adopt an Ordinance Dealing with Leaf Blowers and Other Noises (William Galstan, Special Council)**
- 3.5 Approval of Revised Resolution Related to Acceptance of Offers of Dedication along Grapevine Lane, Subdivisions 8760, 7662, 8734 and Parcel Map 32 PM 48, between Rose Avenue and O'Hara Avenue (Kevin Rohani, Public Works Director/City Engineer)**
- 3.6 Approval of Subdivision Improvement Agreement with Shea Homes for Public Improvements (Parcel A and Parcel B – Catamaran Park) within Subdivision 8955, Summer Lake, Phase 2 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.7 Adopt a Resolution Approving a Land and Water Conservation Fund Grant Application for Nunn-Wilson Family Park Development Project (Kevin Rohani, Public Works Director/City Engineer)**
- 3.8 Adopt a Resolution Amending Section 2.9.008(a) of the Oakley Municipal Code Regarding the City's Conflict of Interest Code (Libby Vreonis, City Clerk)**
- 3.9 Adopt a Resolution Approving the Lease Agreement between the City and Byrnes Enterprise, LLC, doing business as Mr. Pickles Sandwich Shop, at the property located at 3080 Main Street in Oakley (Bryan Montgomery, City Manager)**

4.0 PUBLIC HEARINGS

Oakley City Council

4.1 State Mandated 2015-2023 Housing Element Update (General Plan Amendment GPA 01-13 (Josh McMurray, Senior Planner))

Staff recommendation:

- Open the Public Hearing
- Receive the Staff Report
- Receive Public Testimony
- Close the Public Hearing
- Deliberate
- Summarize the Deliberation
- Specify to Staff any amendments to the Resolution during Motion
- Adopt the Resolution

5.0 REGULAR CALENDAR

Oakley City Council

5.1 Downtown Main Street “Visioning” Project-Capital Improvement Project Number 162 (Kevin Rohani, Public Works Director/City Engineer)

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

6.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Comments

(b) Requests for Future Agendas

7.0 WORK SESSIONS-None

8.0 CLOSED SESSIONS-None

9.0 ADJOURN

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency/Public Financing Authority
January 13, 2015**

1.0 SPECIAL ORDER OF THE DAY

1.1 Administration of Oath of Office to Newly Appointed Councilmember, Vanessa Perry

City Clerk Libby Vreonis administered the Oath of Office to Vanessa Perry.

2.0 PRESENTATIONS TO COUNCILMEMBER BURGIS

2.1 City Council and Staff Presentations to Councilmember Burgis

Each member of the City Council presented Diane Burgis a parting gift – a proclamation, her formal City Council picture, flowers, a tote bag, knitting supplies and candy for her children.

2.2 Certificate of Recognition for Councilmember Burgis

Supervisor Mary Nejedly-Piepho presented a certificate of recognition to Diane Burgis.

2.3 Certificate of Recognition for Councilmember

Jennifer Barton, representing Assemblymember Jim Frazier, presented a certificate of recognition to Diane Burgis.

2.4 Certificate of Recognition for Councilmember Burgis

Colleen Isenberg, representing Congressman Jerry McNerney, presented a certificate of recognition to Diane Burgis.

2.5 Comments by Outgoing Councilmember Burgis

Diane Burgis thanked the City Council, staff and the community for their support.

3.0 OPENING MATTERS

3.1 Call to Order and Roll Call of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency and Public Financing Authority

Mayor Hardcastle called the meeting to order at 6:30 in the Oakley City Council Chambers located at 3231 Main Street in Oakley. Doug Hardcastle, Sue Higgins, Vanessa Perry, Randy Pope and Kevin Romick were present.

3.2 Pledge of Allegiance to the Flag

Mayor Hardcastle led the Pledge of Allegiance to the Flag.

3.3 Proclamation Honoring Eagle Scout George C. Loosli

Mayor Hardcastle presented a proclamation to Eagle Scout George C. Loosli.

3.4 Proclamation Honoring Eagle Scout Andrew J. Oort

Mayor Hardcastle presented a proclamation to Eagle Scout Andrew J. Oort.

3.5 City Council Acknowledgment of Citizen Leadership Academy Graduates

The City Council, Supervisor Mary Nejedly-Piepho, Jennifer Barton (representing Assemblymember Jim Frazier) and Colleen Isenberg (representing Congressman Jerry McNerney) recognized the 2014 Citizen Leadership Academy Graduates.

4.0 PUBLIC COMMENTS

Online Comment Forms

One online comment form was received for Public Comments. Mayor Hardcastle announced the comment had been addressed by staff prior to the meeting.

Public Comment Cards

Amanda Betorina, tenant of 3330 Main Street, Oakley, California, commented that her business, Everyday Estate Treasures, has changed from offering infant items to offering many types of items for sale.

Debbie Perry and Madeeha Kabriya submitted comment cards and were called upon twice by Mayor Hardcastle to speak, but were not present.

Carillon Ruotolo requested the City Council review the lease between the City and Amanda Betorina as a future agenda item as she believes Ms. Betorina is in breach of the lease as she has not paid judgments which could result in liens being filed upon her. She also commented that Ms. Betorina has openly expressed her intent to file bankruptcy and that Ms. Betorina is making negative comments on social media to other members of the community.

Lynne Hosmer also requested the City Council review the lease between the City and Amanda Betorina as a future agenda item as she is owed a judgment by Ms. Betorina and believes that violates her lease terms. She commented that Ms. Betorina threatens anyone commenting negatively about the way her business is conducted.

Michelle Rizzo submitted a comment card. She did not wish to speak, but requested her comment be read into the record. She stated that she was illegally evicted from her business at 3330 Main Street, personal items were stolen, no police report was taken and she believes that the offices above the business are being leased illegally.

Norma Rizzo Skaggs submitted a comment card. She did not wish to speak, but requested her comment be read into the record. She provided that Ms. Betorina is violating her lease at 3330 Main Street by renting offices above her business.

5.0 CONSENT CALENDAR

Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Public Financing Authority

- 5.1 Approve the Minutes of the Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Public Financing Authority Meeting of December 9, 2014 (Libby Vreonis, City Clerk)**

Oakley City Council

- 5.2 Waive the Second Reading and Adopt the Ordinance Establishing a Special Tax for Police Protection Subject to Voter Confirmation (Kevin Rohani, Public Works Director/City Engineer)**
- 5.3 Waive the First Reading and Introduce an Ordinance Dealing with Leaf Blowers and Other Noises (William Galstan, Special Council)**
- 5.4 Adopt a Resolution to Name the Park Area Located at 215 2nd Street as "Dewey Park" (Kevin Rohani, Public Works Director/City Engineer)**
- 5.5 Approval of the City of Oakley's Contra Costa Transportation Authority (CCTA) Growth Management Program Compliance Checklist for Allocation of Fiscal Year 2013/2014 and 2014/2015 Local Street Maintenance and Improvement Funds (Kevin Rohani, Public Works Director/City Engineer)**
- 5.6 Adopt a Resolution Accepting the Comprehensive Annual Financial Report (CAFR), Management Letter, and Report on Agreed Upon Procedures for Fiscal Year 2013-2014 (Paul Abelson, Finance Director)**
- 5.7 Adopt a Resolution Naming Parcel A of Subdivision 8955, Phase II "Catamaran Park" (Kevin Rohani, Public Works Director/City Engineer)**

Items 5.2 and 5.3 were pulled from the Consent Calendar by Mayor Hardcastle.

It was moved by Councilmember Pope and seconded by Vice Mayor Romick to approve the balance of the Consent Calendar. Motion was unanimous and so ordered. (5-0)

Item 5.2

Mayor Hardcastle announced Item 5.2 would be continued to the next meeting to be held January 27, 2015.

Item 5.3

Mayor Hardcastle requested staff revise the ordinance to prohibit operation of a lawn mower, leaf blower or other machinery before 8:00 a.m.

It was moved by Vice Mayor Romick and seconded by Councilmember Pope to waive the first reading and introduce the ordinance as amended. Motion was unanimous and so ordered. (5-0)

Online Comment Forms

No online comment forms were received for the Consent Calendar.

Public Comment Cards

No public comment cards were submitted for the Consent Calendar.

6.0 PUBLIC HEARING

Oakley City Council

6.1 Approve the formation of City of Oakley Community Facilities District 2015-1 (Emerson Ranch Maintenance) ("CFD"), hold a Public Hearing and Special Landowner Election, Declare the Results of the Election and Introduce an Ordinance to Levy a Special Tax for the CFD (Kevin Rohani, Public Works Director/City Engineer)

Public Works Director/City Engineer Kevin Rohani presented the staff report.

It was moved by Vice Mayor Romick and seconded by Councilmember Pope to approve the resolution for the Community Facilities District 2015-1 (Emerson Ranch Maintenance) formation. Motion was unanimous and so ordered. (5-0)

The public hearing and special landowner election were held. One ballot was submitted by the landowner, Brookfield Homes, in favor of the Community Facilities District 2015-1 (Emerson Ranch Maintenance) formation.

It was moved by Councilmember Pope and seconded by Councilmember Perry to declare the results of the election. Motion was unanimous and so ordered. (5-0)

It was moved by Councilmember Pope and seconded by Councilmember Perry to waive the first reading and introduce the ordinance to levy a special tax for Community Facilities District 2015-1 (Emerson Ranch Maintenance). Motion was unanimous and so ordered. (5-0)

Online Comment Forms

No online comment forms were received for the Public Hearing.

Public Comment Cards

No comment cards were submitted for the Public Hearing.

7.0 REGULAR CALENDAR

Oakley City Council

7.1 Resolution Consenting to the Assignment of the Lease Agreement between the City and Republic of Cake, LLC to Byrnes Enterprise, LLC, doing business as Mr. Pickles Sandwich Shop, for the Property Located at 3080 Main Street in Oakley (Bryan Montgomery, City Manager)

City Manager Bryan Montgomery presented the staff report.

Vice Mayor Romick expressed his preference to fill the tenant space quickly to continue the vibrancy and success of Downtown Oakley; therefore, he supports the Assignment.

Councilmember Pope inquired what would happen to the existing tenant improvements.

Mr. Montgomery responded that all affixed tenant improvements would remain and that the new tenant may purchase some of the non-affixed tenant improvements from the current tenant and other non-affixed tenant improvements may go with the current tenant.

Mayor Hardcastle inquired if the City Council approves a five-year lease and the new tenant is not successful, if the City Council would have the opportunity to review the lease again before the location is leased again.

Mr. Montgomery confirmed the City Council would have the opportunity to review the lease again under the potential circumstance expressed by Mayor Hardcastle.

It was moved by Councilmember Pope and seconded by Councilmember Perry to approve the Assignment of the Lease Agreement. Motion was unanimous and so ordered. (5-0)

7.2 Adopt a Resolution Approving City Council Appointments to Commissions, Boards and Committees (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis presented the staff report.

Mayor Hardcastle provided a proposed list of appointments for the City Council's discussion.

Councilmember Pope requested clarification regarding the difference between the TRANSPLAN appointee by the City Council and the TRANSPLAN appointee by the Planning Commission (whom is a member of the City Council since the City Council currently acts as the Planning Commission) and inquired if there is merit to switch the TRANSPLAN appointees at this time or hold until later.

Vice Mayor Romick explained that there are two appointees to TRANSPLAN from the City of Oakley; one is the appointee for the City Council and the other is the appointee for the Planning Commission. He mentioned that the Planning Commission appointee may not be afforded all of the rights that the City Council appointee is afforded for CCTA purposes. He stated approval of Mayor Hardcastle's proposed list with one caveat: if the City is ever in danger of losing its position on the CCTA because Vice Mayor Romick (who currently sits as the CCTA representative) could be viewed as not being a full representative (because he will become the Planning Commission representative under Mayor Hardcastle's proposed list), he requested the City Council review the appointment list again for re-consideration of this particular appointment.

Councilmember Higgins inquired if the potential situation could be solved by appointing a City Council representative as an alternate.

Vice Mayor Romick responded that it would not make a difference.

Online Comment Forms

No online comment forms were received for the Regular Calendar.

Public Comment Cards

No public comment cards were submitted for the Regular Calendar.

It was moved by Councilmember Pope and seconded by Vice Mayor Romick to approve Mayor Hardcastle's proposed list of appointments. Motion was unanimous and so ordered. (5-0)

8.0 REPORTS

8.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery thanked the graduates of the Citizen Leadership Academy and Nancy Marquez-Suarez for leading the program. He also thanked employee Andrew Rodriguez for his years of service to the City of Oakley and wished him well in his next endeavor.

(b) Economic Development Program Update (Dwayne Dalman, Economic Development Manager)

Economic Development Manager Dwayne Dalman provided the Economic Development Program Update including the Program's main goals: to be a competitive location for a new business and new investment, to create a comprehensive marketing program, to provide tools and resources to allow existing businesses to grow and succeed, to facilitate new business opportunities and new investment in the community, and to improve the look and feel of the City while maintaining its small town character.

Mayor Hardcastle inquired of the status of the future child care center and future work wear business on Neroly Road.

City Manager Bryan Montgomery commented the work wear business is estimated to commence construction this summer and while the child care center is behind in its construction, the City should see construction during the same time frame.

8.2 OAKLEY CITY COUNCIL/OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY

(a) Reports from Council Liaisons to Regional Committees, Commissions and Boards AND Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Comments

Councilmember Pope announced information regarding the Fire Protection Assessment District: the engineer's report will be considered by the East Contra Costa Fire Protection District Board in February; if approved, ballots will be sent to voters in March, and a public meeting will be held April 27 to open the ballots and tabulate the results.

Vice Mayor Romick congratulated Councilmember Perry on her appointment to the City Council and welcomed her.

Councilmember Perry thanked the City Council for the opportunity to serve the City of Oakley and thanked everyone who voted for her during the 2014 election.

Mayor Hardcastle congratulated Councilmember Perry as well.

(b) Requests for Future Agendas

There were no requests for future agendas.

9.0 WORK SESSIONS-None

10.0 CLOSED SESSIONS-None

11.0 ADJOURN

There being no further business, the meeting was adjourned at 8:04 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk



Agenda Date: 01/27/2015

Agenda Item: 3.2

STAFF REPORT

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Date: Tuesday, January 27, 2015
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, Public Works Director/City Engineer
SUBJECT: Ratify Election: Approval of Ordinance No. 01-15, Establishing Zone 153 for a Special Tax for Police Protection for Subdivision 9032, Emerson Ranch, located north of E. Cypress and west of Sellers Ave

Background and Analysis

On September 14, 2010, the City Council approved Resolution 107-10 to subdivide the Emerson Ranch property into 567 single family parcels and one 22.88 acre commercial parcel through Vesting Tentative Map 9032. In 2013, Resolution 35-13 approved an amendment to the Emerson Ranch Final Development Plan to make minor modifications to the internal street circulation, park configuration, and lot sizes.

The Emerson Ranch property is located on the northwest corner of East Cypress Road and Sellers Avenue. Conditions of approval for the project require the applicant to augment police services. Currently, the City has a Police Services Special Tax (P-6) to facilitate augmentation of police services. The developer has requested that their development be annexed into the P-6 Special Taxing District. This is the last step to annex the Emerson Ranch Development into the P-6 Special Taxing District.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicants have funded all costs associated with the creation of Zone 153. The FY2014-15 special tax rate per single family parcel is \$964.42. Therefore, successful creation of the zone could provide up to \$548,630 in revenue annually when all of the units are occupied. The taxes will be collected on the property tax rolls commencing in Fiscal 2015-2016.

Recommended Action

Conditions of approval for subdivision 9032 require the property owners to augment police services. On December 9, 2014, the City Council waived the first reading and introduced an ordinance, subject to voter confirmation, calling for an election to be held on January 13, 2015. One (1) ballot was issued and returned before the deadline of 6:30 p.m. on January 13, 2015.

Conclusion

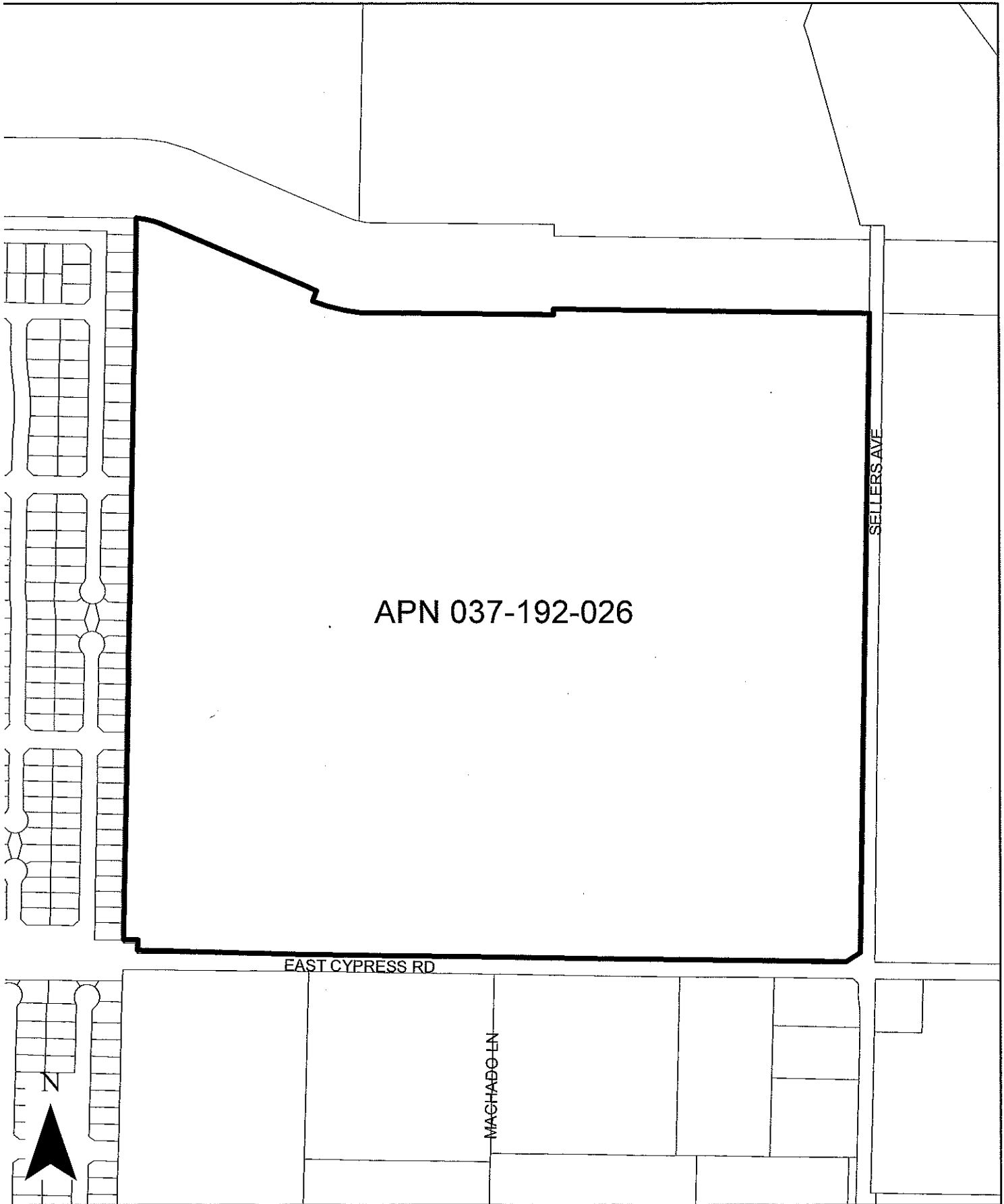
Staff recommends that the City Council ratify the election wherein Ordinance No. 01-15 was approved by appropriate property owners establishing a special police tax for police protection.

Attachments

- Attachment 1: Diagram
- Attachment 2: One (1) ballot
- Attachment 3: Ordinance

EXHIBIT A
SPECIAL POLICE TAX AREA ZONE 153
CITY OF OAKLEY
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

Attachment 1



**CITY OF OAKLEY
Community Facilities District No. 2015-1
(Emerson Ranch Maintenance)**

**OFFICIAL BALLOT
SPECIAL TAX ELECTION**

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Oakley no later than the hour of 6:30 p.m. on Tuesday, January 13, 2015, either by mail or in person. The City Clerk's office is located at 3231 Main Street, Oakley, California.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Oakley and obtain another.

BALLOT MEASURE: Shall the City of Oakley be authorized to annually levy a special tax solely on lands within the City of Oakley Community Facilities District No. 2015-1 (Emerson Ranch Maintenance) (the "CFD") in accordance with the rate and method contained in the Resolution of Formation of the CFD adopted by the City Council of the City on January 13, 2015, commencing in the City's fiscal year 2015-16, to pay for the municipal services for the CFD and to pay the costs of the City in administering the CFD, and shall the annual appropriations limit of the CFD be established in the amount of \$10,000,000?

YES: X
NO:

By execution in the space provided below, you also confirm your written waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure.

Number of acres: 140.25

Number of Votes: 141

Property Owner: Brookfield Emerson Land
LLC, a Delaware limited liability company



Authorized Representative

CITY OF OAKLEY

ORDINANCE NO. 01-15

**AN ORDINANCE OF THE CITY OF OAKLEY
ESTABLISHING ZONE 153 FOR A SPECIAL TAX FOR
POLICE PROTECTION FOR SUBDIVISION 9032**

The Voters of the City of Oakley do ordain as follows:

Section 1. Purpose. Intent and Authority.

It is the purpose and intent of this Ordinance to authorize the levy of a tax on parcels of real property on the secured property tax roll of Contra Costa County that are within Zone 153 (Subdivisions 9032) of the Oakley Special Police Tax Area in order to provide funding for police protection to serve the property and persons within said Zone.

This Tax is a special tax within the meaning of Section 4 of the Article XIII A of the California Constitution. Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is levied on a parcel and use of property basis. Insofar as not inconsistent with this Ordinance or with legislation authorizing special taxes and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes are intended to apply to the collection and administration of this tax (Section 4 of this Ordinance), as authorized by law.

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, for paying the salaries and benefits of police protection personnel, and for such other police protection service expenses as are deemed necessary for the benefit of the residents of Zone 153.

This Ordinance is enacted pursuant to the authority of Government Code Section 53978.

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price as the base amount in first fiscal year dollars as measured by the actual cost of services for the City of Oakley's cost of obtaining police services, measured currently using its contract with the Contra Costa County Sheriff's Department. The base amount shall be

the amount of tax per parcel as specified in Section 3.A herein. The adjustments from actual to constant dollars shall be made by use of the actual cost of services, as specified in Section 3.B herein.

B. "Actual Cost of Services" means the estimated fully-loaded average cost for the positions of police officer, Sergeant and Lieutenant [or comparable positions while the City contracts for police services with Contra Costa County] as provided to the City by the Contra Costa County Sheriff's Department during or about March of each calendar year.

C. "Fiscal year" means the period of July 1 through the following June 30.

D. "Oakley Special Police Tax Area" includes all properties within the jurisdictional limits of the City of Oakley.

E. Oakley Special Police Tax Area Zone 153 (hereinafter called "Zone") means that portion of the incorporated area of the City of Oakley located within the boundaries as shown on the map Exhibit A hereto.

F. "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Contra Costa County. For the purposes of this Ordinance, parcel does not include any land or improvements outside and boundaries of Zone 153 nor any land or improvements owned by any governmental entity.

G. Pursuant to Government Code §53978, "voter" means a person owning real property within the Zone at the time this Ordinance was adopted, as shown on the last equalized assessment role prepared by the Contra Costa County Assessor's Office.

Section 3. Amount and Level of Taxes.

The tax per year on each parcel in the Zone shall not exceed the amount applicable to the parcel, as specified below.

A. For First Fiscal Year:

The tax per year for the first fiscal year (July 1, 2014 through June 30, 2015) shall be the amount of Tax Per Parcel for a Property Use Code Category as set forth on Exhibit B hereto. If any new development, including new residential units, is completed prior to the tax being effective for the first fiscal year, the owner of the Parcel, as shown on the latest assessment roll, shall pay the tax for the remainder of such fiscal year on a pro-rated basis to the City, no later than receipt of Certificate of Occupancy or final building permit inspection.

B. For Subsequent Fiscal Year:

In order to keep the tax on each parcel in constant first year dollars for each fiscal year subsequent to the first fiscal year, the tax per year shall be adjusted as set forth below to reflect any increase in the Actual Cost of Services beyond the first fiscal year the tax is levied.

In June or July of each year, City Council shall determine the amount of taxes to be levied upon the parcels in the Zone for the then current fiscal year as set forth below.

For each Property Use Category on Exhibit B, the tax per year on each parcel for each fiscal year subsequent to the first fiscal year shall be an amount determined as follows:

$$\begin{array}{l} \text{Tax Per Parcel} \\ \text{For then Current} \\ \text{Fiscal Year} \end{array} = \begin{array}{l} \text{Tax Per Parcel} \\ \text{For First} \\ \text{Fiscal Year} \end{array} \times \begin{array}{l} \text{(Actual Cost of Services} \\ \text{for immediately} \\ \text{Preceding Fiscal Year)} \\ \text{(Actual Cost of Services} \\ \text{for First Fiscal Year} \\ \text{of Levy)} \end{array}$$

Provided, however, that in no event shall the tax per parcel for any fiscal year be less than the amount established for the first fiscal year.

C. The taxes levied on each parcel pursuant to this Article shall be a charge upon the parcel and shall be due and collectible as set forth in Section 4, below.

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

The amount of taxes for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property tax lien until fully paid.

B. Collection.

The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and are to be collected in the same manner in which the County of Contra Costa collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with this Ordinance, the times and procedure regarding exceptions, due dates, installment payments, corrections, cancellations, refunds, late payments, penalties, liens, and collections for secured roll ad valorem property taxes shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax:

- i) The secured roll tax bills shall be the only notices required for this tax, and

- ii) The homeowners and veterans exemptions shall not be applicable because such exemptions are determined by dollar amount of value.

C. Costs of Administration by County.

The reasonable costs incurred by the County officers collecting and administering this tax shall be deducted from the collected taxes.

Section 5. Severability Clause.

If any article, section, subsection, sentence, phrase of clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The voters of the Zone hereby declare that they would have adopted the remainder of this Ordinance, including each article, section, subsection, sentenced phrase or clause, irrespective of the invalidity of any other article, section, subsection, sentence, phrase or clause.

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within the Zone in an election to be held on January 13, 2015 so that taxes shall first be collected hereunder for the tax year beginning July 1, 2015. If not confirmed by two-thirds of the voters participating in the election, this Ordinance and the tax approved herein shall not become effective.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on January 13, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date



STAFF REPORT

Date: Tuesday, January 27, 2015
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, Public Works Director/City Engineer
SUBJECT: Approve second reading of Ordinance No. 03-15 levying a special tax for Fiscal Year 2015-16 and ensuing fiscal years solely within and relating to the City of Oakley Community Facilities District No. 2015-1 at the Emerson Ranch Subdivision, located north of E. Cypress Rd and west of Sellers Ave

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Analysis

On September 14, 2010, the City Council approved Resolution 107-10 to subdivide the Emerson Ranch property into 567 single family parcels and one 22.88 acre commercial parcel through Vesting Tentative Map 9032. In 2013, Resolution 35-13 approved an amendment to the Emerson Ranch Final Development Plan to make minor modifications to the internal street circulation, park configuration, and lot sizes.

The Emerson Ranch property is located on the northwest corner of East Cypress Road and Sellers Avenue. Emerson Ranch, when completed, will include a new 5 acre public park, street lighting, a stormwater detention basin, trails, and roadside and median landscaping. This development will require a financing mechanism to fund the annual costs of operating and maintaining these facilities as well as community parks and the regional parks.

On December 9, 2014 by Resolution 127-14, (the "Resolution of Intention"), the City Council declared its intention to establish the CFD to provide funding for administration of the CFD and the operation and maintenance of neighborhood parks and street lighting, community parks, neighborhood landscaping, regional parks and stormwater facilities.

A complete list of authorized services (the "Authorized Services") was approved in the Resolution of Intention.

On January 13, 2015 by City Resolution Nos. 05-15, and 06-15, the Oakley City Council passed resolutions establishing the City of Oakley Community Facilities District No. 2015- 1, providing for the levy of a special tax therein. In addition, City Council approved Resolution No. 07-15 determining the results of the special election for CFD No. 2015- 1. City Council also introduced an Ordinance Levying a Special Tax for Fiscal Year 2015-16 and following fiscal years solely within and relating to CFD No. 2015- 1.

A Notice of Special Tax lien was recorded on January 14, 2015, Document Number 2015-0006788-00, that includes the one existing parcel known as the Emerson Ranch project.

Final publication of the ordinance would then take place within 15 days of adoption of the Ordinance, completing the formation of CFD No. 2015-1.

Fiscal Impact

Development of the Emerson Ranch project will require a funding mechanism to maintain neighborhood parks, community parks, regional parks, street lighting, landscaping, and stormwater detention facilities. CFD No. 2015-1 is a financing mechanism that will authorize an annual Special Tax to be levied to pay for these services.

Recommended Action

Staff recommends City Council approve the second reading of Ordinance No. 03-15 levying a Special Tax for Fiscal Year 2015-16 and ensuing fiscal years solely within and relating to the City of Oakley Community Facilities District (CFD) No. 2015-1 (Emerson Ranch Maintenance).

Attachments

Attachment 1: Ordinance No. 03-15 Levying Special Taxes

ORDINANCE NO. 03-15

**AN ORDINANCE OF THE CITY OF OAKLEY LEVYING SPECIAL TAX WITHIN
COMMUNITY FACILITIES DISTRICT**

**CITY OF OAKLEY
Community Facilities District No. 2015-1
(Emerson Ranch Maintenance)**

SECTION 1. FINDINGS

A. On December 9, 2014, this Council adopted a resolution entitled "Resolution of Intention to Establish Community Facilities District" (the "Resolution of Intention"), and has conducted proceedings (the "Proceedings") to establish "City of Oakley Community Facilities District No. 2015-1 (Emerson Ranch Maintenance)" (the "CFD") pursuant to the Mello-Roos Community Facilities Act, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act") to finance certain municipal services (the "Services") as provided in the Act;

B. Pursuant to notice as specified in the Act, and as part of the Proceedings, the Council has held a public hearing under the Act relative to the determination to proceed with the formation of the CFD and the rate and method of apportionment of the special tax ("Special Tax") to be levied within the CFD to finance the Services, and at such hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the levy of the Special Tax were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held;

C. Upon the conclusion of the hearing, this Council adopted its "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), pursuant to which it completed the Proceedings for the establishment of the CFD, the authorization of the levy of the Special Tax within the CFD and the calling of an election within the CFD on the propositions of levying the Special Tax and establishing an appropriations limit within the CFD, respectively; and

D. On January 13, 2015, a special election was held among the landowner voters within the CFD at which such voters approved such propositions by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this Council.

SECTION 2. By the passage of this Ordinance, the Council hereby authorizes and levies the Special Tax within the CFD pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of Special Tax set forth in the Resolution of Formation which rate and method is by this reference incorporated herein. The Special Tax is hereby levied commencing in fiscal year 2015-16 and in each fiscal year thereafter to pay for the Services for the CFD, as contemplated by the Resolution of Formation and the Proceedings and all costs of administering the CFD.

SECTION 3. The City's Finance Manager or designee, or an employee or consultant of the City, is hereby authorized and directed each fiscal year to determine the specific Special Tax to be levied for the next ensuing fiscal year for each parcel of real property within the CFD, in the manner and as provided in the Resolution of Formation.

SECTION 4. Exemptions from the levy of the Special Tax shall be as provided in the Resolution of Formation and the applicable provisions of the Act. In no event shall the Special Tax be levied on any parcel within the CFD in excess of the maximum Special Tax specified in the Resolution of Formation.

SECTION 5. All of the collections of the Special Tax shall be used as provided in the Act and in the Resolution of Formation, including, but not limited to, the payment of costs of the Services, the payment of the costs of the City in administering the CFD, and the costs of collecting and administering the Special Tax.

SECTION 6. The Special Tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that the Council may provide for other appropriate methods of collection by resolution(s) of the Council. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent Special Tax payments. The Finance Manager of the City is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Contra Costa in order to effect proper billing and collection of the Special Tax, so that the Special Tax shall be included on the secured property tax roll of the County of Contra Costa for fiscal year 2015-16 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City.

SECTION 7. If for any reason any portion of this ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this ordinance and the application of the Special Tax to the remaining parcels within the CFD shall not be affected.

SECTION 8. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published immediately after its passage at least once in a newspaper of general circulation circulated in the City.

SECTION 9. This Ordinance shall take effect 30 days from the date of final passage.

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oakley held on the 13th day of January, 2015, by Councilmember _____ who moved its adoption and passage, which motion being duly seconded by Councilmember _____ was upon voice vote carried and ordered posted by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING
SECTIONS 4.2.208(c) and 6.2.102(c)(4) OF THE OAKLEY MUNICIPAL CODE,
DEALING WITH UNREASONABLE NOISES AND ENCROACHMENTS**

The City Council of the City of Oakley does ordain as follows:

Section 1. Section 4.2.208(c) of the Oakley Municipal Code is hereby amended to read as follows:

(c) Operate a lawn mower or leaf blower between sunset and 8:00 a.m., or operate other machinery between the hours of 10:00 p.m. and 8:00 a.m. in a manner causing excessive noise to nearby residents.

Section 2. Section 6.2.102(c)(4) is hereby amended to read as follows:

(c)(4) Placing or leaving on the right-of-way any rubbish, brush, leaves, earth or any material;

Section 3. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 4. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 5. Effective Date and Publication.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2015 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date



STAFF REPORT

Date: Tuesday, January 27, 2015

To: Bryan Montgomery, City Manager

From: Kevin Rohani, Public Works Director/City Engineer

Subject: Revisions to City Council Resolution 95-14 related to the Acceptance of Grapevine Lane Offers of Dedication Associated with Subdivisions 8760, 7662, 8734 and Parcel Map 32 PM 48 between Rose Avenue and O'Hara Avenue

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Analysis

On October 28th, 2014 the City Council adopted Resolution 95-14 for the purpose of accepting several offers of dedication of right of way for Grapevine Lane. Accepting these offers will allow Discovery Builders, Inc., Albert D. Seenoo Construction Co. and West Coast Builders, Inc. (collectively the Developer) to relocate the United States Bureau of Reclamation (USBR) Irrigation Lateral into the Grapevine Lane right of way.

After the City Council adopted Resolution 95-14, the Developer provided their title company a copy of Resolution 95-14 in order to have a title insurance policy prepared, as required by USBR. After reviewing Resolution 95-14 and other documentation, the title company requested having some revisions made and the revised resolution being adopted by the City Council again.

The revisions that were requested provide some additional clarification and more specific descriptions of some of the documents described in Resolution 95-14. The title officer stated to the Developer that these revisions would be necessary for them to be able to issue the title insurance policy.

Although the revisions are fairly technical in nature, they are minor and have no impact to the City.

Fiscal Impact

Approval of the resolution will have no fiscal impact, as the Developer is responsible for preparation of all documents, construction of the relocated irrigation lateral and all other costs related to their project.

Staff Recommendation

Staff recommends that the City Council adopt the revised resolution approving the acceptance of the offers of dedication.

Attachments

- 1) Marked up Resolution 95-14
- 2) Revised Resolution

RESOLUTION NO. 95-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
ACCEPTING THE GRAPEVINE LANE OFFERS OF DEDICATION
ASSOCIATED WITH SUBDIVISIONS 8760, 7662, 8734 AND
PARCEL MAP 32 PM 48

WHEREAS, on January 9, 2006 the City of Oakley adopted Resolution 03-06 approving the final map for Subdivision 7662 and said map made certain offers of dedication of right of way including the future Grapevine Lane; and

WHEREAS, on January 9, 2006 the City of Oakley adopted Resolution 05-06 approving the final map for Subdivision 8760 and said map made certain offers of dedication of right of way including the future Grapevine Lane; and

WHEREAS, on May 14, 2007 the City of Oakley adopted Resolution 59-07 approving the final map for Subdivision 8734 and said map made certain offers of dedication of right of way including the future Grapevine Lane; and

WHEREAS, on March 27, 1974 Parcel Map 32 PM 48 ^{SHOWS} was recorded in the office of the Contra Costa County Recorder and said map made certain offers of dedication of right of way including the future Grapevine Lane; and AS DESCRIBED IN THE OFFER OF DEDICATION RECORDED MAY 6, 1974, BOOK 7220, PAGE 637, OFFICIAL RECORDS; AND

WHEREAS, on October 14, 2008 a Relocation Agreement was executed between the United States Bureau of Reclamation, the Contra Costa Water District, the City of Oakley, and Discovery Builders, Inc., Albert D. Seeno Construction Co., and West Coast Builders, Inc. (collectively the Developer) which allowed for the Developer to relocate certain irrigation laterals that ran through easements on several lots contained within the Developer's Subdivision 7881; and

WHEREAS, the Relocation agreement requires, among other items, the Developer to dedicate right of way to the City and for the City to accept the right of way in the Developer's Subdivisions 7662, 8760 & 8734 as well as that which was dedicated by Parcel Map 32 PM 48; and

WHEREAS, the Developer desires to relocate said irrigation laterals into the future Grape Vine Lane in accordance with the Relocation Agreement and has requested that the City accept the offers of dedication to allow the Developer to proceed with the relocation; and

WHEREAS, Staff determined that the offer of dedication associated with Parcel Map 32 PM 48 was rejected and terminated by the recordation of the final map for Subdivision 8734; and that pursuant to Section 66477.2(a) of the Subdivision Map Act the City Council may rescind its action and accept the offer of dedication by resolution; and

(7220 or 637) AS TO LANDS WITHIN SUBDIVISION 8734

Resolution No. 95-14

Page 1 of 2

WHEREAS, STAFF DETERMINED THAT THE OFFER OF DEDICATION ASSOCIATED WITH PARCEL MAP 32 PM 48 (7220 or 637) LYING OUTSIDE OF SUBDIVISION 8734 HAS NOT YET BEEN ACCEPTED. and a revised Grapevine Lane alignment was dedicated

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the ~~Rejection and Termination of the Offer of Dedication by Parcel Map 32 PM 48 is hereby rescinded and that the Offers of Dedication of Right of Way described above are hereby accepted by the City.~~

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the ~~28th of October, 2014~~ by the following vote: 5-0

AYES: Burgis, Hardcastle, Pope, Rios, Romick

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:



Libby Vreonis, City Clerk

APPROVED:



Sandy Pope, Mayor



Date

RESOLUTION NO. __-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
ACCEPTING THE GRAPEVINE LANE OFFERS OF DEDICATION
ASSOCIATED WITH SUBDIVISIONS 8760, 7662, 8734 AND
PARCEL MAP 32 PM 48**

WHEREAS, on January 9, 2006 the City of Oakley adopted Resolution 03-06 approving the final map for Subdivision 7662 and said map made certain offers of dedication of right of way including the future Grapevine Lane; and

WHEREAS, on January 9, 2006 the City of Oakley adopted Resolution 05-06 approving the final map for Subdivision 8760 and said map made certain offers of dedication of right of way including the future Grapevine Lane; and

WHEREAS, on May 14, 2007 the City of Oakley adopted Resolution 59-07 approving the final map for Subdivision 8734 and said map made certain offers of dedication of right of way including the future Grapevine Lane; and

WHEREAS, on March 27, 1974 Parcel Map 32 PM 48 was recorded in the office of the Contra Costa County Recorder and said map shows certain offers of dedication of right of way including the future Grapevine Lane as described in the offer of dedication recorded May 6, 1974, Book 7220, Page 637, Official Records (7220 OR 637); and

WHEREAS, on October 14, 2008 a Relocation Agreement was executed between the United States Bureau of Reclamation, the Contra Costa Water District, the City of Oakley, and Discovery Builders, Inc., Albert D. Seeno Construction Co., and West Coast Builders, Inc. (collectively the Developer) which allowed for the Developer to relocate certain irrigation laterals that ran through easements on several lots contained within the Developer's Subdivision 7681; and

WHEREAS, the Relocation agreement requires, among other items, the Developer to dedicate right of way to the City and for the City to accept the right of way in the Developer's Subdivisions 7662, 8760 & 8734 as well as that which was dedicated by Offer of Dedication 7220 OR 637 as shown on Parcel Map 32 PM 48; and

WHEREAS, the Developer desires to relocate said irrigation laterals into the future Grapevine Lane in accordance with the Relocation Agreement and has requested that the City accept the offers of dedication to allow the Developer to proceed with the relocation; and

WHEREAS, Staff determined that the offer of dedication associated with Parcel Map 32 PM 48 (7220 OR 637) as to lands within Subdivision 8734 was

rejected and terminated and a revised Grapevine Lane alignment was dedicated by the recordation of the final map for Subdivision 8734; and

WHEREAS, Staff determined that the offer of dedication associated with Parcel Map 32 PM 48 (7220 OR 32) lying outside of Subdivision 8734 has not yet been accepted.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Offers of Dedication of Right of Way described above are hereby accepted by the City.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 27th of January, 2015 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:

Doug Hardcastle, Mayor

Libby Vreonis, City Clerk

Date



STAFF REPORT

Date: Tuesday, January 27, 2015
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, Public Works Director/City Engineer

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

SUBJECT: Subdivision Improvement Agreement with Shea Homes for Public Improvements (Parcels A and Parcel B – Catamaran Park) within Subdivision 8955, Summer Lake, Phase 2

Background and Analysis

Shea Homes is required to develop certain public improvements to the approved Subdivision 8955, Summer Lake, Phase 2, which includes public parks and landscape. The attached Subdivision Improvement Agreement (SIA) outlines the reasonable conditions and responsibilities of the Developer.

Shea Homes is responsible for the full cost of the Catamaran Park construction. When the park and greenbelt improvements have been completed and are in conformance with the approved plans and agreement, the parcels will be dedicated to the City for public use and accepted for maintenance.

Fiscal Impact

There is no fiscal impact associated with this action.

Recommendation

Staff recommends that the City Council adopt the Resolution approving the Subdivision Improvement Agreement for Catamaran Park within Subdivision 8955, Summer Lake, Phase 2 and authorizing the City Manager to execute the Agreement.

Attachments

- 1) Resolution for Catamaran Park
- 2) Agreement for Catamaran Park

RESOLUTION NO. __-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT WITH SHEA HOMES CORPORATION FOR CATAMARAN PARK WITHIN SUBDIVISION 8955

WHEREAS, the City Council of the City of Oakley, California wishes to enter into a Subdivision Improvement Agreement with Shea Homes Corporation for the development and faithful performance of public improvements for work known as Catamaran Park (Parcel A and Parcel B) within Subdivision 8955, Summer Lake, Phase 2; and

WHEREAS, this agreement will require the developer to complete approximately \$347,845.00 in public improvements and drainage in accordance with the project conditions of approval and City standard construction design; and

WHEREAS, upon satisfactory completion of the work and the plant establishment period, the park and greenbelt will be accepted by the City of Oakley for public maintenance.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Subdivision Improvement Agreement for Catamaran Park within Subdivision 8955 with Shea Homes Corporation is hereby approved in the form attached hereto as Exhibit A and made part of this resolution and that the City Manager is hereby authorized to execute said agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 27th of January, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

ATTEST:

Doug Hardcastle, Mayor

Libby Vreonis, City Clerk

Date

**CITY OF OAKLEY
SUBDIVISION IMPROVEMENT AGREEMENT
CATAMARAN PARK, SUMMER LAKE, PHASE II, SUBDIVISION 8955**

This Agreement is made and entered into this 27th day of January, 2015 by and between the CITY OF OAKLEY, a municipal corporation, hereinafter referred to as "CITY", and Shea Homes, Inc. a Delaware Corporation hereinafter referred to as "DEVELOPER".

RECITALS

WHEREAS, it has been determined by the CITY Council of the CITY of Oakley, State of California, that DEVELOPER desires to improve and dedicate Catamaran Park (Parcel A and Parcel B) of Subdivision 8955, Phase II (hereafter "The Improvements") required by the conditions of approval for Subdivision 7562 as approved by Contra Costa County, attached as Exhibit A, and the City-County Transition Agreement for the project as adopted by the City Council of the City of Oakley via Resolution Number 69-06, attached as Exhibit B, in accordance with the requirements and conditions set forth in approvals, the requirements of the Subdivision Map Act of the State of California, and those certain plans and specifications for said development approved by CITY and titled "Catamaran Park Construction Documents" now on file in the office of the City Engineer, which are hereby referred to for a more definite and distinct description of the work to be performed under this Agreement as though set forth at length herein; and

WHEREAS, DEVELOPER intends to satisfactorily complete The Improvements within the time hereinafter specified, and CITY intends to accept DEVELOPER's offer(s) of dedication of The Improvements in consideration for DEVELOPER's satisfactory performance of the terms and conditions of this Agreement:

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants herein contained, the parties agree as follows:

1. Improvements.

DEVELOPER agrees to install the park and landscaping improvements, signs, lighting, irrigation, benches, and such other improvements (including appurtenant equipment) as required by the conditions of approval for Subdivision 7562, and the subsequent phase Subdivision 8955 governed by the same conditions, as set forth in Exhibits A and B, respectively, to this Agreement, which Exhibits are incorporated herein as if set forth at this point, or as otherwise required in the encroachment ordinance, including without limitation all Improvements. In the event that any provision of this Agreement conflicts with the provisions of the Exhibits, the provisions of the Exhibits shall prevail to the extent that the conflicting provision(s) in the Exhibits requires a greater or more extensive improvement or expenditure, or to the extent that that provision extends DEVELOPER's obligations over a greater period of time than the specific provision set forth herein. Such improvements shall also be made in conformance with the City of Oakley Municipal Code and Contra Costa County Ordinance Code as adopted and enforced by the City of Oakley.

DEVELOPER will commence construction of The Improvements within 30 days following the effective date of this Agreement. DEVELOPER shall complete said work not later than twelve (12) months following said date of commencement in a good workmanlike manner, in accordance with accepted construction practices and in a manner equal or superior to the requirements of the City of Oakley Municipal Code and Contra Costa County Ordinance Code and rulings made thereunder; and where there is a conflict between the improvement plans and the City Municipal Code or County Ordinance Code, the stricter requirements shall govern. It is understood that the City of Oakley was incorporated effective July 1, 1999, and as such continues to rely on certain laws, ordinances and design standards of the County of Contra Costa. References herein to the County Code or County Ordinance Code are understood to refer to such ordinances and codes as if adopted by the City of Oakley.

Time is of the essence in this Agreement. Upon completion, DEVELOPER shall furnish CITY with a complete and reproducible set of final as-built plans of The Improvements, including any authorized modifications.

2. Estimated Cost of Improvements.

The estimated cost of constructing The Improvements required by this agreement as adjusted for inflation is agreed to be \$347,845.00 for Grading and Public Improvements. Said amount includes costs and reasonable expenses and fees which may be incurred in enforcing the obligation secured.

3. Bonds Furnished.

Concurrently with the execution of this Agreement, DEVELOPER shall furnish CITY with the following security in the forms specified in Government Code sections 66499.1 and 66499.2 or in a form satisfactory to the CITY Attorney if different from said Government Code forms:

- a. Faithful Performance. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to one hundred percent (100%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that The Improvements will be satisfactorily completed. A minimum of one percent (1%) of the security shall be a cash deposit.
- b. Labor and Materials. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to fifty percent (50%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that DEVELOPER'S contractors, subcontractors, and other persons furnishing labor, materials, or equipment shall be paid therefor.

CITY shall be the sole indemnitee named on any instrument required by this Agreement. Any instrument or deposit required herein shall conform with the provisions of Chapter 5 of the Subdivision Map Act. DEVELOPER may request that portions or all of the bonds may be substituted by other parties in the event that portions or all of the Project is sold to other parties, and such substitution shall not be unreasonably withheld by CITY.

4. Insurance Required.

Concurrently with the execution hereof, DEVELOPER shall obtain or cause to be obtained and filed with the CITY, all insurance required in Exhibit C, and such insurance shall have been approved by the Finance Director of CITY, or his designee, as to form, amount and carrier. Prior to the commencement of work under this Agreement, DEVELOPER's general contractor shall obtain or cause to be obtained and filed with the Finance Director, all insurance required under this paragraph, and such insurance shall have been approved by the Finance Director of CITY, as to form, amount and carrier. DEVELOPER shall not allow any contractor or subcontractor to commence work on this contract or subcontract until all insurance required for DEVELOPER and DEVELOPER's general contractor shall have been so obtained and approved. Said insurance shall be maintained in full force and effect until the completion of work under this Agreement and the final acceptance thereof by CITY. All requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier.

5. Work Performance and Guarantee.

Except as otherwise expressly provided in this Agreement, and excepting only items of routine maintenance, ordinary wear and tear and unusual abuse or neglect, DEVELOPER guarantees all work executed by DEVELOPER and/or DEVELOPER's agents, and all supplies, materials and devices of whatsoever nature incorporated in, or attached to the work, or otherwise delivered to CITY as a part of the work pursuant to the Agreement, to be free of all defects of workmanship and materials for a period of one (1) year after initial acceptance of the entire work by CITY. DEVELOPER shall repair or replace any or all such work or material, together with all or any other work or materials which may be displaced or damaged in so doing, that may prove defective in workmanship or material within said one-year guarantee period without expense or charge of any nature whatsoever to CITY. DEVELOPER further covenants and agrees that when defects in design, workmanship and materials actually appear during the one-year guarantee period, and have been corrected, the guarantee period shall automatically be extended for an additional year to insure that such defects have actually been corrected.

In the event the DEVELOPER shall fail to comply with the conditions of the foregoing guarantee within thirty (30) days time, after being notified of the defect in writing, CITY shall have the right, but shall not be obligated, to repair or obtain the repair of the defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. Notwithstanding anything herein to the contrary, in the event that any defect in workmanship or material covered by the foregoing guarantee results in a condition which constitutes an immediate hazard to the public health, safety, or welfare, CITY shall have the right to immediately repair, or cause to be repaired, such defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. The foregoing statement relating to hazards to health and safety shall be deemed to include either temporary or permanent repairs which may be required as determined in the sole discretion and judgment of CITY.

If CITY, at its sole option, makes or causes to be made the necessary repairs or replacements or performs the necessary work, DEVELOPER shall pay, in addition to actual costs and expenses of such repair or work, fifty percent (50%) of such costs and expenses for

overhead and interest at the maximum rate of interest permitted by law accruing thirty (30) days from the date of billing for such work or repairs.

6. Inspection of the Work.

DEVELOPER shall guarantee free access to CITY through its City Engineer and his designated representative for the safe and convenient inspection of the work throughout its construction. Said CITY representative shall have the authority to reject all materials and workmanship which are not in accordance with the plans and specifications, and all such materials and or work shall be removed promptly by DEVELOPER and replaced to the satisfaction of CITY without any expense to CITY in strict accordance with the improvement plans and specifications.

7. Agreement Assignment.

This Agreement shall not be assigned by DEVELOPER without the written consent of CITY.

8. Abandonment of Work.

Neither DEVELOPER nor any of DEVELOPER's agents or contractors are or shall be considered to be agents of CITY in connection with the performance of DEVELOPER's obligations under this Agreement.

If DEVELOPER refuses or fails to obtain prosecution of the work, or any severable part thereof, with such diligence as will insure its completion within the time specified, or any extension thereof, or fails to obtain completion of said work within such time, or if DEVELOPER should be adjudged as bankrupt, or should make a general assignment for the benefit of DEVELOPER's creditors, or if a receiver should be appointed, or if DEVELOPER, or any of DEVELOPER's contractors, subcontractors, agents or employees should violate any of the provisions of this Agreement, the CITY through its Public Works Director may serve written notice on DEVELOPER and DEVELOPER's surety or holder of other security of breach of this Agreement, or of any portion, thereof, and default of DEVELOPER.

In the event of any such notice of breach of this Agreement, DEVELOPER's surety shall have the duty to take over and complete The Improvements herein specified; provided, however, that if the surety, within thirty (30) days after the serving upon it of such notice of breach, does not give CITY written notice of its intention to take over the performance of the contract, and does not commence performance thereof within thirty (30) days after notice to CITY of such election, CITY may take over the work and prosecute the same to completion, by contract or by any other method CITY may deem advisable, for the account and at the expense of DEVELOPER and DEVELOPER's surety shall be liable to CITY for any damages and/or reasonable and documented excess costs occasioned by CITY thereby; and, in such event, CITY, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to DEVELOPER as may be on the site of the work and necessary therefor.

All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to CITY shall be addressed as follows:

Bryan Montgomery, City Manager
Kevin Rohani, Public Works Director/City Engineer
City of Oakley
3231 Main Street
Oakley, CA 94561

Notices required to be given to DEVELOPER shall be addressed as follows:

David Best, Community Development Manager
Shea Homes
2630 Shea Center Drive
Livermore, CA 94551

Notices required to be given surety of DEVELOPER shall be addressed as follows:

Any party or the surety may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

Concurrently with the execution of this Agreement, DEVELOPER has executed and has caused to be acknowledged an abstract of this Agreement. DEVELOPER agrees CITY may record said abstract in the Official Records of Contra Costa County.

9. Use of Streets or Improvements.

At all times prior to the final acceptance of the work by CITY, the use of any or all streets and improvements within the work to be performed under this Agreement shall be at the sole and exclusive risk of DEVELOPER. The issuance of any building or occupancy permit by CITY for units located within the project shall not be construed in any manner to constitute a partial or final acceptance or approval of any or all such improvements by CITY. DEVELOPER agrees that CITY's Building Official may withhold the issuance of building or occupancy permits when the work or its progress may substantially and/or detrimentally affect public health and safety.

10. Safety Devices.

DEVELOPER shall provide and maintain such guards, watchmen, fences, barriers, regulatory signs, warning lights, and other safety devices adjacent to and on the project site as may be necessary to prevent accidents to the public and damage to the property. DEVELOPER shall furnish, place, and maintain such lights as may be necessary for

illuminating the said fences, barriers, signs, and other safety devices. At the end of all work to be performed under this Agreement, all fences, barriers, regulatory signs, warning lights, and other safety devices (except such safety items as may be shown on the plans and included in the items of work) shall be removed from site of the work by the DEVELOPER, and the entire site left clean and orderly.

11. Acceptance of Work.

Upon notice of the completion of the work covered by this agreement, the delivery of a set of final as-built plans, and submittal of a warranty bond in the amount of 10% of the cost of improvements set forth in Section 2 to CITY by DEVELOPER, CITY, through its City Engineer or his designated representative, shall examine the work without delay, and, if found to be in accordance with said plans and specifications and this Agreement, shall recommend acceptance of the work to the City Council and, upon such acceptance, shall notify DEVELOPER or his designated agents of such acceptance. CITY reserves the right to not accept the work until all construction activities, including those related to building construction, within the project boundaries have been completed.

12. Patent and Copyright Costs.

In the event that said plans and specifications require the use of any material, process or publication which is subject to a duly registered patent or copyright, DEVELOPER shall be liable for, and shall indemnify CITY from any fees, costs or litigation expenses, including attorneys' fees and court costs, which may result from the use of said patented or copyrighted material, process or publication.

13. Alterations in Plans and Specifications.

Any alteration or alterations made in the plans and specifications which are a part of this Agreement or any provision of this Agreement shall not operate to release any surety or sureties from liability on any bond or bonds attached hereto and made a part hereof, and consent to make such alterations is hereby given, and the sureties to said bonds hereby waive the provisions of Section 2819 of the Civil Code of the State of California.

14. Liability.

- a. DEVELOPER Primarily Liable. DEVELOPER hereby warrants that the design and construction of The Improvements will not adversely affect any portion of adjacent properties and that all work will be performed in a proper manner. DEVELOPER agrees to indemnify, defend, release, and save harmless CITY, and each of its elective and appointive boards, commissions, officers agents and employees, from and against any and all loss, claims, suits, liabilities, actions, damages, or causes of action of every kind, nature and description, directly or indirectly arising from an act or omission of DEVELOPER, its employees, agents, or independent contractors in connection with DEVELOPER'S actions and obligations hereunder; provided as follows:

1. That CITY does not, and shall not, waive any rights against DEVELOPER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY, or the deposit with CITY by DEVELOPER, of any of the insurance policies described in Paragraph 4 hereof.
 2. That the aforesaid hold harmless agreement by DEVELOPER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not CITY has prepared, supplied, or approved of plans and/or specifications for the project, or regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.
- b. Design Defect. If, in the opinion of the CITY, a design defect in the work of improvement becomes apparent during the course of construction, or within one (1) year following acceptance by the CITY of the improvements, and said design defect, in the opinion of the CITY, may substantially impair the public health and safety, DEVELOPER shall, upon order by the CITY, correct said design defect at his sole cost and expense, and the sureties under the Faithful Performance and Labor and Materials Bonds shall be liable to the CITY for the corrective work required.
- c. Litigation Expenses. In the event that legal action is instituted by either party to this Agreement, and said action seeks damages for breach of this Agreement or seeks to specifically enforce the terms of this Agreement, and, in the event judgment is entered in said action, the prevailing party shall be entitled to recover its attorneys' fees and court costs. If CITY is the prevailing party, CITY shall also be entitled to recover its attorney's fees and costs in any action against DEVELOPER's surety on the bonds provided under paragraph 3.

15. Recitals.

The foregoing Recitals are true and correct and are made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate at Oakley, California, the day and year first above written.

APPROVED AS TO FORM:

CITY OF OAKLEY

Derek P. Cole, City Attorney

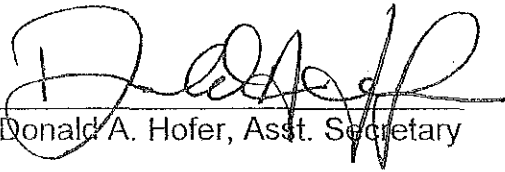
Bryan H. Montgomery, City Manager

ATTEST:

DEVELOPER-SHEA HOMES, INC.
a Delaware Corporation

Libby Vreonis, City Clerk

By:


Donald A. Hofer, Asst. Secretary

By:


David Best, Authorized Agent

Exhibits: Exhibit A - County Conditions of Approval for Subdivision 7562
 Exhibit B - City-County Transition Agreement
 Exhibit C - Insurance Requirements

EXHIBIT A


CONDITIONS OF APPROVAL

CONTRA COSTA COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
REVISED APPROVED PERMIT

APPLICANT:	Shea Homes 2580 Shea Center Drive Livermore, CA 94551	APPLICATION NO.	2918-RZ FDP 3032-90
		ASSESSOR'S PARCEL NO.	032-210-029 032-220-007, 008, 012, 026
		ZONING DISTRICT:	P-I
OWNER:	National Investors Financial Inc. 3151 Airway Avenue, A-1 Costa Mesa, CA 94596	VESTING DATE:	July 2, 1992
		APPROVAL DATE:	April 23, 2001
		EFFECTIVE DATE:	May 3, 2001

This is to notify you that the East County Regional Planning Commission has granted your request for modifications to the final development plan and major subdivision, subject to the attached conditions.

DENNIS M. BARRY, AICP
Director
Community Development Department

By: 
Catherine Kutzmis
Deputy Director

PLEASE NOTE THE EFFECTIVE DATE, as no further notification will be sent by this office.

CONDITIONS OF APPROVAL FOR SUBDIVISION 7562, DEVELOPMENT PLAN 3032-90
AND REZONING 2918-RZ AS MODIFIED BY THE EAST COUNTY REGIONAL
PLANNING COMMISSION ON APRIL 23, 2001

- I. The development shall be based on the following submitted exhibits except as modified by the conditions below. These conditions of approval incorporate and are an addition to all approved mitigation measures.
 - A. Revised conformance map and phasing plan dated received January 25, 2001 and original plans dated received July 2, 1992. The number of units approved for this project is 1 330 residential units (excluding second units). A Final map and a final development plan consistent with these plans shall be submitted for plan checking review and approval of the Public Works Department and Zoning Administrator.
 - B. Wetlands Delineation Report done by Huffman & Associates, Inc. dated July 17, 1991.
 - C. Geotechnical and investigation report, Phase 1 study, done by Kleinfelder & Associates dated December, 1 988.
 - D. Informational report for the proposed levee system by Bohley/Maley Associates dated August 20, 1992.
 - E. Preliminary environmental assessment of hazardous sites on the site by Kaldveer Associates dated February 27, 1989.
 - F. Evaluation proposal levee bordering Cypress Lakes Project by Kleinfelder & Associates dated February 2, 1 993.
 - G. Special Status Species Survey done by Huffman & Associates dated October, 1991.
 - H. Draft Habitat Mitigation and Monitoring Plan dated August, 1992.
 - I. Verification of Wetland Delineation by the U.S. Army Corps of Engineers dated September 27, 1991.
 - J. Project Landscape Criteria.
 - K. Landscape Guidelines for Internal Levee.
 - L. Information on Excavation Techniques, Groundwater Monitoring and Subsidence prepared by Kleinfelder & Associates dated October 30, 1 992.
 - M. Groundwater Monitoring Criteria.
 - N. Cultural Resource Evaluations by William Self Associates dated July 30, 1992
 - O. Golf Course Feasibility Study by Golf Management, Inc. dated August 1989.

- P. Energy Conservation Guidelines.
 - Q. Proposed Dynamic Compaction procedure report prepared by Shea Homes dated January 19, 2001.
 - R. Park programming document for Cypress Lakes dated January 23, 2001.
2. The length of approval of the tentative as well as for the accompanying final development plan and rezoning shall be to April 15, 2002 or as may be legally extended by the Subdivision Map Act.
 3. Prior to recording a final map for this project the applicant shall contribute a \$25,000 cash payment to Reclamation District #799 for a special flood control project, the preparation of the second phase of the geotechnical report regarding the upgrading of the existing district levees.

Project Phasing

4. The phasing plans is modified for 5 phases instead of the 9 originally approved. Phasing may be modified subject to the review and approval of the Zoning Administrator.
5. The following actions shall take place before various phases of the project are developed:
 - A. The park areas within Phase 1 shall be developed and landscaped prior to occupancy of residences in Phase 1. An acceptable landscape, irrigation and equipment plan, including public restrooms shall be submitted for the Zoning Administrator's administrative approval. Means to finance the parks shall be developed prior to recording the final map for Phase 1 of the subdivision. The park areas within Phase 1 shall be developed and landscaped prior to occupancy of residences. The park areas in Phase 2 shall be developed and landscaped prior to occupancy of residences in Phase 2.
 - B. The beach club, swim club area shall be developed prior to occupancy of residences in Phase 2. This will require a further final development plan approval. The beach and swim clubs shall be open to the public either by reasonable fee or open membership.
 - C. The various neighborhood park areas will be developed prior to occupancy of the various phases in which they are located. The trails connecting the neighborhoods with the small neighborhood park areas shall be developed in the appropriate phase. Trail plans shall be approved by the Public Works Department and the Zoning Administrator.
 - D. The golf course and golf clubhouse site shall be developed prior to occupancy of residences in Phase 3. The golf clubhouse site and driving range will require approval of a further final development plan. The golf course-clubhouse shall be open to the public by payment of a reasonable fee. Any restaurant/bar in the golf clubhouse shall be open to the public.

- E. The levee trails south of Cypress Road extension shall be developed prior to occupancy of residences in Phase 1. The levee trails north of Cypress Road extension shall be developed prior to occupancy of residences in Phase 3 including the development of the trail across the site along the east/west channel. Trails shall be opened to the public.

Levee trails shall be multi-purpose and shall include surfaces appropriate for walking/running, bicycling, and horseback riding, and for vehicle access to the levee top for the levee maintenance authority, if deemed necessary. Access to the levee trails shall be made available to the public from public roads and parks. The levee maintenance authority, the developer, and representatives of the East County Horsemen's Organization (ECHO) jointly shall determine the most appropriate surface for horse trails such that the trail can accommodate horses while maintaining the integrity of the levee surface. ECHO shall sponsor maintenance of the horse trails in regards to collection and disposal of horse manure. The levee maintenance authority would have control over closure of the trail as necessary during the wet winter months or as otherwise needed to maintain the levee.

The day care center and the recreational vehicle/boat storage area will require a further final development plan approval prior to their establishment. The final development plan for the day care center shall be filed prior to recording the Final Map for Phase 2.

Street Addressing

Prior to filing the Final Map, plans shall be submitted for review by the Community Development Department, Graphics Section, to obtain addresses and for street name approval (public and private). Alternate street names should be submitted in the event of duplication and to avoid similarity with existing street names. The Final Map cannot be certified by the Community Development Department without the approved street names and the assignment of street addresses.

Police Services

7. The owner of the property shall participate in the provision of funding to maintain and augment police services by voting to approve a special tax for the parcels created by this subdivision action. The tax shall be \$200 per parcel annually (with appropriate future Consumer Price Index (CPI) adjustment). The election to provide for the tax must be completed prior to the filing of the final map for phase 1. The property owner shall be responsible for paying the cost of holding the election. The fee for election costs will be due at the time that the election is requested by the owner.

EMF Notification

8. Where a lot is located within 300 feet 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 an 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.

Energy Conservation

9. At least 30 days prior to filing a final map on Phase 1, the applicant shall submit to the Zoning Administrator for the review and approval:
- A. Methods to provide for future passive or natural heating or cooling opportunities within the subdivision and the design of the residences and swimming pools to the extent feasible;
 - B. Evidence that the desirability of participating in the P.O. & E. energy conservation "Incentives for Builders" program has been considered. Should the applicant choose not to participate, the applicant shall indicate in writing the reasons for the decision. Residences energy conservation shall exceed Title 24 requirements by 10%.

Farm Operation Notice & Sand mound Levee Use

10. The following statement shall be recorded at the County Recorder's Office for each lot:
- A. "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; crop dusting and spraying occurring regularly; burning associated with agricultural activities; noise associated with farm equipment and aerial crop dusting and certain animals and 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 Contra Costa County and you should be fully aware of this at the time of purchase."
 - B. This document shall serve as notification that you have purchased land in close proximity to sand mound levee. Sand mound levee is a private levee, and public recreation on this levee is prohibited.
 - C. This document shall serve as notification that you have purchased land in an area which contains the following existing approved land uses:
 - 1. Dog kennels and mixed animal veterinary services and animal hospital
 - 2. Horse riding rings
 - 3. Horse stables and keeping of cattle and other animals

4. Oil and gas drilling

Grading and Dust Control

11. Comply with the following construction, noise, dust and litter control requirements:

- A. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays. The restrictions on allowed working days may be modified on prior written approval by the Zoning Administrator.
- B. The project sponsor shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors and concrete pumpers as far away from existing residences as possible.
- C. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 1,000 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 community Development Department. 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. A dust and litter control program shall be submitted for the review and approval of the Zoning Administrator. Any violation of the approved program or applicable ordinances shall require an immediate work stoppage. Construction work shall not be allowed to resume until, if necessary, an appropriate construction bond has been posted.
- E. The applicant shall make a good-faith effort to avoid interference with existing neighborhood traffic flows. Prior to issuance of building permits, the proposed roads serving this development shall be constructed to provide access to each lot. This shall include provision for an on-site area in which to park earth moving equipment.

12. At least 30 days prior to filing the Final Map or issuance of grading permits, the applicant shall submit a detailed grading plan for the review and approval of the Zoning Administrator. Prior to issuance of grading permits, the applicant shall have had received the Reclamation District #799 permit.

TDM Plan

13. Prior to the issuance of building permits, the applicant shall submit a detailed TDM Plan for review and approval by the Zoning Administrator (unless otherwise required by a TDM Ordinance). The approved TDM Plan shall be operative prior to final inspection by the Building Inspection Department.

Indemnification

14. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the Contra Costa County Community Development Department and its agents, officers, and employees from any claim, action or proceeding against the agency (the County) or agents, officers or employees to attack, set aside, void, or annul the agency's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceedings incorporate fully in the defense.

15. The project applicant shall defend, indemnify, and hold harmless Contra Costa County and its agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers or employees relating to the dewatering activities that will take place as part of the project. The County will promptly notify that applicant of any such claim, action or proceeding and cooperate fully in the defense, in the event a claim, action or proceeding is filed.

Development Guides

16. A guide for development and use provisions for this site shall be as follows:
 - A. On the lots with widths of less than 80 feet, setbacks of residential units shall be varied between 17 and 20 feet. All garages shall have a setback of at least 17 feet provided vertical garage doors are used. Frontyard setbacks may be reduced to 15 feet for covered porches. The sideyard minimum shall be 5-feet with a total aggregate sideyard of at least 10-feet. Rearyard minimum shall be 15-feet. Height limit shall be 30-feet with a two-story maximum. The R-6 zoning district shall be used as a guide for the height, or lot coverage of the site as well as the location of any detached sheds or outbuildings.
 - B. The setback for residential units on lots wider than 80 feet shall be varied between 20 and 25 feet. All garages shall have a setback of at least 20-feet. Frontyard setbacks may be reduced to 15-feet for covered porches. Sideyard minimum shall be 10-feet with an aggregate sideyard of at least 20-feet. The rearyard minimum shall be 15-feet. Building height limits shall be 30-feet with a two-story maximum. The R-10 zoning district shall be used as a guide for the height or lot coverage of the site as well as the location of any detached sheds or outbuildings.
 - C. Prior to the issuance of building permits on any phase of this site, the applicant shall submit samples of color and exterior materials for the review and approval of the Zoning Administrator. The fences between lots shall be of solid wood and

shall be at least 5-feet high. Rearyard fences shall be 6-feet tall and solid wood. Any fencing along a street shall be 6-feet tall solid wood with cement pilastered every 16-feet. The residences of this development shall be finished in a suitable color that shall be complimentary to each other. Residences located on corner lots shall be single story as often as possible.

- D. At least 15 days prior to issuance of building permits on any phase of this development, a detailed plan showing the location of homes shall be submitted for the Zoning Administrator's administrative review and approval.
17. A homeowners association shall be formed for the maintenance of the neighborhood parks. This shall be accomplished unless a public agency assumes the responsibility for the maintenance of these facilities. The means of maintaining parks and open space areas shall be developed and approved prior to recording the final map for Phase 1.
18. The garage area of each residence shall be wired for electric car recharging subject to the review and approval of the Zoning Administrator, and subject to the adoption of final Board policy.
19. Minimum setbacks along arterial roadways will be at least 60 feet from the centerline of the roadway to the exterior wall of any living space along collector streets (Cypress Road extension). To mitigate for noise and provide an aesthetically pleasing street through the subdivision, there shall be a 40 foot curb to curb street width, (or similar standard of the Public Works Department) 20 foot landscape area with sidewalk, and a masonry wall at the rear yards of the homes. Houses shall observe a 20' rear setback.

Utilities - Schools

20. Prior to recording the Final Map for Phase 1 of this development will serve letters from the Oakley Elementary School District and the Liberty Union High School District shall be submitted to the Community Development Department.
21. Sewage service shall be provided by the Ironhouse Sanitary District. Domestic water service shall be provided by the Diablo Water District. The applicant shall annex to these districts prior to recording the final map for Phase 1.
22. Prior to the recording the final map for Phase 1, the applicant shall submit a letter from the local transit agency outlining locations of bus stops for the site. The bus stop shall consist of a proper pull out for the bus along the street as well as a bench and/or covered areas if required by the local transit agency. The bus stops shall be constructed during the various phases of this project as it is developed.
23. The applicant and the Oakley School District are encouraged to enter into a short term funding agreement prior to recordation of the subdivision map for Phase 1. The agreement could ensure that matching funds are provided for the completion of construction documents necessary for the District's application for State funding. The amount of short term funding would be credited to the applicant's full school impact fees which are paid upon issuance of building permits. The school site has been found

acceptable to the Oakley School District, based on their letter dated December 15, 2000.

Child Care

24. Provision of a child care facility shall be required for this development. The child care program shall be submitted for the review and approval of the Zoning Administrator prior to filing the Final Map for Phase 1. If possible, it is encouraged that the child care center be developed and constructed prior to occupancy of residences for Phase 2 of this development. The day care facility shall be located within the Community Park as shown on the conformance map received January 25, 2001.

Fees

25. The project will voluntarily pay in-lieu affordable housing fee equal to \$3,333 per residential unit. The fee shall be paid at the time of the issuance of building permits for the various phases of this project. As an alternative to the payment of a portion of these fees the developer may provide a spread of affordable housing on site for income categories of "very low", "low", and "moderate" for up to 100% of median income, not to exceed 20% of the total monetary contribution. If this alternative mitigation is selected, the location design of the affordable housing units shall be submitted to the County Zoning Administrator for review and approval prior to filing a final subdivision map for that phase of the development.
26. When established by the Board of Supervisors, a protection fee shall be paid for each residential unit within the project to acquire development rights on agricultural land and/or open space or wetland areas. The fee shall be determined by the County and paid upon issuance of building permits for the various phases of this project. The maximum fee shall be \$25.00 per home subject to a cost of living adjustment.
27. The project will make a voluntary contribution of \$300,000 to the County Homeless Trust Fund. This contribution shall be paid, pro rata upon the issuance of building permits for the various phases of this project.
28. The project applicant shall make a contribution of \$90,000 for east county libraries. This contribution can be utilized for the construction of a new library to serve the Oakley and Bethel Island areas. This contribution shall be paid pro-rata upon the issuance of building permits for the various phases of this project.

"In-holding" Properties

29. The project applicant shall offer to enter into the following process for negotiating a purchase price for the three in-holding properties (Coleman, Zauggs, Ogren, Villegas, and Sewell). First, the project applicant shall mail an offer to each in-holding property owner to obtain an appraisal by an MAI certified appraiser. The offer shall contain a reasonable time limit for a response by the in-holding property owners. The in-holding property owner may also obtain an appraisal by an MAI certified appraiser. The purchase price shall be computed as the average of the independent appraisals by the applicant and in-holding property owner or any other mutually agreeable amount. Second, the project applicant shall provide evidence of such offer to the Zoning Administrator prior to filing

the Final Map on Phase 1.

OR

- A. Prior to recording the map for Phase 1, the development shall be redesigned so that Cypress Road avoids the Coleman property. The Coleman property shall have suitable access to Cypress Road or to another public road nearby.
- B. If the Zauggs, Villegas', Sewell's and Ogren's are agreeable, access to their lots may remain with the access road to their property from Cypress Road (old alignment) reversed to access from Cypress Lakes Drive from the east unless amended in the future by action of a public agency. This roadway shall be improved to a rural road standard to Cactus Lane prior to the occupancy of the first home in phase 1. If the Zauggs, Villegas', Sewell's and Ogren's are not agreeable, then the applicant shall build them a 10-foot paved driveway to their garage areas prior to recording the final map for Phase 1. For this option, the applicant shall attempt to adjust the lot lines for the Zauggs, Villegas, Sewell and Ogren properties so that they will front on Cypress Lakes Drive. Required archaeological surveys shall be required prior to any excavation.
- C. Prior to recording the final map for Phase 1, the Zauggs, Villegas, Sewell Ogren and Coleman properties perimeters with this site shall be properly fenced with a 6-foot tall cyclone fence with slats and gates as needed. Alternative fence could be a solid wood fence 6 feet tall.
- D. A letter of consent from the Sewell's for a lot line adjustment of the western corner of their property shall be submitted prior to the recording of the final map for Phase 1 (if the Sewell's don't want to sell their property). Enough property shall be adjusted to allow for a connection between the Community Park and open space area to the south.

Wetlands - Lakes

- 30. The project applicant shall prepare a final wetlands habitat mitigation monitoring program. The wetlands mitigation monitoring program shall be reviewed and commented upon its adequacy by the State Department of Fish & Game prior to the review of the County Zoning Administrator.
- 31. Channel crossings underneath the various roads on the site shall be designed so that water fowl and other small animals can cross underneath the road through a suitable pipe structure subject to the review and approval of the California Department of Fish & Game and the County Zoning Administrator.
- 32. The detailed channel enhancement plan shall be based on the draft channel enhancement plan. The plan shall be submitted to Contra Costa County, the California Department of Fish & Game for review and approval prior to approval of the project's final subdivision map for Phase 1.
- 33. The design of road crossings, bridges, and/or culverts to replace along the primary

drainage channel shall be submitted for the review and approval of the Contra Costa County Department of Public Works and the California Department of Fish & Game prior to filing a final map for Phase 1 of this subdivision.

34. A final channel lake operation and maintenance plan shall be submitted for the review and approval of the County and the California Department of Fish & Game prior to recording the final map for Phase 1. The plan shall be based on the applicant's proposed lake channel management plans and utilizing plants, flushing, aerations, and other techniques to maintain water quality without chemicals.
35. The project shall comply with all requirements of the County's NPDES permit requirements. The project applicant shall provide the County with the appropriate documentation regarding compliance with the NPDES requirements prior to the issuance of grading permits for this project.
36. Prior to recording the final map on Phase 1, the design for the community park shall be submitted to the Zoning Administrator for his review and approval. The parking area shall generally be located along Cypress Road adjacent to the daycare center. A second parking area shall be located at the southern access to the park. Drought tolerant landscaping shall be used as much as possible.
37. The Contra Costa Mosquito Abatement District shall be provided the final design plans for the wetland mitigation areas, golf course and lake plan for their review and comment prior to their approval by the Contra Costa County.

Golf Course

38. Prior to the development of the golf course on the site, a landscape plan for the golf course shall be submitted for the review and approval of the County Zoning Administrator. The plan shall be accompanied by a landscape maintenance plan outlining how the maintenance of the golf course can be accomplished with an environmentally sensitive and organic maintenance plan as possible.
39. A final maintenance plan for the golf course shall be submitted for the review and approval of the County prior to its development. The golf course may be developed prior to the construction of the levees and houses. The final maintenance plan shall build on the maintenance criteria established in the project plans and identified standard maintenance and management practices to be carried out on the golf course. Specific maintenance procedures shall be identified regarding the use of pesticides, herbicides and fertilizers and these shall be kept to a minimum. An emphasis of the maintenance plan should be to reduce any potential leaching of materials into the local ground water resources. The maintenance and management plan shall also outline specific irrigation practices designed to reduce water consumption.
40. A ground water management plan to address water requirements for irrigating the golf course and parks shall be developed. The ground water management plan shall also address the management of pesticides and measures to be taken to reduce potential impacts on ground water resources. The plan shall identify what areas, and in what

sequence water will be discontinued to portions of the golf course and park in the event of water cut-backs because of drought or substantial lowering of the water table. The plan shall be approved by Contra Costa County prior to filing the final subdivision map for Phase 4 of this development.

41. The golf course shall be designed to use grasses that are drought-tolerant to limit the needed amount of water for irrigation.

Levees

42. If Reclamation District 799 does not accept the internal levee, another agency will be requested or formed to maintain the levee. A maintenance district can be formed consisting of the homeowners in the project. Under this district, each homeowner would be assessed a fee to maintain the levee.
43. Levee landscaping shall be subject to the review and approval of RD799. Any exterior areas outside of the levee and maintenance area shall be subject to the review and administrative approval of the Zoning Administrator prior to construction of the levee. This includes the corner of Bethel Island Road and Sandmound Boulevard, and the intersection of Cypress Road & Bethel Island Road. Maintenance of these areas shall be through the homeowners' association or landscape maintenance district. The construction of the site levee shall begin along the westerly portion of the site.
44. The design of the project levee shall be in accordance with the standards and requirements of the Federal Emergency Management Agency for an urban standard levee. Provision shall be designed into the project levee to allow for a future increase in height of 4-feet to allow for the possible greenhouse effect. During the design of the project levee, the crest elevation shall be increased by an amount equivalent to the projected long term settlement. If accepted by Reclamation District #799, levee and drainage systems shall be dedicated to Reclamation District #799.

Prior to issuance of any grading permit for the construction of the project levee, the location of the right of way for the extension of Bethel Island Road south of Cypress Road, shall be reviewed and approved by the Public Works Department, Engineering Services Division. The property owner to the west of the project and south of Cypress Road, and the Archaeological Conservancy, shall be notified and given two weeks to review the grading plans for the levee that may impact the location of the right of way for the extension of Bethel Island Road, up to 465 feet south of existing Cypress Road, and to review the location of the intersections of Cypress Road and Bethel Island Road prior to issuance of the grading permit.

Prior to issuance of a grading permit for the construction of any levee that fronts on a public road, such as Bethel Island Road or Sandmound Boulevard, the grading plans shall be reviewed by the Public Works Department to ensure provision of the ultimate right-of-way.

45. The side slopes of the project levee shall be planted only with native grasses and dust control measures shall be provided in accordance with limitations imposed by FEMA.

46. Adequate easements shall be granted to the maintenance authority in order to provide for maintenance and upgrading of the levee and to prohibit encroachments onto the levee.
47. To minimize the risk of liquefaction beneath the primary levee, the loose clean and silty sand to depth of 10 to 15 feet or whatever depth is required shall be reworked and densified. Deep dynamic compaction may be used for the compaction of the soils. The applicant shall submit the following information for RD 799 approval:
- A. A ground improvement geotechnical design report with plans and specifications for RD 799's approval. Because the District is highly concerned about impacting neighboring improvements and complaints from residents, the ground improvement design report must include a plan for informing the community, managing residents' concerns and insuring against damages. The district will establish limits on ground velocity and displacement to protect the district's existing levee and any adjoining improvements.
 - B. Initial phases of compaction shall commence in an area that is remote from the existing levee and sensitive improvements whereby the effectiveness of the method can be demonstrated, monitored, and evaluated, and the vibration limits can be refined prior to its use approaching the existing levee and developed portion of the District.
48. A detailed emergency evacuation plan based on the project's proposed emergency evacuation plan shall be prepared in cooperation with Reclamation District #799 prior to approval of Phase 1 of the project's subdivision map. Evacuation plan shall include at a minimum the following measures:
- A. Criteria for determining when an emergency exists.
 - B. Methods for notifying and evacuating area residences.
 - C. Identification of agencies and individuals responsible for emergency response and public evacuation.
 - D. Plans for returning evacuees to their home after an emergency has passed.

Any construction of facilities required by the evacuation plan shall be constructed prior to levee construction.

The Evacuation Plan shall be subject to the review of the Public Works Department and the review and approval of Reclamation District 799 and the Zoning Administrator. The Plan shall identify 1) the equipment and facilities necessary to provide safe access to the project, 2) the entity responsible for providing safe access to the project, and 3) the timing of when the equipment and facilities are needed to provide safe access to the project in the event of an emergency. The Plan shall be designed to provide emergency access once the floodwaters have been stabilized and continue to provide safe access until the levee break is repaired and normal access is restored.

There will be no need to provide for emergency access when there is a permanent flood protected access provided on Cypress Road between Jersey Island Road and the project.

49. Prior to recording the map for Phase 1 of this development or prior to issuance of grading permits, a final ground water monitoring plan shall be submitted for the review and approval of the Reclamation District #799 and Contra Costa County prior to filing a final subdivision map. A performance bond may be requested by Reclamation District #799 that will provide the District with protection for its existing levee and drainage Systems.
50. The project's site shall continue to be a part of Reclamation District 799 and shall be prohibited from succeeding from this district, even if removed from the flood hazard zone, by the proposed internal levee system, to provide the district with continue long term sources of funding for maintenance of the existing Reclamation District 799 levee system.
51. Maintenance of the landscaped strip on the side of the levees will be done by the homeowners association or a special district. It will not be the responsibility of the agency that maintains the project levees. Levee landscape guidelines shall be finalized once the public agency responsible for maintaining the levee is determined. The levee landscape guidelines should then be submitted to the public agency responsible for maintenance of the levee for review and approval prior to installation of landscaping on the levees.

Recreation Maintenance

52. A landscape maintenance district, or other funding source consisting of the property owners within the project site, shall be established for the proposed project to pay for long term maintenance of public recreational areas within the site. The project applicant shall submit a proposal for the landscape maintenance district to the County for approval prior to recording the final map for Phase 1 of this development. The use of the trail system for horses may be permitted provided that a plan for long term maintenance is prepared by the applicant for approval by the Zoning Administrator, RD799 and the agency maintaining the recreational areas.

Construction Parking

53. Prior to construction of any phase of this site, an on-site parking area shall be developed for parking needs of construction crewmembers. This plan shall be submitted to the Zoning Administrator for review and approval prior to construction of residences within the various phases of this development.

CC & Rs

54. The CC & R's shall contain information regarding the use of or disposal of undesirable materials such as motor oil, paints, garden pesticides and other household products. The CC & Rs shall state that the existing Hotchkiss Tract levee is private property and cannot be used for public or recreational purposes.
55. Prior to recording the final map for Phase 1, a street sweeping program shall be provided to reduce urban pollution run-off into the proposed lakes and channels. The street

sweeping may be provided by the County through its existing street sweeping program or if this is not feasible alternative measures could include funding of the street sweeping program by the homeowners association. The CC & Rs of the development in regard to levee maintenance shall be acceptable to Reclamation District #799, if the District accepts the levees.

Soils - Geology

56. The project shall be required to adhere to the approaches outlined in the Kleinfelder report analyzing the approaches for mitigating liquefaction impacts. The specific approach will depend on site specific conditions and analysis. The project applicant shall follow the review and approve recommendations of the Kleinfelder report. The report documenting the methods used in the field to reduce liquefaction potential shall be submitted to the Public Works Department and to the public agency responsible for maintenance of the levee system for their review and approval. An additional geotechnical report outlining means of protecting the new levees with and without using deep dynamic compaction shall be submitted for review and approval of Reclamation District #799 and Contra Costa County.
57. At least 45 days prior to recording a final map for Phase 1 or any phase, issuance of grading permits, or installation of improvements or utilities, submit a preliminary geologic, soils, and foundation report meeting the requirements of the Subdivision Ordinance Section 94-4.420 for review and approval of the County Zoning Administrator. Improvement, grading and building plans shall carry out the recommendations of the approved report.
58. The report required above shall include evaluation of the potential for liquefaction and seismic settlement.
59. Record a statement to run with deeds to the property acknowledging the approved report by title, author (firm), and date, calling attention to approved recommendations, and noting that the report is available from the seller.
60. At least 45 days prior to issuance of permits to grade and create the lake and channels on the site, a suitable geotechnical report shall be submitted for the review and approval of the Zoning Administrator detailing means to stabilize the lake bank in case of earthquake and to reduce the possibility of liquefaction of this area.
61. The ground settlement monitoring plan shall be finalized and submitted to the Reclamation District #799 and Contra Costa County for review and approval prior to beginning any construction or dewatering activities on the site. Plan shall identify the location of all monitoring wells, and provide specifics on well completion and methods and frequency of monitoring. Plan shall identify settlement plates as well as contingency plans to control subsidence or mitigate subsidence and related damage.
62. Ground water monitoring plans to provide early detection of changes in ground water level and to allow adjustment in the construction techniques if necessary shall be developed. Monitoring wells and settlement plates shall be placed on the project's site and surrounding properties to control ground water levels. The ground water monitoring plan

shall be acceptable to Reclamation District #799 and Contra Costa County.

63. The project owner shall fund an independent geotechnical and drainage engineering review of the project design and construction on behalf of Reclamation District #799. This review shall show the impact and a plan to alleviate the impact of the project on existing drainage pumps and systems. The report shall be acceptable to Reclamation District #799 and Contra Costa County.
64. The project grading plan shall include the following mitigation measures:
 - A. The name and phone number of a designated dust control coordinator will be posted at the construction site. The dust control coordinator will respond to complaints by suspending dust-producing activities or providing additional personnel or equipment for dust control.
 - B. The contractor will implement the following measures:
 - 1) Suspend earthmoving or other dust-producing activities during periods of high winds;
 - 2) Provide equipment and personnel as necessary for watering of all exposed or disturbed soil surfaces. An appropriate dust suppressant, added to water before application, should be utilized;
 - 3) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind;
 - 4) Sweep adjacent streets of all mud and debris, since this material can be pulverized and later resuspended by vehicle traffic;
 - 5) Water, seed, cover or apply dust suppressants to completed cuts or graded areas as soon as grading activities cease;
 - 6) In addition to the dust control measures proposed as part of the project, the project applicant should post the name and phone number (business and non-business hours) for the dust control coordinator along the perimeter of each construction site and provide this information by mail to residents within 1 000 feet of the area of construction;
 - 7) Earthmoving and other dust-producing activities should be suspended when watering and other dust control measures are unable to eliminate visible dust plumes.

Fire Station

65. The proposed new fire station on the project site shall be operational prior to the occupancy of the first homes on the site as shown on the conformance map dated January 23, 2001. The station at the North West corner of Cypress Road/Cypress Lakes Drive

shall be build to specifications of the appropriate fire district (Oakley Fire Protection District or Bethel Island Fire Protection District or their successor) and shall be on a parcel of land measuring a minimum of 208 feet x 208 feet.

If the developer is successful in annexing the project to the Bethel Island Fire Protection District the fire station shall be constructed and be in-service at the time of occupancy of the six hundredth home or the beginning of the phase three, whichever occurs first. The following conditions shall also apply and are based upon annexation to the Bethel Island Fire Protection District.

The owner of the property shall participate in the provision of funding to maintain and augment fire services by voting to approve a special tax for the parcels created by this subdivision. The tax shall be \$200 per parcel annually (with appropriate future consumer price index (CPI) adjustment). The election to provide for the tax must be completed prior to the filing of the final map for Phase 1. The property owner shall be responsible for paying the cost of holding the election. The fee for election costs will be due at the time that the election is requested by the owner.

A type one fire engine built to specifications of Bethel Island Fire Protection District, shall be purchased by the developer and be in service prior to the occupancy of the first home.

The developer shall contribute \$95,000 (dollars as of 1-00) to the Bethel Island Fire Protection District for fire station staffing prior to the issuance of the final map of the first phase of the development.

66. Prior to recording the final map for Phase 1, the site shall have been annexed into either the Bethel Island Fire Protection District or the Oakley Fire Protection District or their successor.

Landscaping

67. Prior to construction of the various residences on this site, landscaping plans for frontyard landscaping of the residences shall be submitted to the Zoning Administrator for review and approval. The landscaping plan shall include an alternative landscaping with xeriscape landscaping for builder installed front yards. Landscaping of frontyard areas of this site shall be installed prior to occupancy of residences.
68. Comply with the landscape requirements as follows: The following reports are subject to the Zoning Administrator review and approval. Landscaping shall conform to the County's Water Conservation policies in regards to the use of drought-tolerant trees, bushes and ground cover. The project landscaping plan shall include provisions to utilize the East Bay Conservation Corps or similar work program to complete and/or maintain the project landscaping, unless the applicant demonstrates that including such a work program is not reasonably feasible. At least 30 days prior to requesting recording of the final map for Phase 1, submit a street tree planting plan for entire development, all landscape being planned for the site's frontage on Cypress Road extension and Bethel Island Road, and portions of the site fronting on Sandmound Boulevard. The landscape plan shall include typical frontyard landscaping plans for residences on the site. Prior to

recording the final map for Phase 1 of this development submit a detailed trails plan indicating location of trails, their design, and their maintenance on the site. Because of high water table-areas around the lake and channels may be landscaped with native willows, a few native cottonwoods and other California natives suitable for the area. Trees may be 5 gallon size, bushes 1 gallon size.

69. Prior to recording the final map for Phase 1 of this development, the design of the street lights shall be submitted for the review and approval of the County Public Works Department and the County Zoning Administrator. The street lights shall use down focus lights to eliminate to reduce glare to the surrounding area.

Archaeological

70. 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 for California Archaeology (SCA) and/or 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.
71. Any development within the western perimeter of the site within the archaeological sensitive area shall be done in a manner, which reduces ground disturbance to an absolute minimum. The construction activity in this area shall be closely monitored by an on-site archaeologist during any development in these areas. Rubber tired construction vehicles shall be used throughout the site and excavation for landscaping irrigation shall be allowed in fill materials only. Should it be necessary to excavate through native soils an archaeologist shall be present to monitor soil removal to determine if there are any cultural materials.
72. Due to a high level of known archaeological sensitivity, the original site for the new fire station shall be abandoned in favor of a site on the northwest corner of Cypress Road and Cypress Lakes Drive.
73. Lot #10 in Neighborhood 1 has been redrawn in a manner that it avoids the archaeological sensitive areas. Lot #11 in Neighborhood 1 has been redrawn in order to avoid archaeological sensitive areas.
74. The rear lot lines of Lots #29 and #30 in Neighborhood 7 shall be redrawn in a manner that avoid archaeological sensitive areas.
75. An archaeological monitor(s) shall be present when grading, excavation, trenching or other soils disrupting activities are carried out in any of the mapped archaeological sensitive areas. An archaeological monitor(s) shall be on-call when grading, excavation, trenching or other soils disrupting activities are carried out in the project's site. In the event that a prehistoric site, burial or historical resources are encountered during construction of the project, the project engineer will be obligated to temporary stop the relocate construction activities and notify the archaeological monitor immediately. In the event of a significant prehistoric or historic resources are identified no further

construction shall be permitted in that location until a mitigation plan can be formulated and implemented.

76. In the event that human remains are discovered during construction, excavation shall be halted at that location. Any finds of human remains must be reported to the Contra Costa County Coroner's Office. In the event that the find is determined to be prehistoric, the Native American Heritage Commission must be notified within 24-hours to alert them of the find and to permit the designation of a Native American representative. Consultation between the archaeological consultants in charge of monitoring, Contra Costa County and the Native American representative would then determine the course of action to be taken with the burial in question. Ideally, if removal is undertaken time should be allowed for the study of the remains in an associated grave prior to their return to the Native American community for reburial at a location of their selection.
77. The report of findings and analysis of all archaeological data recovered during testing, excavation, monitoring and any mitigation procedures are taken should be prepared by a qualified archaeologist for submittal to Contra Costa County, and proper State agencies.
78. An acceptable (to the County) plan shall be developed for informing construction personnel on the potential for discovering of cultural or human remains, and the need for proper and timely reporting of such finds and the consequences of failure thereof. The plan shall be developed and approved prior to issuance of grading permits.
79. Prior to recording the final map for Phase 1 of this development or the issuance of any grading permits, an agreement shall be reached with the Native American' Heritage Commission (NACH) in Sacramento regarding potential Native American concerns, values and traditional use areas relative to the proposed project site and vicinity. The agreement would specify when, in the event of a discovery, Native American involvement would occur, and the treatment and ultimate disposition of any ancestral remains.
80. The proposed intersection and improvements of the project's entrance and Bethel Island Road has been realigned to the north as much as possible to avoid impacting cultural resource sites.
81. The alignment of any future extension of Bethel Island Road south of Cypress Road shall be between the archaeological site, in that area, taking into consideration safety factors. The project levee along the westerly side may have to be moved up to 50 feet east.

Miscellaneous conditions

82. Prior to recording the final map for the various phases of this project, a soils sampling shall be conducted in those areas of the site where heavy equipment has been stored, repaired facilities, or located where above or below ground storage tanks are or were located. Should contaminated soil be identified, removal and remediation of the material shall occur prior to excavation or construction activities commence in these areas. The Contra Costa County Health Services Department shall supervise and authorize any soil sampling procedures and remediation. Prior to recording the final map for various phases of this development, any existing water wells in that area or septic tank leach fields shall

be properly removed under County Health Department authorization.

83. The applicant may construct up to 200 secondary units in addition to the 1,330 units. The units can be duets, or attached or detached units. These units shall be subject to the administrative approval of the Zoning Administrator. These units are exempt from contributions made on a voluntary basis, such as the contributions to the homeless trust fund and affordable housing. Consideration may be given to exemptions from other fees and contribution to keep these units in the affordable price range.

Road and Drainage

84. The following requirements pertaining to drainage, road, and utility improvements will require the review and approval of the Public Works Department. For improvements now within the City of Oakley, plans shall also be reviewed and approved by the City of Oakley. In accordance with Section 92-2.006 of the County Ordinance Code, this subdivision shall conform to the provisions of the County Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement.

- A. Install street lights and annex the property to County Service Area L-100 for maintenance of the street lights. The final number and location of the lights shall be determined by the Public Works Department, Transportation Engineering Division.
- B. Underground all utility distribution facilities, including the existing utilities along the Bethel Island Road and Sandmound Boulevard frontages. The undergrounding of utility distribution facilities does not require undergrounding of the 500 KV PG & E facilities.
- C. Submit improvement plans prepared by a registered civil engineer, payment of review and inspection fees, and security for all improvements required by the Ordinance Code or the conditions of approval for this subdivision. These plans shall include any necessary traffic signage and striping plans for review by the Public Works Department, Transportation Engineering Division.

DRAINAGE IMPROVEMENTS

- D. Convey all storm waters entering or originating within the subject property (including the outside slopes of the levee), without diversion and within an adequate storm drainage facility, to an adequate, publicly maintained pump station. The pump station location and design shall be subject to the review of the Public Works Department, and the review, approval and acceptance by Reclamation District 799.
- E. The Ordinance Code prohibits discharge of storm waters to roadside ditches. However, as roadside ditches are characteristic of the area, an exception from this requirement is granted provided the applicant verifies the adequacy of the downstream ditch system and constructs any necessary improvements to make this system adequate to a point where the flow will be accepted by Reclamation District 799.

- F. The Ordinance prohibits discharging storm waters into the Contra Costa Canal or any other water conveyance or impounding facility for domestic water consumption.
- G. Install, within appropriate drainage easements, any portion of the drainage system, which conveys run-off from public streets.
- H. The applicant shall submit a lake management plan for review by the Public Works Department, Reclamation District 799, the Health Department and the Zoning Administrator. The plan shall be approved by the Board of Supervisors. The lake management plan shall provide for control of a stable lake level, control of bank erosion due to wave action, control of aquatic plants and algae, desiltation, control of chemicals used within the project, including those used for lake maintenance, households and the golf course. The applicant shall include language in the Covenants, Conditions and Restrictions governing use of household chemicals. The plan shall include a plan for compliance with the NPDES.
- I. Prior to the filing of the first final map the applicant shall provide the Public Works Department with a feasibility study of the proposed drainage system including the proposed detention basin. The study shall address the potential maintenance cost of the system and the reliability of the system taking potential groundwater infiltration and pump failure into account. Other items to consider include: pump failure, lake detention capacity due to water table fluctuation, accelerated siltation of the system due to low velocities, stagnate water, mosquito abatement, odors, and plant and algae growth. Should the maintenance costs exceed the norm in the County, a public entity such as Reclamation District 799 shall provide for perpetual maintenance of the underground drainage facilities. If Reclamation District 799 will not accept the underground storm drain system for maintenance, the on site roads and drainage shall be private facilities and privately maintained. Any detention basin, however, must be maintained by a public entity as required by Ordinance Code. Improvements not to be accepted by Reclamation District 799 shall be subject to the review and approval of the Public Works Department. This study shall be subject to the review of the Public Works Department, Reclamation District 799 and the review and approval of the Zoning Administrator.
- J. Prior to filing of the first final map the applicant shall provide a list of which facilities are proposed to be maintained by which public entity, or by a private entity. The list shall be subject to the review of the Public Works Department, Engineering Services Division, Reclamation District 799 and the review and approval of the Zoning Administrator.
- K. Prevent storm drainage, originating on the property and conveyed in a concentrated manner, from draining across the sidewalks and driveways.

LEVEES

- L. The proposed levee system shall be constructed to FEMA, U.S. Army Corps of Engineers, Reclamation District 799 and County standards subject to the review and approval of Reclamation District 799. The trails and other associated planning issues shall be subject to the review and approval of the Zoning Administrator. If Reclamation District 799 does not accept the levee for maintenance, it shall be maintained by another

public entity subject to the review and approval of the Zoning Administrator.

- M. Landscaping of the levees shall be subject to the review of FEMA, Reclamation District 799, and the entity which will accept the levee for maintenance, and the review and approval of the Zoning Administrator.
- N. The applicant shall submit the final groundwater monitoring plan for review by Reclamation District 799 and the review and approval of the Zoning Administrator prior to beginning any construction that requires dewatering to commence.
- O. Observe a 15-foot setback from the as built finished designed landside levee toe. This 15-foot setback shall be an un-encumbered and exclusive access easement in favor of RD799. If there is a levee toe drainpipe the 15-foot setback must be expanded in order to provide adequate room for maintenance of the drainpipe, subject to the review of Reclamation District 799 and the review and approval of the Zoning Administrator.
- P. Grant land rights to Reclamation District 799 pursuant to the standards and requirements of Reclamation District 799, subject to the review and approval of the Zoning Administrator.

RIGHT OF WAY DEDICATIONS

- Q. Convey to the County, by Offer of Dedication additional right of way along the project frontage of Bethel Island Road (north of Cypress Road) as required for the planned future half-width of 65 feet. The right of way shall provide for ultimate dual left turn lanes at the Cypress Road-Bethel Island Road intersection.
- R. Convey to the County, by Offer of Dedication, additional right of way along the project frontage of Sandmound Boulevard as required for the planned future half-width of 45 feet. The right of way shall widen at the Bethel Island Road intersection to provide for a left turn lane from westbound Sandmound Boulevard traffic to southbound Bethel Island Road.
- S. Convey to the County, by Offer of Dedication, 55 feet of right of way (or an agreed upon right of way by the Public Works Department and Zoning Administrator) for the planned future road along the westerly property line south of Cypress Road. This 55 feet of right of way will be the easterly half width of a 110 foot right of way for the ultimate extension of Bethel Island Road southerly to Rock Slough. The westerly portion of right way will be acquired with the development to the south or west of this project. The right of way dedicated shall widen to a 60 foot half-width within 300 feet of the intersection of Cypress Road. The alignment shall be to arterial standards, and subject to the review of the Public Works Department and the review and approval of the Zoning Administrator.

The dedication and road alignment described above shall be modified as necessary to protect the cultural resources on the subject property or on the property to the west. This area of concern extends from the North Line of the South half of Sections 27 and 28 (centerline of existing Cypress Road) south 465 feet. South of this point the road alignment shall transition back to centering on the westerly project property line. If the Hotchkiss Mound extends beyond 465 feet south of the centerline of the existing Cypress Road, then the right-of-way shall be designed to allow construction of a road that will

preserve the cultural resource, as recommended in the report discussed below.

Surface and subsurface archaeological testing and reports determining the eastern boundary, between Cypress Road and 465 feet south of Cypress Road, of archaeological site CA-C CO 1 38 (the Hotchkiss Mound) on the property immediately to the west of the project property (Dal Porto property) shall be conducted by the project applicant, and provided to Contra Costa County along with a proposed alignment for the planned future road based on the archaeological reports, within three months of approval of rezoning. Consideration shall be given to an appropriate buffer area and/or barrier to protect the eastern boundary of archaeological site CA-CCO-138. The archaeologist shall be selected and compensated by the project applicant. Given the results of the CA-CCO-138 report and the reports defining the limits of CA-CCO-139 (the Simone Mound) contained in the Cypress Lakes and Country Club EIR, the right-of-way including slope easements, for the planned future road and its intersection with Cypress Road shall be designed to avoid or preserve and to cause the least possible impact, to the cultural resources on the project property and the Dal Porto property to the west. The report shall include recommendations for the design of Bethel Island Road South of Cypress Road to protect the cultural resources as described above. That portion of the approved right-of-way which falls on the project property will be conveyed to the County, by Offer of Dedication.

The archaeological report determining the 465 feet of the eastern boundary of CA-CCO-1 38 and the proposed location of the road right-of-way shall be subject to the review and approval of the Zoning Administrator. The property owner to the west, the California Northwest Archaeological Information Center, the Archaeological Conservancy, the Office of Historic Preservation, and the Native American Heritage Commission shall be notified and given two weeks from the date of receipt by each agency to review and comment upon the report and the right-of-way location prior to its approval.

Depending on these comments, the Zoning Administrator may require a peer review of the archaeological report on CA-CCO-1 38 by another qualified archaeologist. The location of the right-of-way shall be reviewed and approved by the Public Works Department prior to issuance of grading permits for the construction of any portion of the levee that might affect this road alignment, or prior to the filing of any final map that may affect this road alignment, whichever comes first.

- T. Relinquish abutter's rights of access along all proposed public arterial and major collector roads with the exception of access points approved with this project.

ON-SITE ROADWAY IMPROVEMENTS

- U. Construct the on-site public roads to County public road standards, and convey to the County, by Offer of Dedication, the corresponding right of way. Roads which shall be private roads shall be constructed to County private road standards, subject to the review of the Public Works Department, Engineering Services Division, and the review and approval of the Zoning Administrator.
- V. On all public roads with longitudinal slopes of eight percent or less, all public pedestrian access ways shall be designed in accordance with Title 24 (Handicap access). This shall include all driveway depressions as well as handicap ramps.

- W. Construct a new three-leg intersection at Cypress Road and Bethel Island Road, and adequate approaches to this intersection. Final intersection configuration shall be to the satisfaction of Public Works Department and Zoning Administrator, and may be altered based on safety and design considerations. The improvements shall provide for two through lanes along each leg in each direction, and shall extend 1,000 feet along each of the three legs of the intersection. The intersection shall have the turn lane requirements shown in Figure 3.2-1 3 of the DEIR. This intersection shall be designed so that it will ultimately be consistent with a future extension to Byron Highway south of the intersection, and any realignment of Cypress Road to a location north of the existing Cypress Road roadway and above the flood plain. The 1,000 foot section of Cypress Road shall also be realigned north of the existing Cypress Road roadway and above the floodplain to match the proposed improvements to Subdivision 7588. The final design of the vertical curvature of Cypress Road where it crosses the levee shall be approved prior to filing of the first final map. Traffic signals shall be installed at this intersection and put into operation prior to issuance of the 500th building permit, or sooner if needed. The need for the signal shall be analyzed by the Public Works Department prior to filing the final map for each phase, and installed if needed prior to issuance of the 500th building permit.

The Zoning Administrator will consider, subject to the review of the Public Works Department, Engineering Services Division, allowing construction of an interim configuration of the intersection if it can be shown to operate in a safe and efficient manner. The applicant will be required to submit a conceptual plan for the interim and ultimate intersection configuration subject to the review of the Public Works Department, Engineering Services Division, and the review and approval of the Zoning Administrator. In any event, the applicant shall construct the ultimate intersection improvements prior to issuance of the 500th building permit.

The location of the Cypress Road-Bethel Island Road intersection shall be subject to the review of the Public Works Department, Transportation Engineering Division, and the review and approval of the Zoning Administrator.

- X. The following design speeds shall be used for the design of the levee crossings of public roads, and the design of off-site roadways. Cypress Road extension: 35 MPH for the easterly levee crossing. The north-south collector: 35 MPH for both the north and south levee crossing. Sandmound Boulevard: 45 MPH. Bethel Island Road and the off-site portion of Cypress Road: 60 MPH. The design speed for the westerly levee crossing of the Cypress Road extension shall be reviewed by the Public Works Department and reviewed and approved by the Zoning Administrator.
- Y. The following design speeds shall be used for the internal road system: 35 MPH for Cypress Road between Cypress Lakes Drive and Sandmound Boulevard, 35 MPH on the north-south collector between Sandmound Boulevard and the southerly property line. The design speed of Cypress Road between Bethel Island Road and Cypress Lakes Drive shall be reviewed by the Public Works Department and reviewed and approved by the Zoning Administrator.
- Z. Construct road improvements along the frontage of the Cypress Road extension.

- I) Construct necessary longitudinal and transverse drainage (longitudinal drainage may be in open drainage ditches), and necessary pavement widening along the frontages will satisfy this requirement. The minimum pavement half-width shall be 20 feet. A ten foot recovery area shall be required between the edge of pavement and the top of bank of the

Prior to issuance of the 1 50th building permit, construct the extension of Cypress Road from Bethel Island Road to Sandmound Boulevard to a minimum width of 28-feet at ultimate line and grade.

- AA. Prior to issuance of the 1000th building permit, construct the proposed north-south collector between Cypress Road and Sandmound Boulevard to provide secondary access.
- AB. Construct turn lanes and tapers on Cypress Road on the east side of Cypress Lakes Drive to Caltrans standards subject to the review and approval of the Public Works Department, Engineering Services Division.
- AC. The proposed compliance plan provides a 60-foot wide right-of-way (and necessary slope easements) for a future roadway connection to the property south of Cypress Lakes and construct the road to the top of the project levee. This roadway connection would be a secondary access to the project to the south. It should be opened for traffic only after Bethel Island Road is extended south to provide the main access to development of the property to the south.
- AD. Provide deed notification to those parcels that abut the road that is to be extended to the property to the south, and install signage at the end of the road, to inform prospective property owners that it may be extended in the future.
- AE. Provide a signal at the proposed Fire Station subject to the review of the Public Works Department, Engineering Services Division and the Fire District. This signal shall be in operation prior to occupancy of the fire station. This signal shall be interconnected to the signal at the intersection of Cypress Road and Bethel Island Road.
- AF. The entrance to the public park containing the ball fields shall be a street-type connection with 20-foot radius curb returns.
- AG. All trail and golf cart crossings of public roads shall be designed for proper stopping sight distance and signed subject to the review and approval of the Public Works Department, Engineering services Division.
- AH. On road bicycle paths shall be provided as shown in Figure 3.9-3 of the DEIR. The required collector road extension to the southerly property line shall be wide enough to accommodate an on-street bicycle path.
- AI. The proposed conformance map shows the intersections of Maple Court and Willow Court and the intersections of Redwood Court and Ash Court with Park Place Circle at least 150 feet apart, consistent with county standards.
- AJ. The 1/2 cul-de-sac on Pasa Tiempo Court shall be eliminated or made into a full cul-de-

sac.

- AK. The alignment of the Cypress Road extension to Sandmound Boulevard shall be subject to the review of the Public Works Department, Engineering Services Division, and the review and approval of the Zoning Administrator. The alignment shall miss the "Not a Part" properties (Coleman, Ogren, Zauggs, Villegas and Sewell properties) within the project limits, or they shall be purchased in whole or in part by the applicant.
- AL. Construct a separated bicycle/pedestrian facility along the frontage of Bethel Island Road. This facility may be located on top of the levee provided all approving agencies allow the placement of a trail facility on top of the levee. Access from the trail shall be provided to the intersection of Bethel Island Road and Sandmound Boulevard and at the at-grade crossings of all public roads. Provide an easement at the southwest corner of the project for a future access from the levee trail to the southerly extension of Bethel Island Road. These access points shall conform to the requirements of the Americans with Disabilities Act.

LANDSCAPING

- AM. Install permanent landscaping and automatic irrigation facilities within the parkway and median areas, and install interim landscaping features within the future road areas, if any. All work shall be done in accordance with the guidelines and standards of the County. Funding of, and maintenance of, the new plantings shall be guaranteed by the developer until the expiration of the plant establishment period and until funds are available through a landscaping district.
- AN. Apply to the Public Works Department for annexation to the County Landscaping District AD 1 979-3. (LL-2) for the future maintenance of landscaping and irrigation facilities in median islands, parkways and other areas ("open space" and the levee landscaping is specifically excluded).
- AO. Submit two sets of landscaping plans and an estimate of improvement costs prepared by a licensed landscape architect to the Public Works Department, and pay the plan review and field inspection fees at least six weeks prior to the filing of the first final map. All landscaping and irrigation facilities shall be maintained by the applicant until funds become available for their maintenance by the County after final inspection is cleared.

FRONTAGE IMPROVEMENTS

- AP. Construct road improvements along the frontage (east half) of Bethel Island Road.
- 1) Constructing necessary longitudinal and transverse drainage (longitudinal drainage may be in open drainage ditches), necessary pavement widening to obtain the ultimate half-width, and the median island (including surface treatment and/or landscaping and automatic irrigation facilities) along the frontage will satisfy this requirement. A ten foot recovery area shall be required between the edge of pavement and the top of bank of the drainage ditch. These improvements shall be constructed prior to the filing of any final map which takes access from Sandmound Boulevard along the northern portion of the property.

- 2) In lieu of constructing the median island (including surface treatment and/or landscaping and automatic irrigation facilities) the applicant shall place a cash deposit in the Road Improvement Trust (Fund No. 819200-0800) for the future construction of a half width of the median island (including surface treatment and/or landscaping and automatic irrigation facilities) when the other half of Bethel Island Road is improved.

AQ. Construct road improvements along the frontage of Sandmound Boulevard along the northern and eastern project boundaries.

- 1) Construct necessary Longitudinal and transverse drainage (longitudinal drainage may be in open drainage ditches), and necessary pavement widening along the frontages will satisfy this requirement. The minimum pavement half-width shall be 20 feet. A ten foot recovery area shall be required between the edge of pavement and the top of bank of the drainage ditch.
- 2) The road improvements along the northerly Sandmound Boulevard frontage of this property shall be constructed prior to the filing of any final map which provides access to Sandmound Boulevard along the northerly property line.
- 3) The Sandmound Boulevard road improvements along the eastern property line of this property shall be constructed prior to the 150th building permit, subject to the review of the Public Works Department, Engineering Services Division, and the review and approval of the Zoning Administrator.

OFF-SITE ROADWAY IMPROVEMENTS

AR. Construct safety improvements at the Cypress Road - Jersey Island Road intersection if the Public Works Department, Engineering Services Division, finds that they are warranted prior to construction by the developer of Subdivision 7588. A condition of approval will be included in the conditions of approval for Subdivision 7588 which will require the developer of Subdivision 7588 to reimburse the developer of subdivision 7562 for intersection work which they performed at the Cypress Road - Jersey Island Road intersection.

AS. The access to the "Boat & RV Storage & HOA maintenance center" off of Sandmound Boulevard should be a minimum of 26 feet wide (14 foot inbound and 12 foot outbound lanes). The entrance to the access road should provide curb returns of sufficient radius to allow vehicles to enter and exit without blocking both lanes of traffic on Sandmound Boulevard.

AT. The applicant shall contribute \$25 per unit to the Road Improvement Trust (Fund No. 819200-0800) designated toward the improvement of the State Highway 4 Cypress Road intersection. The applicant shall perform a traffic signal warrant analysis subject to the review of the Public Works Department, Engineering Services Division, and the review and approval of the Zoning Administrator prior to the completion of each phase of this Subdivision which cumulatively creates each additional 500 unit increment in the Bethel Island Bonus Area to determine if improvements are needed at this intersection. The applicant shall construct the required improvements when needed.

- AU. Contribute \$30,000 to the Road Improvement Trust (Fund No. 819200-0800) designated for the Oakley/North Brentwood Area of Benefit as this projects fair share of improvements to the State Route 4/Neroly Road intersection. \$30,000 is approximately 10% of the estimated cost of improving this intersection as required by mitigation measure 3.2-14 of the project EIR. The \$30,000 shall be paid in \$10,000 increments with the filing of the final maps for the first three phases.
- AV. Contribute \$660 per unit to the Road Improvement Fee Trust (Fund No. 819200-0800) for sub-regional improvements to the Laurel Road Corridor consisting of the applicant's share of construction of the Cypress Road – Laurel Road connection from State Highway 4 to Machado Lane and for widening Laurel Road from State Highway 4 to the proposed State Route 4 Bypass.
- AW. Prior to issuance of the 1500th building permit in the Bethel Island off island bonus area, Cypress Road between State Route 4 and Machado Lane shall be widened to provide two 12-foot lanes with 8-foot paved shoulders. Reimbursement to the developer that constructs this improvement shall come from the Bethel Island Area of Benefit in proportion to the cost of this improvement in the project list of the Area of Benefit's Development Program Report.
- AX. The applicant shall contribute \$1,726 per single family unit to the Road Improvement Fee Trust (Fund No. 819200-0800) designated for the Delta Expressway, to be consistent with the Oakley Area of Benefit, if building permits are issued prior to adoption of a new Delta Expressway fee ordinance.
- If the proposed Delta Expressway fee ordinance is adopted prior to issuance of building permits, the applicant shall instead be responsible for payment of the adopted fee.
- AY. The Bethel Island Road/Sandmound Boulevard intersection shall be improved and widened, and a left turn lanes shall be constructed. Sandmound Boulevard shall be realigned to a right-angle intersection at Bethel Island Road. The realignment shall allow for the extension of Sandmound Boulevard to the west of Bethel Island Road without conflicting with the drainage channel on the west side of Bethel Island Road. These improvements, plus a traffic signal at Sandmound Boulevard and Bethel Island Road, shall be installed prior to the filing of any final map which provides access to Sandmound Boulevard along the northerly property line.
- AZ. Contribute \$340 per dwelling unit to the Road Improvement Fee Trust (Fund No. 819200-0800) for the extension of Byron Highway from Delta Road to the intersection of Cypress Road and Bethel Island Road.
- BA. Prior to issuance of the 100th building permit in the Bethel Island off island bonus area, construct pavement widening for left turn channelization at the intersections of Sellers Avenue and Knightsen Avenue with Cypress Road subject to the review of the Public Works Department and the review and approval of the Zoning Administrator. All pavement shall be at ultimate line and grade.
- BO. Prior to issuance of the 1,000th building permit in the Bethel Island off island bonus area,

install traffic signals at the Sellers Avenue and Knightsen Avenue intersections with Cypress Road, or sooner if needed. The need for the signals shall be analyzed subject to the review of the Public Works Department, and the review and approval of the Zoning Administrator, prior to filing the final map for each phase, and installed if needed, prior to issuance of the 1 000th building permit.

- BC. Prior to issuance of the 1,000th building permit in the Bethel Island off island bonus area widen Cypress Road between Machado Lane and 1,000 feet east of Knightsen Avenue to a four lane arterial with median island. The alignment and geometrics shall be subject to the review of the Public Works Department, Engineering Services Division, and the review and approval of the Zoning Administrator.
- BD. The applicant shall perform a survey of the pavement condition on Cypress Road between State Route 4 and Bethel Island Road prior to the commencement of any work on site, and after completion of each phase. The surveys shall be subject to the review and approval of the Public Works Department. The applicant shall perform any necessary remedial work to the surveyed portion of Cypress Road prior to the filing of the final map for the next phase, subject to the review of the Public Works Department and the review and approval of the Zoning Administrator.
- BE. Submit a sketch plan to the Public Works Department, Transportation Engineering Division, for review showing all off-site public road improvements prior to starting work on the improvement plans. This shall include the improvements at the Cypress Road - Bethel Island Road intersection, the Cypress Road extension through the project and the construction of Sand-mound Boulevard along the northerly and easterly boundaries of this project. The sketch alignment plan shall be to scale and show proposed and future curb-lines, drainage ditches, right of way, lane striping details, lighting and cross sections. The sketch alignment plan shall also include sufficient information to show that adequate sight distance has been provided. The sketch plan shall include an alignment for Cypress Road between State Route 4 and Bethel Island Road which shall be approved by the Zoning Administrator prior to filing the first final map.
- BF. Furnish proof to the Public Works Department, Engineering Services Division, of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, road and drainage improvements.
- BG. If, after good faith negotiations, the applicant is unable to acquire necessary rights of way and/or easements, he shall enter into an agreement with the County to complete the necessary improvements at such time as the County acquires the necessary interests in accordance with Section 66462 and 66462.5 of the Subdivision Map Act.
- BH. The Zoning Administrator shall determine the amount of credit the developer may receive against the Area of Benefit fee for roadway improvements installed by the developer. Credit may be given for improvements even if they are not programmed in the Capital Improvement Program within three fiscal years after final map approval. If the Zoning Administrator determines that a 100% credit is not allowed, then the developer shall pay the difference in the AOB fee and may receive reimbursement pursuant to a reimbursement agreement. Any credit or reimbursement shall be based on the cost estimates included in the Area of Benefit Development Program Report and only in

proportion to each specific Area of Benefit improvement which the applicant is installing. The developer shall contact the Public Works Department, Transportation Engineering Division, to determine the extent of credit or reimbursement for which the applicant might be eligible. Prior to constructing any public improvements or filing of any final map, the applicant shall execute a credit/reimbursement agreement with the County. No credit or reimbursement will be made for any improvements installed prior to execution of the credit/reimbursement agreement.

The applicant shall be allowed full credit for the portion of the Cypress Road extension between Bethel Island Road and Sandmound Boulevard which the applicant constructs which is included in the Bethel Island sub area of the Countywide Area of Benefit. Full credit will be allowed up to the amount specified in the Area of Benefit project list for the Cypress Road extension.

TRANSIT

- BI. Comply with the County TDM Ordinance, and the Growth Management Program, and the Bay Area Air Quality Management District regulations regarding transportation. TDM measures that could be used by the project applicant include the provision of maps showing available transit routes, and providing information on ridesharing and vanpool services to prospective home buyers.
- BJ. Provide for future transit by providing bus turnouts on Cypress Road at the intersection of Cypress Lakes Drive and at appropriate locations along Cypress Lakes Drive, Sandmound Boulevard, Bethel Island Road, Cypress Road, and Country Club Drive. The location of the turnouts shall be subject to the review and approval of Tri-Delta Transit. Deposit sufficient monies, as determined by Tri-Delta Transit, for bus stop shelters, bicycle racks, and bicycle lockers to be installed by Tri-Delta Transit once regular transit service to the area begins. The deposit of monies for the bus stop facilities shall be made with the filing of each final map that constructs a bus turnout.
- BK. All homes shall be wired for telecommuting purposes.
- BL. Provide a park-and-ride lot within the parking area for the ball fields subject to the review of the Public Works Department, and the review and approval of the Zoning Administrator. The park and ride lot shall have a capacity of 65 spaces. Provide adequate parking for the combined use of the park-and-ride lot and the ball field complex. Provide bicycle racks and lockers. The design of the park and ride portion of the parking lot, including bicycle racks and lockers shall be subject to the review and approval of the Zoning Administrator.
- BM. The design of community facilities such as a clubhouse or a community park, shall provide for and encourage the use of bicycles. At a minimum this shall include bicycle racks and bicycle lockers. As an example, providing lockers at the clubhouse to store golf clubs would allow residents to bicycle to the golf course, rather than drive to the golf course with their clubs.

ADVISORY NOTES

- A. The project lies within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps. The applicant should be aware of the requirements of the Federal Flood Insurance Program and the County Flood Plain Management Ordinance (Ordinance No. 90-11 8) as they pertain to future construction of any structures on this property.
- B. This project may be subject to the requirements of the Department of Fish & Game. It is the applicant's responsibility to notify the Department of Fish & Game, 1 701 Nimbus Road, Rancho Cordova, California 95769, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish & Game Code.
- C. This project may also be subject to the requirements of the Army-Corps of Engineers. The applicant should notify the appropriate district of the Corps of Engineers to determine if a permit is required and if it can be obtained.
- D. The applicant shall be required to 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, or any of its Regional Water Quality Control Boards (San Francisco Bay - Region II or Central Valley - Region V)
- E. The applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Countywide Area of Benefit, Bethel Island sub area as adopted by the Board of Supervisors.
- F. Comply with the requirements of Reclamation District #799 including but not limited paying permit fees and water quality programs.
- G. Comply with the requirements of the Ironhouse Sanitary District.
- H. Comply with the requirements of the Oakley and/or Bethel Island Fire Protection Districts or their successor.
- I. Comply with the requirements of the Health Services Department, Environmental Health Division.
- J. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.
- K. Comply with the requirements of the Diablo Water District.
- L. The applicant will be required to pay an environmental review fee of \$875 for the Department of Fish and Game at the end of the appeal period. Failure to do so will result in fines. In addition, the approval is not final or vested until the fee is paid. A check for this fee shall be submitted to Contra Costa County for submittal with the final environmental documents.

- M. The applicant is advised that the tax for the police services district is currently set by the Board of Supervisors at \$200 per parcel annually (with appropriate future Consumer Price Index [CPI] adjustments). The annual fee is subject to modification by the Board of Supervisors in the future. The current fee for holding the election is \$800 and is also subject to modification in the future. The applicable tax and fee amounts will be those established by the Board at the time of voting.
- N. This project is subject to the development fees in effect under County Ordinance as of November 2, 1990, the date the vesting tentative map application was accepted as complete by the Community Development Department. These fees are in addition to any other development fees which may be specified in the conditions of approval.

The fees include but are not limited to the following:

Park Dedication: \$1,350 per unit except as reduced by the provision of public parks.

If the project applicant requests partial or full waiver of park fees for the provision of private or public parks pursuant to Ordinance Code Section 920-8.002, the Board of Supervisors shall be the planning agency that will determine this issue.

ML/kp
DP903032.coa rev.
3/20/01

EXHIBIT B

CITY-COUNTY TRANSITION AGREEMENT

**AGREEMENT BETWEEN CONTRA COSTA COUNTY AND CITY OF OAKLEY
RELATING TO TRANSITION OF MUNICIPAL SERVICES, COLLECTION OF FEES
AND MAINTENANCE OF INFRASTRUCTURE UPON ANNEXATION OF THE EAST
CYPRESS CORRIDOR SPECIFIC PLAN AREA**

This Agreement is entered into between the County of Contra Costa, a political subdivision of the State of California ("County") and the City of Oakley, a municipal corporation ("City"). The above named entities may be known from time to time within this Agreement as the "Parties."

RECITALS

- A. In December 2002, the City Council of the City of Oakley approved the Oakley 2020 General Plan ("General Plan") and certified the Environmental Impact Report therefor (Resolution Nos. 76-02 and 75-02, respectively). The General Plan included as an "Expansion Area" the area commonly known as the East Cypress Corridor ("East Cypress Corridor"), which is approximately 2,546¹ acres of land located immediately east of the City of Oakley boundaries in Contra Costa County. The East Cypress Corridor contains vacant land, agricultural land, single-family homes, commercial uses, overhead power lines, natural gas wells, natural gas pipelines, irrigation canals, and Shea Homes' Summer Lake project ("Summer Lake" or "Shea Project"), which is currently under construction. The East Cypress Corridor includes those lands generally east of Jersey Island Road, south of Dutch Slough, west of Sandmound Slough, north of Rock Slough and northeast of the Contra Costa Canal. The City of Oakley General Plan contemplated and planned for annexation of the lands within the East Cypress Corridor to the City.
- B. On August 13, 2003, the Contra Costa Local Agency Formation Commission ("LAFCO") approved Resolution No. 03-16, which included the East Cypress Corridor within the City of Oakley's Sphere of Influence.
- C. In furtherance of the annexation of the East Cypress Corridor, the City of Oakley prepared an East Cypress Corridor Specific Plan ("Specific Plan") and East Cypress Corridor Specific Plan Environmental Impact Report ("EIR"), which analyzed the environmental impacts of the Specific Plan. The Specific Plan proposed planned development of mixed-uses for the 2,546-acre site. The project proposed to allow up to 5,609² residential units (detached and attached

¹ The 2,546 acre figure is the acreage referenced in the East Cypress Corridor Specific Plan, Environmental Impact Report, and other documentation. On a technical note, an acreage calculation that includes portions of properties extending into the waterways of Dutch Slough and Sandmound Slough (such as marinas, boat docks, and low-tidelands), would result in a total of 2,607 acres. Annexation acreages to the City, CCWD and DWD are approximate, and subject to refinement through details of the official LAFCO application.

² One hundred fifty residential units may replace up to 20 acres of the net 40 acres of the Village Center site, which results in a maximum development of 5,759 residential units.

units), commercial uses, public schools (3 elementary, one middle), man-made lakes, open space/easements, existing and proposed gas well sites, wetlands/dunes, flood-control levees, parks (neighborhood and community), light industrial uses, commercial recreation uses, and a beach club.

- D. For purposes of its annexation application, the City divided the East Cypress Corridor into three areas. The first area ("Area 1") is composed of largely undeveloped parcels in the East Cypress Corridor and is defined in more detail in Oakley City Council Resolution No. 32-06. Area 1 includes the Summer Lake project. The second area ("Area 2") consists of approximately 44.71 acres of largely developed land located east of Jersey Island Road and south of East Cypress Road and is defined in more detail in Oakley City Council Resolution No. 33-06. The third area ("Area 3") consists of 512.30 acres of largely developed land located east of Jersey Island Road, south of Dutch Slough, west of Sandmound Slough and north of Rock Slough and the Contra Costa Canal and is defined in more detail in Oakley City Council Resolution No. 34-06. The proposed annexations of Area 1, Area 2, and Area 3 shall hereinafter be referred to, respectively, as the "Area 1 Annexation," "Area 2 Annexation," and "Area 3 Annexation," and collectively as the "Annexations."
- E. On August 30, 2005, the City distributed the Specific Plan and Draft Environmental Impact Report ("DEIR"), dated August 29, 2005, to interested persons, organizations, and public agencies for a 45-day public review period and invited public comment, with the review period closing October 13, 2005. The City Council held a public hearing on October 10, 2005, at which interested persons were given an opportunity to comment on the DEIR. On December 23, 2005, the City Council issued a "Notice of Availability of Recirculated Portions of Draft Environmental Impact Report (DEIR) for East Cypress Corridor Draft Specific Plan" and recirculated portions of the DEIR to local and regional agencies for review and invited public comment, with the review period closing February 6, 2006. A Final Environmental Impact Report ("FEIR") was distributed to interested persons, organizations, and public agencies on February 24, 2006.
- F. On September 12, 2005, the City Council adopted Resolution No. 89-05 providing Notice of Intent to LAFCO, the Contra Costa Water District ("CCWD"), and the Diablo Water District ("DWD") of the City's plans to initiate boundary reorganization proceedings for the East Cypress Corridor ("Annexation Proceedings") and subsequently provided copies of the preliminary application materials to LAFCO, CCWD and DWD.
- G. The City Planning Commission held a public hearing on February 28, 2006, at which it received a staff report and presentation; heard public testimony; and approved a resolution recommending that the City Council amend the General Plan, adopt the Specific Plan, certify the EIR, and approve an ordinance rezoning the East Cypress Corridor "SP-1".

- H. On March 13, 2006, the City Council conducted a noticed public hearing on the Annexation Proceedings, at which time all interested parties had the opportunity to be heard. The City Council considered the Environmental Impact Report, the City Planning Commission recommendations, and all written and oral testimony submitted at the public hearing. The Council then adopted Resolution No. 30-06, certifying the EIR as adequate and complete pursuant to the California Environmental Quality Act ("CEQA"); adopted Resolution No. 31-06, making findings required by CEQA, amending the General Plan, and approving the Specific Plan; introduced Ordinance No. 03-06 rezoning the East Cypress Corridor "SP-1"; and adopted Resolution Nos. 32-06, 33-06 and 34-06, authorizing the submittal of boundary reorganization applications for the East Cypress Corridor.
- I. If the Annexations are approved, the Parties desire that the transition of municipal services, property and miscellaneous governmental obligations be as smooth as possible with no noticeable reduction in quality of services to residents. In the event that the Area 2 Annexation or Area 3 Annexation is unsuccessful, this Agreement is intended to set forth the obligations and responsibilities of the Parties to provide services to the unincorporated areas within the City's Sphere of Influence.
- J. In anticipation of the Area 1 Annexation, City negotiated a Development Agreement with Shea Homes, which addresses issues such as the payment of fees by Shea Homes, including development impact fees, after the completion of the Annexations. The Summer Lake project is located north and south of East Cypress Road. Shea Homes is processing the southern portion ("Summer Lake South") in three phases, referred to as Unit 1A, Unit 1B, and Unit 2. Shea Homes is presently constructing the project in Units 1A and 1B and is processing its final map for Unit 2. Shea Homes has expressed an interest in amending its tentative map for the portion of Summer Lake north of East Cypress Road ("Summer Lake North") prior to development, if the Area 1 Annexation is approved.
- K. City and County negotiated a property tax exchange agreement in conjunction with the City's Annexation applications. The City Council adopted Resolution No. 18-06, setting forth the City's agreement for property tax exchange for the East Cypress Corridor.
- L. City and County desire to set forth further mutual agreements concerning the above-stated recitals to guide the Parties with respect to major issues concerning the Parties that may occur as a result of the Annexations, including the transition of certain municipal services, real property, maintenance obligations and responsibilities concerning the proposed Annexations. In the event that other such issues arise as a result of the Annexations, the Parties shall cooperate with

each other to resolve those issues and enter into such other agreements as may be necessary to further the purposes of this Agreement.

M. Nothing contained in this Agreement is intended, nor shall it be construed, to amend or supersede any previous tax sharing or other agreements between the Parties, including but not limited to the July 25, 2000, municipal services agreement between County and City, or any amendments to such agreements. In the event of a conflict, the earlier agreement will control unless the Parties otherwise agree in writing.

AGREEMENT

Section 1. Recitals

The foregoing recitals are true and correct and are made a part hereof.

Section 2. Continuation of services to un-annexed area

City and County acknowledge the possibility that a majority of property owners may vote against the Area 2 Annexation or Area 3 Annexation, leaving unincorporated areas adjacent to the City. If this occurs, municipal services shall continue to be provided to such area, either (1) by County or (2) by City, upon request of County. If County requests City to provide these services, City will provide some or all of the municipal services that it would have provided to such area if the voters in such area had voted to annex to the City. Such services may include, but are not limited to, any combination of the following:

- Park and landscaping maintenance;
- Street naming and numbering;
- Street light services in coordination and cooperation with PG&E;
- Business license tax collection services;
- National Pollutant Discharge Elimination System services;
- Building plan check, permit issuance, and code enforcement inspection services;
- Street maintenance services;
- Parking citation; and
- Police services.

If County requests that City provide services to Area 2 and/or Area 3, the Parties agree to confirm these obligations and clarify the details thereof through a separate agreement prior to City providing services.

Section 3. Bethel Island Bridge

A. City Contribution.

City shall contribute \$2.7 million to the construction of the Bethel Island Bridge Replacement Project (County Project #0662-6R4043-02) ("Project") to make up a \$2.7 million gap in local matching funds. In no event shall City be obligated to pay the \$2.7 million local matching funds from the City's General Fund.

City has the option to make its contribution as either a one-time payment of \$2.7 million, to be paid at award of the Project contract, or as progress payments, to be paid as needed and based upon actual construction expenditures, not to exceed the \$2.7 million cap. Although County presently expects that funding contributions may be necessary as early as the spring of 2007, County agrees to develop for City a schedule of anticipated funding disbursements and to refine the construction schedule for Project as it proceeds.

B. Rights and Responsibilities.

County shall continue to be lead agency in performing all design, Right of Way ("ROW") acquisition, construction and administration of Bethel Island Bridge. City may review and recommend revisions to all aspects of design, ROW acquisition, construction and administration of the Project related to that portion of Bethel Island Bridge, and its approaches, that it will ultimately maintain.

County has the power to acquire such property interests as are necessary for the Project within City's jurisdiction, including but not limited to through the exercise of the power of eminent domain. City shall cooperate with County in its efforts to acquire such property interests.

C. Joint Exercise of Powers.

The Parties shall negotiate and consider a joint exercise of powers agreement to further define the powers, roles and responsibilities of the Parties with respect to the Project.

Section 4. Rock Slough Bridge / Byron Highway Extension Construction and Implementation

The Rock Slough Bridge / Byron Highway Extension is identified in EIR Mitigation Measure 3.13-4 as mitigation for traffic conditions along East Cypress Road.

A. Rights and Responsibilities.

City shall lead all design, ROW acquisition, construction and administration of the Rock Slough Bridge / Byron Highway Extension Project. County may review and recommend revisions to all aspects of design, ROW acquisition, construction and administration of the Rock Slough Bridge / Byron Highway Extension Project related to those portions of

the Rock Slough Bridge and its approaches and the Byron Highway extension that it will ultimately maintain. As described in Mitigation Measure 3.13-4, City shall construct a minimum of two lanes of roadway of the Byron Highway Extension and the Rock Slough Bridge before 20 percent of the residential development contemplated in the Specific Plan, or 800 residential units not including those in the Summer Lake, has been completed. The exact width and configuration of each phase of the highway extension and the Rock Slough Bridge shall be determined through further engineering analysis. City further agrees to widen the Byron Highway Extension to four lanes before 80 percent of the residential development contemplated in the Specific Plan, or 3,100 units, not including Summer Lake, have been completed.

B. Joint Exercise of Powers.

The Parties shall negotiate and consider a joint exercise of powers agreement to further define the powers with respect to the Rock Slough Bridge / Byron Highway Extension Project.

Section 5. Roadway Enhancements Program

A. Establishment of Program.

The Parties agree to work cooperatively in good faith to establish a roadway improvement program ("Program") to fund the construction of capacity enhancements at specific intersection and the improvement of certain roadway segments to County Rural Road standards and to encourage other public agencies to participate in the Program. The Parties shall use their best efforts to establish the program within 24 months of the recording of a certificate of completion for the Area 1 Annexation ("Area 1 Annexation Record Date"). Establishment of the Program shall include, but is necessarily limited to, (1) a traffic study of the proportional impacts of new development and associated nexus analysis pursuant to applicable law; (2) development of a list of improvements to be funded by the Program ("Projects"); (3) approvals of resolutions or ordinances establishing development fees to fund the Projects ("Fees"); and (4) approval of a Joint Exercise of Powers Agreement between the Parties, setting forth their respective obligations regarding the collection, transfer, use and management of fee revenues generated for the Projects.

B. Projects.

The Projects shall be determined by County and City in consultation with each other. A preliminary list of Projects is set forth in Exhibit A, incorporated by reference herein. The list may be amended to delete certain improvements from, or add other improvements to, the list of Projects, based on the results of the traffic study which will include a technical analysis of proportional impacts of new development in far East County, including undeveloped and unentitled land within Oakley, Brentwood, and unincorporated Contra Costa County and in any other jurisdiction to the extent that such

development is found to contribute to the need for the Projects ("Program participants"). The City, County and Program participants will collaborate on the relative priorities of the Projects.

C. Incorporation into Existing Fee Programs.

Notwithstanding anything herein to the contrary, the Parties shall seek incorporation of some or all of the Projects into appropriate existing regional fee programs; such as the Regional Transportation Development Impact Mitigation (RTDIM) fee program administered by the East County Regional Fee and Financing Authority (ECCRFFA), provided that, upon such incorporation, the Projects would be scheduled for completion within a timeframe acceptable to the Parties. If all of the Projects are incorporated into one or more existing fee programs, to the satisfaction of the Parties, the Parties shall be automatically relieved of any further obligations under this Section 5.

D. City Obligations. To the extent legally permitted, City shall:

1. Participate in developing the final list of Projects, including planning level cost estimates based on current construction costs, with the County and any other Program participants.
2. Prepare a traffic impact analysis, utilizing a transportation consultant to be agreed upon by the Parties, within six months of the Area 1 Annexation Record Date, which estimates the potential future development in far East County. The analysis will estimate existing traffic deficiencies and assess the proportional impacts of new development in each jurisdiction in order to determine fair share contributions of new development in each agency's jurisdiction for each of the Projects.
3. Identify any existing fee programs, trust accounts, entitled projects, deferred improvement agreements, or other funding sources in the City that may be incorporated into or applied to the Program.
4. Impose conditions of approval or include language in negotiated agreements obligating developments within the East Cypress Corridor Specific Plan Area to (1) pay their fair share of the cost of the Projects or (2) construct improvements on the list of Projects, in which case the fair share contribution shall be based on the Program estimate of the cost of such improvements. The language will include the provision that if any such development requests building permits prior to establishment of Fees, the developer shall satisfy their fair share contribution through construction of improvements on the list of Projects or payment into a trust fund, the funds to be utilized once the Program is established.
5. Until such time that Fees are established, City shall use every means possible to obligate developers to participate in the Program, including adopting resolutions placing the developers on notice regarding the potential for Fees and, with respect to development agreements, establishing trust funds for prepayments.

6. Encourage the City of Brentwood, other interested agencies, and ECCRFFA to participate in the Program.
 7. Consider the adoption of a resolution or ordinance establishing and imposing the Fees.
 8. Participate in preparing a financing plan, and annual updates thereto, which will prioritize projects for construction and include a preliminary schedule of Projects based on forecasted Program revenues.
- E. County Obligations. To the extent legally permitted, County shall:
1. Participate in developing the final list of Projects, including planning level cost estimates based on current construction costs, with the City and any other Program participants.
 2. Review and comment on the traffic analysis to be conducted by CITY.
 3. Identify any existing fee programs, trust accounts, entitled projects, deferred improvements agreements, or other funding sources in the County that may be incorporated into or applied to the Program.
 4. Consider amendments to the East County Area of Benefit ("ECAOB") to require new developments to pay their fair share of the cost of the Projects, within nine months of the Area 1 Annexation Record Date. It is anticipated that such amendments will be interim measures pending establishment of the Program.
 5. Participate in preparing a financing plan, and annual updates thereto, which will prioritize projects for construction and include a preliminary schedule of Projects based on forecasted Program revenues.
 6. Impose conditions of approval or include language in negotiated agreements obligating developments in the unincorporated portion of far East County to pay their fair share of the cost of the Projects. The language will include the provision that if any development in the unincorporated portion of far East County requests building permits prior to the establishment of fees to fund the Projects, the developer shall contribute their fair share through construction of improvements on the list of Projects or payment into a trust fund to be utilized once the Program is established.
 7. Pursue all Regional, State, and Federal grants and transportation funds for which the County may be eligible that may be used to fund the Projects.
 8. Encourage the City of Brentwood, other public agencies, and ECCRFFA to participate in the Program.
 9. Consider the adoption of an ordinance establishing the Fees.
 10. Aggressively pursue the completion of the Projects as funds become available.

Section 6. Flood Control and Drainage

City shall plan and design a master flood control and storm drainage system for the East Cypress Corridor. City agrees to supervise the development of the drainage master plans in coordination with the Contra Costa County Flood Control and Water Conservation District on a fee for service basis.

Section 7. East County Habitat Conservation Plan

City, a member of the East County Habitat Conservation Plan Association ("HCPA"), will consider adoption of the HCP, when it is brought to the City Council for consideration.

City agrees that development in the East Cypress Corridor is not in-fill development, as defined in the HCP. City agrees to support the efforts of East Cypress Corridor developers to enter into an agreement, in advance of the adoption of the HCP, that is mutually beneficial to the HCPA and the developers.

Section 8. Coordination of Transfer of Shea Homes Summer Lake Project

A. Transition of Planning, Engineering and Building Processes

If the Area 1 Annexation is approved, all planning, engineering, and building permit and plan processing and review for Summer Lake South shall be handled pursuant to the "City-County Summer Lake Transition Matrix," attached hereto as Exhibit B and incorporated herein by reference, as clarified and augmented by this section.

1. Building Permit and Plan Processing.

(a) For all building permits already issued upon the date the certificate of completion is recorded for the Area 1 Annexation ("Area 1 Annexation Record Date"), County shall complete inspections of construction and final of permits.

(b) If County is processing building permit applications upon the Area 1 Annexation Record Date, it shall stop processing. County shall direct applicants to resubmit building permit applications to the City.

(c) If County is performing plan check upon the Area 1 Annexation Record Date, County shall stop work and forward its related files and redlined copies to the City for completion of review. City shall issue any related building permits.

(d) City will process all building permit applications submitted after the Area 1 Annexation Record Date and conduct related building inspections.

(e) If City requests proposals for building services from qualified consultants or agencies for Summer Lake South, City will accept and consider in good

faith a proposal from the County to provide to City building-related services, including permit processing, plan check and building inspections.

2. Planning and engineering.

(a) County shall transfer to City processing of planning and engineering applications already initiated upon the Area 1 Annexation Record Date.

(b) City will process all applications for planning and engineering permits and plan reviews submitted after the Area 1 Annexation Record Date, as well as oversee compliance with permits and construction of infrastructure.

B. Transfer of Fees

1. Collection and remittance of County fees by City.

Upon the Area 1 Annexation Record Date, and assumption of control over issuance of building permits, City will collect from Shea and remit to County the following fees, based upon the anticipated 1,330 units in Summer Lake North and South:

(a) Affordable Housing: City shall collect from Shea Homes and remit to County a \$3,333 per-unit affordable housing fee ("Affordable Housing Fee") for all residential building permits that City issues for Summer Lake, pursuant to the conditions of approval. City requests that County set aside 20 percent of the Affordable Housing Fee revenue collected from Shea and provide those funds to City to assist with financing for the development of affordable housing on an 11.3-acre site within the East Cypress Corridor identified in the Specific Plan for affordable housing development (specifically, Planning Area 6-H). County agrees to consider City's request. County further agrees to expend the fee revenues referenced in this paragraph within East Contra Costa County.

(b) Homeless Trust Program: City shall collect from Shea and remit to County \$225.56 per residential unit for the Homeless Trust Program, provided the funds are designated for use within East Contra Costa County. City shall document the distribution in the City's General Plan Housing Element.

(c) Library: City shall collect from Shea \$66.67 per residential unit to augment library services within Oakley.

(d) Open Space / Agricultural Protection Fee: City shall collect from Shea and remit to County \$25.00 per residential unit, subject to annual adjustment for inflation, as provided for in the conditions of approval. County agrees to expend the funds collected within East Contra Costa County.

2. Collection of Processing Fees.

As of the Area 1 Annexation Record Date, where applicable, City will charge its then current fees for processing all permit applications and related services, including but not limited to, building permits and inspections, review of engineering plans, and processing of development applications. If City contracts with County for building-related services, City will pay County at agreed-upon rates.

3. Accounting for Collected Traffic Impact Fees.

Pursuant to the terms of a joint exercise of powers agreement described in this Paragraph, County shall account for traffic impact fees collected as of the Area 1 Annexation Record Date from Shea Homes and remit to City those development impact fees that were intended for roadway improvement projects related to East Cypress Corridor development, pursuant to the April 21, 2001, revised County conditions of approval: 84.AT (Main/Cypress Intersection); 84.AU (Main/Neroly Intersection); 84.AV (Cypress-Laurel Connector); and 84.AZ (Byron Highway Extension). The parties shall negotiate and consider a joint exercise of powers agreement to define the powers, roles, and responsibilities with respect to the collection, transfer, management, and use of the fee revenues referenced in this paragraph.

C. Ownership and Maintenance of Infrastructure

The Parties agree to the transition, as of the Area 1 Annexation Record Date, of ownership and all inspection and maintenance obligations for infrastructure constructed as part of or in conjunction with Summer Lake South in accordance with Exhibit B.

The Parties recognize that, if the Area 1 Annexation is approved, as Shea Homes completes build-out of Summer Lake South, questions may arise regarding County and City applicable standards for the design, construction, inspection, and acceptance, identified in Exhibit B. By way of example only, County standards for medians currently under construction on Bethel Island Road and East Cypress Road call for a solid concrete surface, whereas City's standards call for the installation of landscaping and irrigation. The Parties agree to inform each other about their respective standards and the status of the build-out of the Summer Lake South project. The Parties further agree that, as issues arise, they will discuss their respective interests in a good-faith effort to develop mutually agreeable solutions.

Section 9. Coordination of Transfer of Other Planning, Engineering, and Building Projects and County Records and Files.

A. Transition of Planning, Engineering and Building Projects

As of the date a certificate of completion is recorded for any of the Annexations, the review of planning and engineering submittals, pending planning entitlement and public works applications, building plan check, building permit issuance, and building inspections for projects in the area referenced in such certificate, other than Summer Lake South, shall transition from County to City in the same manner as set forth in Section 8. A. of this Agreement.

B. Transfer of Planning, Engineering, and Building Files

Upon request by City, County shall deliver to City within 30 days all records, files and other documents in County's possession or control that relate to the portions of the East Cypress Corridor annexed to the City. The records, files and documents shall be those which are customarily transferred to a City upon annexation.

Section 10. Notices.

Whenever notice is required hereunder, it shall be given to the Parties as follows:

City of Oakley:

City Manager
City of Oakley
3231 Main Street
Oakley, CA 94561

County of Contra Costa:

County Administrator
651 Pine Street, 10th Floor
Martinez, CA 94553-1291

Section 11. Entire Agreement.

This Agreement contains the entire Agreement between the Parties. No promise, representation, warranty, or covenant not included in the Agreement has been or is relied upon by any party hereto.

Section 12. Effective Date and Term of Agreement.

This Agreement shall become effective upon the recording of a certificate of completion for any of the Annexations (the "Effective Date").

This Agreement shall remain in effect from the Effective Date until the conditions of this Agreement have been met, to the satisfaction of the Parties (the "Term of Agreement").

Section 13. Amendment.

This Agreement may only be amended by a writing signed by both Parties.

Section 14. No Third Party Beneficiaries

Nothing contained in this Agreement is intended, nor shall it be construed, to create rights inuring to the benefit of third parties.

Section 15. Severability

In the event that any provision herein is held to be invalid by any court of competent jurisdiction, the invalidity of any such provision shall not materially prejudice either County or City in its respective rights and obligations contained in the valid provisions of this Agreement.

Section 16. Remedies

The sole remedy for violation of this Agreement shall be the specific performance of this Agreement. County and City waive their respective rights to trial by jury of any claim or cause of action arising out of this Agreement. County and City shall have no liability for damages to one another or to any other person or entity resulting from any violation of this Agreement.

Section 17. Dispute Resolution

A. In General. This Section establishes the exclusive process by which disputes between the Parties concerning or relating to this Agreement shall be resolved. The dispute resolution process established herein shall apply to disputes related to the interpretation or enforcement of, or compliance with, the terms and provisions of this Agreement. Disputes that are not alleged to relate to the interpretation of, or compliance with, this Agreement are not subject to this Dispute Resolution Process.

B. Informal Conferral. If a dispute arises as described above in Section 17.A., the Parties will first attempt to resolve it through informal discussions, which may include designated representatives of the staff of the Parties, at their discretion.

C. Mediation. In the event a dispute cannot be resolved through informal conferral within twenty-one (21) calendar days, the aggrieved Party, acting through its governing body, shall give written notice to the other Party, setting forth the nature of and basis for the dispute and facts demonstrating that such Party is materially and adversely affected thereby. The Parties, acting through their designated representatives, including counsel, shall endeavor to settle the dispute by mediation. The Parties shall select a neutral third party with expertise in land use matters to mediate the dispute.

D. Judicial Review. The dispute resolution process described above shall be undertaken in good faith and exhausted prior to resort to judicial review; provided, however, that by agreeing to this dispute resolution process, no Party hereby loses or waives its right to sue under any applicable statute of limitations or loses or waives its right to assert the operation of any applicable statute of limitations as an affirmative defense. In the event that an applicable statute of limitations would run during the pendency of the dispute resolution process described above, the Parties shall agree in writing to toll such statute of limitations for such period as may reasonably be necessary to complete the dispute resolution process, but in no event shall such statute of limitations be tolled for more than ninety (90) calendar days.

E. Conduct of Judicial Review. Should any Party to this Agreement ultimately seek judicial review of a dispute concerning or relating to the implementation, interpretation or enforcement of, or compliance with, the terms and provisions of this Agreement, the Parties will submit to the jurisdiction of a court of competent jurisdiction; provided, however, that the Parties shall cooperate in seeking the appointment of a neutral Judge as defined in California Code of Civil Procedure section 394 to sit in Contra Costa County Superior Court, to preside over and decide any such dispute.

Section 18. Construction

This Agreement is the product of negotiation and preparation of the Parties. Any rule of construction to the effect that any ambiguity is to be resolved against the drafting party shall not be applied to the interpretation of this Agreement.

Section 19. Counterparts

This Agreement may be executed in counterparts and so executed shall constitute an Agreement which shall be binding upon all Parties hereto. A photocopy of the fully executed Agreement shall have the same force and effect as the original.

Section 20. Voluntary Execution

The Parties have freely and voluntarily executed this Agreement and are not acting under coercion, fraud, duress, menace, economic compulsion or undue

influence, or because of any supposed disparity of bargaining power, rather, the Parties are freely and voluntarily signing this Agreement for their own benefit.

Section 21. Signatures

By affixing his/her signature below, each of the persons signing this Agreement warrants and represents that he/she has read and understands this Agreement, that he/she is authorized to sign this Agreement, and that the party on behalf of whom he/she signs agrees to be bound by its terms:

CITY OF OAKLEY

Brad Nix
Brad Nix, Mayor
5/9/2006
Date

COUNTY OF CONTRA COSTA

[Signature]
Chair, Board of Supervisors
5/23/06
Date

Attest:

Nancy Orenblad
Nancy Orenblad, City Clerk
May 9, 2006
Date

Attest:

John Cullen, Clerk of the Board of Supervisors and County Administrator

By: [Signature]
Deputy
5/23/06
Date

Approved as to Form:

[Signature]
City Attorney
6/26/06
Date

Approved as to Form:

Silvano B. Marchesi
County Counsel

By: [Signature]
Deputy
5/10/06
Date

EXHIBIT A

PRELIMINARY PROJECT LIST

The Projects to be funded by the roadway enhancement program referenced in Section 5 of the Agreement are as follows. Where applicable, the Mitigation Measures from the East Cypress Corridor Specific Plan FEIR are referenced in parentheses.

Intersections:

- (1) Balfour Road/Byron Highway (MM 3.13-13),
- (2) Sellers Avenue/Delta Road (MM 3.13-20),
- (3) Knightsen Avenue/Delta Road (MM 3.13-21),
- (4) Byron Highway/Delta Road (MM 3.13-22),
- (5) Sellers Avenue/Sunset Road (MM 3.13-23),
- (6) Sellers Avenue/Chestnut Avenue (MM 3.13.24),
- (7) Sellers Avenue/Balfour Road (MM 3.13-25),
- (8) Byron Highway/Point of Timber (MM 3.13-26),
- (9) Byron Highway/Camino Diablo (MM 3.13-27),
- (10) Bethel Island Road/Stone Road (MM 3.13-28),
- (11) Byron Highway/State Route 4 (MM 3.13.29), and
- (12) Sellers Avenue/Marsh Creek Road.

Road Segments:

- (1) Knightsen Avenue from the Oakley limits to Delta Road,
- (2) Byron Highway from Delta Road to Camino Diablo,
- (3) Sellers Avenue from the Oakley limits to Chestnut and the ECCID Canal to Marsh Creek Road,
- (4) Delta Road from Sellers Avenue to Byron Highway,
- (5) Balfour Road from Sellers Avenue to Byron Highway,
- (6) Marsh Creek Road from Walnut Avenue to State Route 4,
- (7) Camino Diablo from Vasco Road to Byron Highway.

EXHIBIT B

**CITY OF OAKLEY – CONTRA COSTA COUNTY TRANSITION MATRIX
SHEA HOMES – SUMMER LAKE PROJECT**

County shall transfer to the City processing of planning and engineering applications already initiated upon the Area 1 Annexation Record Date. Notwithstanding, the County Public Works Department and City Public Works Department may collaborate on an alternative arrangement for the transition of improvements for the Summer Lakes Project under construction in order to facilitate the transition in a more efficient and logical manner for all parties involved. The following matrix represents an example of a logical transition given the construction status and information known at this time.

	Scope of Work – Item Description	Trigger for Turn-Over to City of Oakley
1.	Cypress Road Extension and Cypress/Bethel Intersection, Units 1a, and 1b Infrastructure Improvements.	<p>The County will inspect, sign-off, accept and exonerate bonds (including Warranty Bonds) for all of the improvements included and covered by the County/Shea Homes subdivision improvement agreements. Upon exoneration of the improvement bonds and final acceptance by the County, full oversight and authority will transfer to the City.</p> <p>City requests that medians along East Cypress Road and Bethel Island Road be preserved for landscaping consistent with the East Cypress Corridor Specific Plan. City will review the landscape plans for the medians and commit to initiate a funding mechanism for landscaping and maintaining the medians.</p>
2.	Lake and Levee Grading – Summer Lake South	Upon exoneration of the improvement bonds and final acceptance by the County, full oversight and authority will transfer to the City.
3.	Sandmound Blvd Improvements	County will complete the design approval process, plan check and plan approval (if not already complete at time of annexation), inspect, sign-off, accept and exonerate bonds (including Warranty Bonds) for all of the improvements approved by the County and covered by the County/Shea Homes subdivision improvement agreements. Upon exoneration of the improvement bonds and final acceptance by the County, full oversight and authority will transfer to the City.

4.	<p>Parks and Public Landscaping</p> <ul style="list-style-type: none"> • Main Sports Park • Neighborhood Parks in Phases 1A and 1B • Frontage Landscaping along Cypress Road Extension and Summer Lake Drive. 	<p>County Public Works Department and City Public Works Department will collaborate on logical transition of the improvements.</p>
5.	<p>Parks and Public Landscaping</p> <ul style="list-style-type: none"> • Neighborhood Parks in Phase 2 • Through-block Landscaping in Phase 2 	<p>City shall take over processing of Landscape construction documents for the Phase 2 park areas, including all oversight for construction, inspection and acceptance of the landscape improvements. If the annexation schedule is delayed such that Shea Homes must move forward with the design and construction of Parks and Public Landscaping improvements in order to meet the project requirements, this item will be reconsidered. County will continue to process necessary conceptual details as is required to complete the LL-2 landscape maintenance district formation.</p>
6.	<p>Entrance Monumentation</p>	<p>City will take over responsibility for entrance monumentation upon annexation.</p>
7.	<p>Final Map for Unit #2</p>	<p>County Public Works Department and City Public Works Department will collaborate on logical transition of the final map.</p>
8.	<p>Canoe Club (Swim Center/Beach Club)</p>	<p>County will complete design approval process, plan check and plan approval, inspect, sign-off, accept and exonerate bonds (including Warranty Bonds) for all of the improvements included and covered by the County/Shea Homes subdivision improvement agreements. Upon issuance of final inspection (occupancy) by the County, full oversight and authority will transfer to the City.</p>
9.	<p>Daycare Center</p>	<p>Upon annexation, review and approval of the development application and oversight of the Day Care Center project will be turned over to the City.</p>

10.	Building Permits for Models and Production Homes	Any building permits issued as of the date of annexation will be the responsibility of the County. Once occupancy has been granted by the County, oversight will transfer to the City. Building permits that have not been issued will be transferred to the City and reviewed, inspected and provided final occupancy permits by the City.
11.	Model Sales Office Use Permits	Upon annexation, City will require temporary use permits for additional model sales offices.
12.	Levee Design – Summer Lake North	Upon annexation, City will review design documents and issue the grading permit required to complete the levee.
13.	South Pump Station	Upon exoneration of the improvement bonds and final permit sign-off and acceptance by the County, full oversight and authority will transfer to the City.
14.	Other Misc. Permits <ul style="list-style-type: none"> • Electrical Pedestal Permits for Lake Sump Pumps 	<p>Upon exoneration of the improvement bonds and final permit sign-off and acceptance by the County, full oversight and authority will transfer to the City.</p> <p>Upon annexation, any miscellaneous permit applications that have not been submitted will be the responsibility of the City.</p>
15.	Project Theme Walls	County Public Works Department and City Public Works Department will collaborate on logical transition.
16.	WAPA Easement Linear Trail (HOA Owned and Maintained)	County Public Works Department and City Public Works Department will collaborate on logical transition.
17.	Private Landscape (front and rear yards) and Model Homes Landscape and any Landscape Structures	Upon annexation, responsibility shall be transferred to the City.

EXHIBIT C

SPECIFIC INSURANCE REQUIREMENTS AND REQUIRED POLICY LIMITS

Developer shall procure and maintain for the duration of its project insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by the developer, his agents, representatives, employees or subcontractors in types and amounts listed below.

(a) Prior to the commencement of any work, SUBDIVIDER shall furnish to the CITY, a certificate of insurance establishing satisfactory evidence of a **project specific** policy of liability insurance which shall be maintained at all times during the performance of their Agreement and until the acceptance of improvements by the City Council, in form and by a responsible company satisfactory to the CITY, insuring that the CITY, its officers, agents, and employees are held harmless and indemnified against loss or liability arising out of the condition of the premises or any of the work to be performed under this agreement by SUBDIVIDER, including all costs of defending any claim arising as a result thereof. All insurance companies affording coverage to the SUBDIVIDER shall be required to add the City of Oakley as "**additional insured**" under the insurance policy for all work performed in accordance with this Agreement. Said policy or policies shall provide that the coverage afforded thereby shall be primary coverage to the full limit of liability stated in the declarations, and that if any of the CITY insureds have other insurance against the loss covered by said policy or policies, the other insurance shall be excess only. Said policy or policies shall provide for insurance in accordance with CITY requires minimum limits in the amount of Five Million Dollars (\$5,000,000) for bodily injury or death, each person, and Five Million Dollars (\$5,000,000) for bodily injury or death, aggregate, and Five Million Dollars (\$5,000,000) for property damage, aggregate. All insurance companies affording coverage to the SUBDIVIDER shall be insurance organizations authorized by the Insurance Commissioner of the State Department of Insurance to transact business of insurance in the State of California acceptable to the City Attorney, preferable with a Best's rating of not less than A:VII. Each policy shall contain an endorsement that said policy shall not be cancelled or coverage reduced except upon thirty (30) days advance written notice thereof to the CITY. Subdivider shall require its general contractor(s) and/or subcontractor(s) to obtain satisfactory insurance (Commercial General Liability) and add the City of Oakley as "additional insured" under the policy. The City of Oakley requires \$2,000,000 commercial general liability for property damage and \$2,000,000 for bodily injury or death, aggregate, and the City shall be sent copies of the insurance certificates and additional insured endorsements for review and file. In addition, it shall be the responsibility of the SUBDIVIDER to

ensure all Contractors and/or Subcontractors compliance with the insurance requirement as outlined in this section.

(b) **Worker's Compensation Insurance.** SUBDIVIDER shall take out and maintain, during the life of this agreement, Workers' Compensation insurance for all SUBDIVIDER'S employees employed at the site of all public Improvements, and in case any work is sublet, SUBDIVIDER shall require any general contractor or subcontractor similarly to provide Workers' Compensation insurance for contractor's or subcontractor's employees, unless such employees are covered by the protection afforded by SUBDIVIDER. In case any class of employees engaged in work under this Agreement at the site of the project is not protected under any Workers' Compensation law, SUBDIVIDER shall provide, and shall cause each contractor and subcontractor to provide, adequate insurance for the protection of employees not otherwise protected. Contractor hereby indemnifies CITY for any damage resulting to it from failure of either SUBDIVIDER, its agents, employees, contractor, or subcontractor to take out or maintain such insurance.

Other insurance provisions

The Commercial General Liability and Automobile Liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of work or operations as performed by or on behalf of contractor; or automobiles owned, leased, hired or borrowed by the contractor.

Waiver of Subrogation: The Workers' Compensation policy is to be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/08/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Orion Risk Management Insurance Services, Inc. Ca. Lic. #0D28764 1800 Quail Street, Suite 110 Newport Beach, CA 92660	CONTACT NAME: Gloria Uriarte PHONE (A/C, No, Ext): 949-608-4925 FAX (A/C, No): 949-263-8860 E-MAIL ADDRESS: guriarte@orionrisk.com PRODUCER CUSTOMER ID #: 00001687														
INSURED Shea Homes LP 2630 Shea Center Drive Livermore, CA94551	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td>INSURER A: Liberty Mutual Fire Insurance</td> <td></td> </tr> <tr> <td>INSURER B: Allied World Assurance Co. Inc.</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Liberty Mutual Fire Insurance		INSURER B: Allied World Assurance Co. Inc.		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES **CERTIFICATE NUMBER:** 14-15 X Shea Homes 1st Ex **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			TB2-661-066116-014	08/01/2014	08/01/2015	EACH OCCURRENCE \$ 3,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 3,000,000 GENERAL AGGREGATE \$ 6,000,000 PRODUCTS - COMPIOP AGG \$ Excluded
A	AUTOMOBILE LIABILITY			AS2-661-066115-014	08/01/2014	08/01/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR			0309-1182	08/01/2014	08/01/2015	EACH OCCURRENCE \$ 2000000
	<input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE RETENTION \$						AGGREGATE \$ 2000000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WA2-66D-066115-034	08/01/2014	08/01/2015	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A					E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
RE: Per subdivision improvement agreement; Catamaram Park construction. Cert. Holder, Its officers, officials, agents, employees & volunteers to be named as additional insureds per the terms of the attached endorsement. Waiver of sobrogation applies to general liability and workers compensation per the terms of the attached endorsements as required by written

CERTIFICATE HOLDER City of Oakley 3231 Main Street Oakley, CA 94561	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <div style="text-align: right;"><i>Trisha Engelhart</i></div> Trisha Engelhart, CRM, CIC/TLE
---	--

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
<p>Any person or organization whom you have agreed in writing to add as an additional insured, but only to coverage and minimum limits of insurance required by the written agreement, and in no even to exceed either the scope of coverage or the limits of insurance provided in this policy.</p>	
<p>Information required to complete this Schedule, if not shown above, will be shown in the Declarations.</p>	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Person Or Organization:

Any person or organization whom you have agreed in writing to add as an additional insured, but only to coverage and minimum limits of insurance required by the written agreement, and in no even to exceed either the scope of coverage or the limits of insurance provided in this policy.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. Transfer Of Rights Of Recovery Against Others To Us of Section IV – Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.

This endorsement is executed by the Liberty Mutual Fire Insurance Company
Premium \$

Effective Date 08/01/2014 Expiration Date 08/01/2015

For attachment to Policy No. TB2-661-066116-014

Audit Basis

Issued To Shea Homes Limited Partnership

Countersigned by

Authorized Representative

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

Schedule

As required by written contract or agreement

Issued by: Liberty Mutual Fire Insurance Company

For attachment to Policy No WA2-66D-066115-034 Effective Date 08/01/2014 Premium \$0

Issued to: J.F. Shea Co., Inc.



STAFF REPORT

Date: Tuesday, January 27, 2015
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, City Engineer/Public Works Director

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

SUBJECT: Resolution Approving a Land and Water Conservation Fund Grant Application for Nunn-Wilson Family Park Development Project

Background and Analysis

The Land and Water Conservation Fund (LWCF) program provides matching grants for acquisition or development of lands and facilities that provide or support public outdoor recreation.

Staff desires to submit a LWCF grant application with the California State Parks and Recreation Department for improvements at Nunn-Wilson Family Park, more specifically for construction of a Community Dog Park. The total cost for the Project is estimated at \$973,412.00 by the landscape architect who drew the conceptual park plan.

The LWCF grant is a reimbursement program and has a match requirement of 50%. With the request to approve the grant application, Council is also being asked to commit to fund the match for the project cost in future budget years.

The Community Dog Park at Nunn-Wilson Family Park encompasses approximately 2.5 acres of the existing park site as depicted in the attached project plan and would include a parking lot, restroom, picnic area, fencing, tables, benches, turf, dog water play area, drinking fountains, agility equipment, dog waste stations, and more.

These improvements will significantly benefit the community, not only for dogs and their owners, but dog parks promote and provide multi-generational park activity for all ages.

The City held a public community meeting on Wednesday, January 14th at City Hall to hear and solicit input on the proposed Community Dog Park project. Approximately twenty (22) individuals were in attendance, with almost all of the attendees in support of the City constructing a designated dog park, with several expressing they do not want the Dog Park located at Nunn-Wilson Park. The amenities and features proposed in the conceptual plan were well-received and good input and constructive comments made it a positive meeting.

With a grant submittal deadline of February 1, 2015, staff desires not to miss this window of opportunity to apply for the competitive grant funds.

Fiscal Impact

The total cost for the proposed improvements is estimated to be \$973,412.00, which includes a 7% surcharge assessed by the California State Parks and Recreation Department. The LWCF grant will reimburse 50% of the project cost. Therefore, the City's financial share and obligation is \$486,706 to be allocated to future budgets.

Recommendation

Staff recommends that the Council adopt the resolution

Attachments

- 1) Resolution
- 2) Community Dog Park Project Plan and Cost Estimate

RESOLUTION NO __ - 15

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
 APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUND
 GRANT FOR NUNN-WILSON FAMILY PARK DEVELOPMENT PROJECT**

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing Applications by local agencies under the program; and

WHEREAS, the City of Oakley certifies by resolution the approval of the Application and the availability of eligible matching funds prior to submission of the Application to the State;

NOW, THEREFORE, BE IT RESOLVED that the City of Oakley City Council hereby:

1. Approves the filing of an Application for Land and Water Conservation Fund assistance for the proposed;
2. Agrees to abide by SECTION 6(F)(3) of Public Law 88-578 which states "No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."
3. Certifies that the City of Oakley has Matching funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and
4. Appoints the City Manager as agent of the City of Oakley to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project.

PASSED AND ADOPTED by the City Council of the City of Oakley at the meeting held on January 27, 2015 by the following vote:

AYES:
 NOES:
 ABSENT:

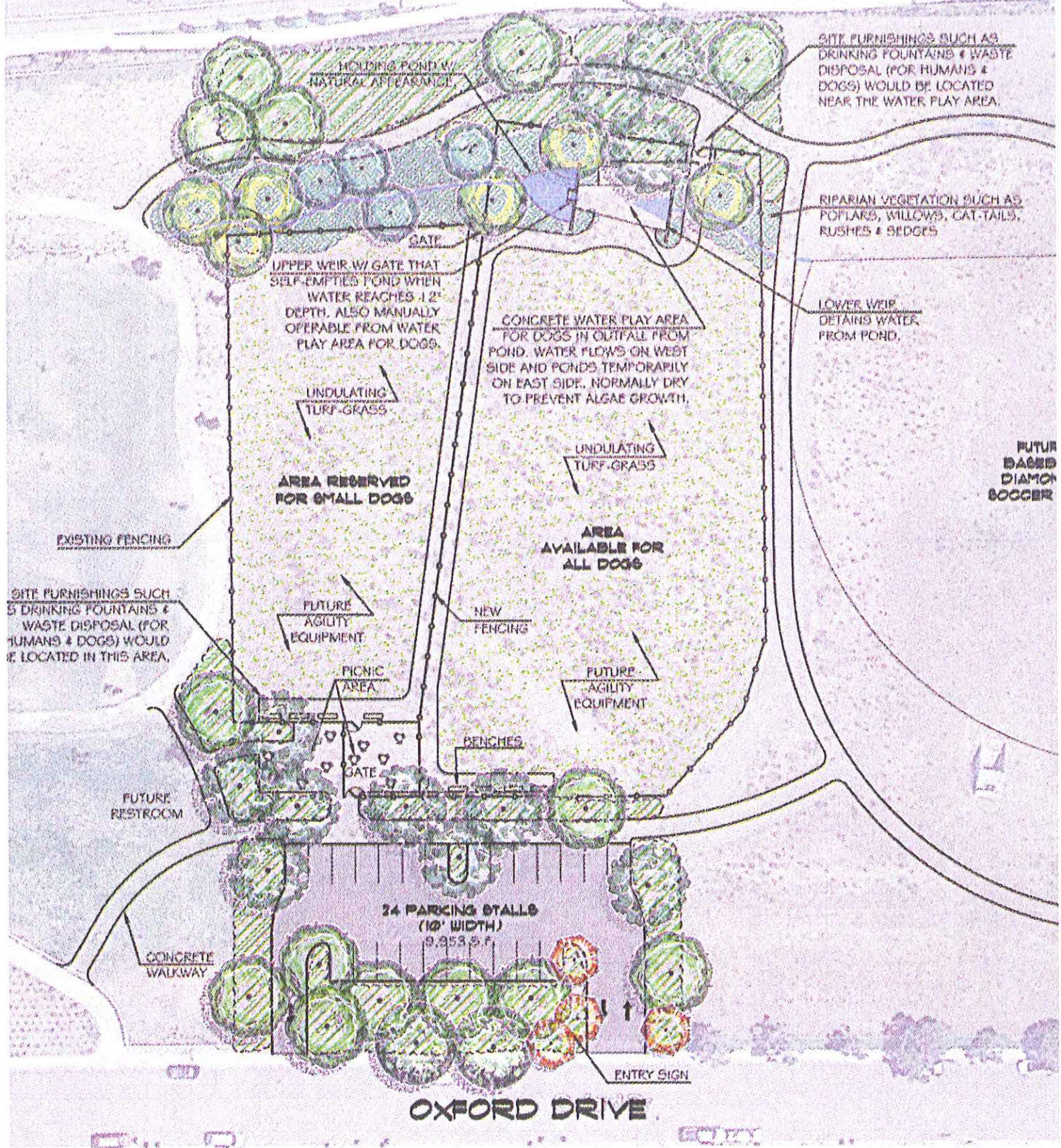
APPROVED:

 Doug Hardcastle, Mayor

ATTEST:

 Libby Vreonis, City Clerk

 Date



**CONCEPTUAL LANDSCAPE PLAN
 NUNN-WILSON FAMILY PARK
 OAKLEY COMMUNITY DOG PARK**

OAKLEY COMMUNITY DOG PARK at Nunn-Wilson Family Park

Estimate of Probable Costs

<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Subtotal</u>
Architectural Services				\$25,000
Concrete Pre-Fab Restroom				\$150,000
Agility Equipment				\$100,000
Demolish Fencing	580	L.F.	\$2.56	\$1,485
Demolish Curbing	55	L.F.	\$8.33	\$458
Clear & Grub	98957	S.F.	\$0.13	\$12,864
Strip Topsoil	1210	C.Y.	\$16.43	\$19,880
Earthwork	5500	C.Y.	\$12.69	\$69,795
Concrete Curbing	600	L.F.	\$16.50	\$9,900
Concrete Paving	13751	S.F.	\$6.50	\$89,382
Parking Lot w/ Striping & Lights	7894	S.F.	\$8.00	\$63,152
Driveways	2059	S.F.	\$5.42	\$11,160
Concrete Weirs	60	L.F.	\$60.00	\$3,600
Weir Sluice Gate	Allow			\$5,000
Chain Link Fencing	850	L.F.	\$27.84	\$23,664
Chain Link Gates	5	Ea.	\$386.00	\$1,930
Picnic Tables	10	Ea.	\$1,600.00	\$16,000
Benches	10	Ea.	\$1,280.00	\$12,800
Trash Receptacles	3	L.F.	\$900.00	\$2,700
Dog Waste Stations	3	L.F.	\$600.00	\$1,800
Drinking Fountains	2	Ea.	\$7,000.00	\$14,000
Spread Topsoil	1210	C.Y.	\$5.35	\$6,474
Irrigation - Stream Spray	46274	S.F.	\$0.90	\$41,647
Irrigation - Spray	30000	S.F.	\$1.10	\$33,000
Irrigation - Drip	16711	S.F.	\$1.40	\$23,395
Soil Preparation	92985	S.F.	\$0.22	\$20,457
Finish Grading	92985	S.F.	\$0.10	\$9,299
Pre-Emergent	46711	S.F.	\$0.02	\$934
15 Gallon Trees	50	Ea.	\$120.00	\$6,000
5 Gallon Shrubs	300	Ea.	\$20.00	\$6,000
1 Gallon Shrubs	1500	Ea.	\$10.00	\$15,000
Seeded Turf	46274	S.F.	\$0.10	\$4,627
2" Top-Dressing	46711	S.F.	\$0.25	\$11,678
Clean-Up	92985	S.F.	\$0.03	\$2,790
90 Day Maintenance	92985	S.F.	\$0.12	\$11,158
Subtotal				\$827,028
10% Contingency				\$82,703
7% Surcharge by State				<u>\$63,681</u>
Estimated Total				\$973,412



STAFF REPORT

Date: January 20, 2015
To: Bryan H. Montgomery, City Manager
From: Libby Vreonis, City Clerk/Paralegal
Cc: William R. Galstan, Special Counsel
Subject: Adopt a Resolution Amending Section 2.9.008(a) of the Oakley Municipal Code Regarding the City's Conflict of Interest Code

Approved and Forwarded to City Council:


Bryan Montgomery, City Manager

FOR CONSIDERATION AT THE OAKLEY CITY COUNCIL MEETING ON 01/27/15

Summary and Recommendation

Section 2.9.002 of the Oakley Municipal Code (known as the City's Conflict of Interest Code) provides for the disclosure of assets and income of designated employees of the City which may be materially affected by their actions and, in appropriate circumstances, to provide that designated employees should be disqualified from acting in an order that would create a conflict of interest. Section 2.9.006 provides disclosure categories that designated employees are subject to. Section 2.9.008(a) provides a list of designated employees and their respective disclosure categories. The Political Reform Act requires local government agencies to review its conflict of interest code biennially. The last review was performed in July 2014; however, as new positions were approved thereafter, staff recommends the City Council consider adding the following approved job classifications to Section 2.9.008(a) to provide clarity in the Code:

Job Classification

Disclosure Category

- | | |
|----------------------------|----------------|
| • Management Analyst | 3, 4 & 5 |
| • Code Enforcement Manager | 1, 2, 3, 4 & 5 |

Staff also recommends amending the following job classifications as currently listed to include revised job titles for positions where the duties have remained the same (the disclosure categories will not change):

- Recreation Manager (change to Recreation Manager/Website Coordinator)
- Accounting Technician (change to Senior Accounting Technician)

Section 2.9.008(a) of the Oakley Municipal Code is attached with these proposed changes (highlighted in red).



In January 2014, the City Council added Section 2.9.008(c) to the Oakley Municipal Code to allow future changes to job classifications and disclosure categories to be made by resolution. Therefore, staff recommends the City Council adopt a resolution with the proposed aforementioned amendments.

Fiscal Impact

There are no significant fiscal impacts associated with the proposed amendment to the Code beyond the normal staff time and copy costs needed to distribute, collect and file the required disclosure statements.

Background Information

The overarching purpose of the California Political Reform Act is to help ensure that a public officer or employee, in the course of his or her official duties, is not involved in making, or participating in the making of, decisions which may foreseeably have a material effect on any financial interest of the employee. To that end, Government Code Sections 87300, *et seq.*, require every local agency to promulgate a Conflict of Interest Code which contains (1) a specific listing of the positions within the City which involve the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, and (2) for each such position, the specific types of investments, business positions, interests in real property and sources of income which are reportable. All such designated employees are required to file an annual Form 700 Statement of Economic Interest.

In developing a disclosure list for the conflict of interest code, a "Designated Employee" is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making, or participation in the making, of governmental decisions which may foreseeably have a material effect on any financial interest. Making a governmental decision means the person: (1) votes on a matter; (2) appoints a person; (3) obligates or commits the City to any course of action; or (4) enters into any contractual agreement on behalf of the City. Participating in the making a decision means the person: (1) negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or (2) advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

It should be stressed that being listed as a designated employee (or not) does not relieve an individual from following any and all state statutes or FPPC regulations concerning conflicts of interest. This action is only an attempt by the City to appropriately notify the public of potential areas where a conflict may foreseeably arise as these individuals carry out their normal City duties.



Conclusion

Staff recommends that the City Council adopt the proposed resolution.

Attachments

1. Existing Section 2.9.008(a) of the Oakley Municipal Code with proposed changes (highlighted in red);
2. Resolution of the City Council of the City of Oakley Amending Section 2.9.008(a) of the Oakley Municipal Code Regarding the Conflict of Interest Code.

2.9.008 Designated employees.

a. The persons holding the following listed positions are designated employees. Officers, employees, and independent contractors holding these positions are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest. Therefore, these persons are subject to the disclosure categories as listed below:

Designated Employee	Disclosure Categories
<u>Accounting Technician</u>	<u>Categories 3 and 5</u>
Assistant to the City Manager	Categories 3 and 5
Assistant Engineer	Categories 2, 4 and 5
Associate Engineer	Categories 2, 4 and 5
Associate Planner	Categories 2, 4 and 5
Building Inspectors	Categories 2 and 5
Capital Projects Coordinator	Categories 2, 4 and 5
Chief Building Official	Category 1
Chief of Police	Category 1
City Clerk	Category 1
City Engineer / Public Works Director	Category 1
City Surveyor	Category 1
<u>Code Enforcement Manager</u>	<u>Categories 1, 2, 3, 4 and 5</u>
Code Enforcement Officer	Categories 2, 3 and 4
Code Enforcement Officer/Building Inspector	Categories 2, 3, 4 and 5
Community Program Coordinator	Category 4
Development Manager	Categories 2, 4 and 5
Economic Development Coordinator	Categories 1, 3, 4 and 5
Human Resources Administrator	Categories 4 and 5
<u>Management Analyst</u>	<u>Categories 3, 4 and 5</u>
Network Manager	Categories 4 and 5

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Designated Employee	Disclosure Categories
Paralegal	Categories 2, 3 and 5
Parks and Landscape Supervisor	Categories 2, 4 and 5
Permit Center Manager	Categories 2, 4 and 5
Project Manager	Categories 2 and 4
Public Works Inspector	Categories 2 and 5
Recreation Manager / <u>Website Coordinator</u>	Category 1
Recreation Supervisor	Category 1
Recreation Technician	Categories 4 and 5
<u>Senior Accounting Technician</u>	<u>Categories 3 and 5</u>
Senior Engineer	Categories 2, 4 and 5
Senior Planner	Categories 2, 4 and 5
Stormwater Coordinator	Categories 2 and 5

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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING AMENDING SECTION 2.9.008(a) OF THE OAKLEY MUNICIPAL
CODE REGARDING THE CONFLICT OF INTEREST CODE**

BE IT RESOLVED that Section 2.9.008(a) of the Oakley Municipal Code is hereby amended as set forth in the attached Exhibit "A", and is hereby approved by the Oakley City Council.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 27th of January, 2015 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

2.9.008 Designated employees.

a. The persons holding the following listed positions are designated employees. Officers, employees, and independent contractors holding these positions are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest. Therefore, these persons are subject to the disclosure categories as listed below:


Designated Employee	Disclosure Categories
Assistant to the City Manager	Categories 3 and 5
Assistant Engineer	Categories 2, 4 and 5
Associate Engineer	Categories 2, 4 and 5
Associate Planner	Categories 2, 4 and 5
Building Inspectors	Categories 2 and 5
Capital Projects Coordinator	Categories 2, 4 and 5
Chief Building Official	Category 1
Chief of Police	Category 1
City Clerk	Category 1
City Engineer / Public Works Director	Category 1
City Surveyor	Category 1
Code Enforcement Manager	Categories 1, 2, 3, 4 and 5
Code Enforcement Officer	Categories 2, 3 and 4
Code Enforcement Officer/Building Inspector	Categories 2, 3, 4 and 5
Community Program Coordinator	Category 4
Development Manager	Categories 2, 4 and 5
Economic Development Coordinator	Categories 1, 3, 4 and 5
Human Resources Administrator	Categories 4 and 5
Management Analyst	Categories 3, 4 and 5
Network Manager	Categories 4 and 5
Paralegal	Categories 2, 3 and 5

Designated Employee	Disclosure Categories
Parks and Landscape Supervisor	Categories 2, 4 and 5
Permit Center Manager	Categories 2, 4 and 5
Project Manager	Categories 2 and 4
Public Works Inspector	Categories 2 and 5
Recreation Manager / Website Coordinator	Category 1
Recreation Supervisor	Category 1
Recreation Technician	Categories 4 and 5
Senior Accounting Technician	Categories 3 and 5
Senior Engineer	Categories 2, 4 and 5
Senior Planner	Categories 2, 4 and 5
Stormwater Coordinator	Categories 2 and 5



Agenda Date: 01/27/2015
Agenda Item: 3.9

STAFF REPORT

Date: January 27, 2015
To: City Council
From: Bryan Montgomery, City Manager 
Dwayne Dalman, Economic Development Manager

SUBJECT: Resolution approving the Lease Agreement between the City and Byrnes Enterprise, LLC, doing business as Mr. Pickles Sandwich Shop, at the property located at 3080 Main St. in Oakley.

Background and Analysis

In February of 2013, the City entered into a lease agreement with Republic of Cake, LLC (ROC) for the retail building located at 3080 Main Street. Sales activity started strong and continued for several months; however, more recently some reduction in sales has taken place. This, combined with health concerns of one of the principals, has led ROC to the decision to sell the business..

At the January 13, 2015 Meeting, the City Council approved an Assignment Agreement that would pass the existing lease agreement on from ROC to Byrnes Enterprise, LLC for the purposes of establishing a Mr. Pickles sandwich shop at that location. Also discussed at that Council Meeting were some proposed lease terms for a new lease for Byrnes Enterprise, LLC. Attached is the proposed lease agreement.

Fiscal Impact

Continued lease revenue - commencing April 1st at \$1,550 per month, increasing each year by 3%. Common Area Maintenance charges are also to be collected as part of the lease agreement.

Recommendation

Adopt a resolution approving the Lease Agreement between the City and Byrnes Enterprise, LLC, doing business as Mr. Pickles Sandwich Shop.

Attachment

1. Resolution
2. Proposed Lease Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE OAKLEY CITY COUNCIL APPROVING
THE LEASE AGREEMENT BETWEEN THE CITY OF OAKLEY AND T
BYRNES ENTERPRISE, LLC, FOR THE PROPERTY LOCATED AT
3080 MAIN STREET, OAKLEY, CALIFORNIA**

BE IT RESOLVED by the City Council hereby approves the Lease Agreement between the City and Byrnes Enterprise, LLC, doing business as Mr. Pickles Sandwich Shop, a true and accurate copy of which is attached hereto, and authorizes the City Manager to sign Agreement on behalf of the City.

The foregoing resolution was adopted at a regular meeting of the City Council a held on the 27th day of January, 2015, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

LEASE AGREEMENT
3080 Main Street, Oakley, California 94561

This Lease Agreement ("Lease"), by and between the Successor Agency to the Oakley Redevelopment Agency and the City of Oakley, a municipal corporation ("Lessor"), and Byrnes Enterprise, LLC, dba Mr. Pickles Sandwich Shop, hereinafter collectively designated as ("Lessee"), is made on the following terms and conditions:

Recitals

- A. The City of Oakley, hereinafter "CITY," is the owner of that real property located at 3080 Main Street, Oakley, California. This property is further identified as APN 037-200-011, hereinafter "the Property."
- B. The previous lessee of the Property, Republic of Cake, LLC, has assigned the lease agreement to Lessee and on January 13, 2015 the City formally consented to the assignment.

Agreement

Now, therefore, the parties agree as follows:

1. **DESCRIPTION.** Lessor hereby leases unto Lessee, and Lessee hereby leases from Lessor, on the terms and conditions hereinafter set forth, those certain premises hereinafter referred to as the "leased premises" and described as follows:

**Those certain premises located at 3080 Main Street, Oakley, California,
(Assessor's Parcel Number 037-200-011)**

2. **TERM.** The term of this Lease shall be five (5) years, commencing on the 11th day of February 2015; however, the first lease payment shall not be due until April 1, 2015, allowing time for the conversion of the lease space. This Agreement may be extended, modified or otherwise amended only by mutual agreement of the parties in writing.
3. **RENT.** The rent for the leased premises shall commence at be the sum of ONE THOUSAND FIVE HUNDRED-FIFTY DOLLARS (\$1,550) and will increase by three percent (3%) on the 1st day of April each year. The rent is due commencing on April 1, 2015 and on the 1st day of every month thereafter. Rent and CAM charges payments shall be mailed or hand-delivered to:

City of Oakley
Attn: Finance Director
3231 Main Street
Oakley, CA 94561

4. **COMMON AREA MAINTENANCE CHARGES.** The common area maintenance ("CAM") charges, that include operating costs and other charges related to the Oakley Plaza parking and open spaces, further defined in Paragraphs 7, 8 and 14 of this Lease, shall also be payable on the 1st day of every month. Lessee shall pay Lessor as a monthly ONE HUNDRED SEVENTY-TWO DOLLARS AND 37/100 (\$172.37) for the CAM charges through July 1, 2015. Prior to July 1, 2015 and every year thereafter by July 1st a new CAM charge will be presented which are the costs allocable to the lease premises, which are shared costs by all tenants and owners within the Oakley Plaza. It is not expected that these charges will be much greater than \$200 per month during the lease period; however, these costs will be determined on an annual basis in consultation with Lessee and all other operators within the Oakley Plaza.

5. **SECURITY DEPOSIT:** Lessor holds a deposit in the amount of THREE THOUSAND TWO HUNDRED DOLLARS AND NO/100 (\$3,200), as security for the full and faithful performance by Lessee of all terms, conditions, and covenants of this Lease.

Upon termination of this Lease, the Lessor may use any portion of the security deposit as may be reasonably necessary to remedy Lessee's defaults of the provisions of this Lease Agreement, including, but not limited to, payment of unpaid rent due under paragraph 2 of this Lease, cleaning of the Property, repair of damage, or for storage of personal property which has been abandoned by Lessee. Any remaining portion of the security deposit after such deduction shall be mailed to Lessee at Lessee's last known address.

6. **TENANT IMPROVEMENT PARTICIPATION.** Lessor owns and retains ownership of all fixed in place equipment such as plumbing, restrooms, hood with make-up and exhaust systems, grease trap/collector, electrical, HVAC, sewer system, built-in customer counter and all other fixed equipment. Lessee shall provide all removable equipment (ovens, refrigerators, furniture, point of sale system, etc.) at Lessee's own expense and shall provide a list of said equipment to Lessor prior to commencement of operations.

7. **DELINQUENT RENT AND LATE CHARGES:** If any rent and accompanying CAM charges are not paid to the Lessor within ten (10) days after due date of the 1st of the month, a late charge of TWO-HUNDRED FIFTY DOLLARS AND NO/100 (\$250) shall be added to the payment and the total sum shall become immediately due and payable to Lessor. Failure to pay within twenty (20) days after the due date will incur an additional late charge of THREE-HUNDRED FIFTY DOLLARS AND NO/100 (\$350) which shall be added to the payment and the total sum shall become immediately due. Failure to pay rent and accompanying CAM charges, and any late charges mentioned herein within thirty (30) days after the due date will immediately terminate this Lease.

In the event that Lessee shall become delinquent in paying Lessor any payment due pursuant to this Lease, Lessee shall pay to Lessor interest on said unpaid balance at a rate of one and one-half percent (1½%) per month, from the date said rent, accompanying CAM charges and late charges were due and payable until paid.

8. **USE:** The premises are leased to Lessee for the purpose of establishing a Mr. Pickles sandwich shop and for no other purpose without the written consent of the Lessor. Lessee shall not leave the premises unoccupied or vacant, but shall conduct and carry on only the type of business specifically set forth herein, keep in stock a line of merchandise of such size, character and quality as is reasonably designed to produce the maximum amount of gross sales and revenues, maintain an adequate sales force to serve all customers properly, and operate such business in an efficient and diligent manner at all times during the term of this Lease. Said business shall be kept open continuously each day of the week during the hours customary for business of like character, generally recognized holidays excepted. Lessee agrees to expand business hours to meet customer demand.

Lessee further agrees, if allowed by the rules and regulations of the Mr. Pickles franchise, to work with Lessor on the possibility of the Property being used for evening wine tastings after 8:30pm – most likely on the weekends. Any such use must be on terms that are mutually agreed to by the parties in writing.

9. **COMMON AREAS:** The Lessor reserves the right to regulate the use of areas and facilities which are available for use by the general public or Lessor's other lessees and designees, for ingress and egress, for service and loading areas and for parking, whether within or without the area of the leased premises described above. Lessee agrees that the maintenance and use of such areas by the Lessee, its employees, agents, customers and invitees, shall be in common with others, as Lessor may from time to time permit. The manner in which the said common areas and facilities shall be maintained, and the expenditures for maintenance shall be at the sole discretion of Lessor and the use of such areas and facilities shall be subject to such reasonable regulations and changes as Lessor shall make from time to time.

No part of any parking area adjoining the premises is leased hereunder, but Lessor agrees that the parking area shall be available to be used by customers of Lessee along with customers of other tenants of the shopping center. Lessee, its employees and agents shall park their automobiles in such a place or places as shall be designated by Lessor. Lessee agrees that upon written notice from Lessor, it will, within five days, furnish the automobile license numbers of its cars and the cars of all its employees and agents. These employees are encouraged to park in the parking areas at City Hall, not in the Oakley Plaza parking lot.

10. UTILITIES, SERVICES AND OPERATING COST. Any utilities and services individually metered to Lessee or supplied individually to Lessee shall be paid directly by Lessee at Lessee's sole cost and expense. In addition, as stated herein, Lessee agrees to pay to Lessor, Lessee's proportional share of the cost of such items and services as Lessor may deem appropriate to good order, protection, condition and repair of the shipping center and which may be provided in common with other tenants of the building of which the leased premises are a part and may include, but shall not be limited to: (a) parking lot paving, sweeping, lighting, striping, drainage and maintenance and the cost to have abandoned vehicles removed from the shipping center; (b) maintenance, repair and replacement of and utilities to operate heating and air conditioning systems if the same are provided centrally, (c) maintenance and lighting of the shipping center signs; (d) water and sewage; (e) garbage and trash removal; (f) business permit fees, parking or occupancy taxes and charges assessed against the shipping center by governmental agencies; (g) fire, casualty, public liability, rental and other insurance in amounts and covering hazards deemed appropriate by Lessor; (h) cleaning and painting of exterior walls and removal of graffiti; (i) cleaning and lighting of walkways and common areas; (j) gardening and maintenance of planted areas and weed abatement; (k) security guards, inspectors and parking lot attendants; and (l) seasonal decorations. Lessee's share of costs for these services shall be paid to Lessor as set forth in Paragraph 3.

If individual heating or air conditioning units or any other equipment and fixtures are provided to Lessee, Lessee shall pay the full cost of operating, maintaining, replacing and repairing same during the term hereof.

11. ALTERATIONS AND REPAIRS. Lessee shall make no alterations of or additions to either the interior or exterior of the said premises without the written consent of Lessor. Any such additions to or alterations of the premises shall be made at the expense of the Lessee, and any such alterations of or additions to the premises, including any locks, bolts or security grating and hardware, shall become at once a part of the realty and belong to Lessor. Lessee, at Lessee's sole cost, is responsible for all repairs and maintenance of the lease premises and shall keep and maintain said premises and appurtenances and every part thereof, including but not limited to the store front, exterior walls, doors, roof, plumbing, sewers, plate glass and other glazing, duct work, electrical wiring and lights, sign fixtures, canopies and sidewalks adjacent to the premises, floors, ceilings, fire sprinkler systems and the entire interior of the premises in good and sanitary order, condition and repair, making replacements as necessary. Lessee hereby waives all right to make repairs at the expense of Lessor as provided in Section 1942 of the Civil Code of the State of California, and all rights provided for by Section 1941 of said Civil Code. If, during the term of this Lease, in the judgment of Lessor, the Lessee shall fail to keep and maintain the premises in any respect required by this Paragraph, Lessor may do anything necessary to correct the problem by restoring the good and sanitary order and condition, or make the repair, provided that the Lessee shall have failed to correct such problem or make such

repair within fifteen (15) days after receipt of notice from Lessor. Any amounts expended by Lessor to correct such problem or make such repair shall be deemed to be additional rental and is payable as such on the next day upon which rent becomes due.

By entry hereunder, Lessee accepts the premises in their present order, condition and repair and agrees on the last day of said term or sooner termination of this Lease, to surrender unto Lessor said premises with the said appurtenances in the same condition as when received, reasonable use and wear thereof excepted. Lessee understands that Lessor makes no representations or warranties as to the physical or mechanical qualities of the premises. Any costs at the outset necessary to make the leased premises tenantable shall be borne by the Lessee.

12. **TRADE FIXTURES.** Subject to the provisions of this Agreement, Lessee at Lessee's expense may install in or on the leased premises such fixtures, equipment, furniture and property as it may consider advisable for the conduct of its business, provided that any such installation shall not cause any material damage to the improvements on the leased premises. Lessee shall remove all unattached, movable furniture, trade fixtures and store equipment installed on the leased premises by Lessee and the same shall be removed by Lessee at or before the expiration or termination of this Lease, or any renewal term hereof, and if damage is caused by such removal, Lessee agrees to repair such damage at its own cost forthwith.

13. **FREE FROM LIENS.** Lessee shall keep the leased premises and the property in which the leased premises are situated free from any liens arising out of any work performed, materials furnished, or obligations incurred by or for Lessee.

14. **COMPLIANCE WITH GOVERNMENTAL REGULATIONS.** Lessee shall, at its sole cost and expense, comply with all of the requirements of all County, Municipal, State and Federal authorities now in force, or which may hereafter be in force, pertaining to the leased premises, and shall faithfully observe in the use of the premises all County, Municipal, State and Federal laws now in force or which may hereafter be in force. The judgment of any court of competent jurisdiction, or the admission of Lessee in any action or proceeding against Lessee, whether Lessor be party thereto or not, that Lessee has violated any such laws in the use of the premises, shall be conclusive of that fact as between Lessor and Lessee.

15. **ASSIGNMENT OR SUBLETTING.** Lessee shall not assign this Lease, nor any right hereunder, nor sublet the premises, nor any part thereof, without the Lessor's prior written consent of the assignment or subletting after reviewing the proposed tenant's business background, creditworthiness and financial conditions which written consent shall not be unreasonably withheld by Lessor. Lessor's consent to any assignment shall be withheld in the event there shall be any change or modification of the use of the premises

from that stipulated in Paragraph 4 above. Upon any assignment or subletting, the parties agree that the base rent stipulated in Paragraph 3 above shall be increased to the market rent determined by survey of the rent then being asked for similar vacant premises in the area, but in no event shall the new base rent be less than the base rent payable for the last full month immediately preceding the assignment or subletting. Lessor's consent to any one assignment or subletting, shall not constitute a waiver of any subsequent assignment or subletting requirements as set forth in this Agreement. Any assignment or subletting without the Lessor's consent shall, at the option of the Lessor, be voidable and be deemed a breach of this Lease. In the event of any assignment or subletting, it is understood that Lessee shall not be relieved of any liability or performance of any term of this Lease.

16. TAXES AND ASSESSMENTS.

16.1 PERSONAL PROPERTY AND TRADE FIXTURES. Lessee shall be liable for all taxes and assessments levied against personal property and trade fixtures or improvements placed by or for Lessee in, on or about the leased premises. If any such taxes or assessments on Lessee's personal property or trade fixtures or improvements are levied against the Lessor or Lessor's property, and if Lessor pays the same, which Lessor shall have the right to do regardless of the validity of such levy, or if the assessed value of Lessor's property is increased by the inclusion therein of the value placed upon such personal property or improvements of Lessee, and if Lessor pays the taxes and assessments based on such increased assessment, which Lessor shall have the right to do, regardless of the validity thereof, Lessee, upon demand, shall, as the case may be, repay to Lessor the taxes and assessments so levied against Lessor, or the proportion of such taxes and assessments resulting from such increases in the assessment.

16.2 PROPERTY TAXES AND ASSESSMENTS. Lessee agrees to pay Lessor Lessee's proportional share as defined in paragraph 7 of the total taxes and special assessments upon the whole of the land and building and parking lot, upon and within which, the leased premises are situated. A statement of the taxes and special assessments for each year shall be prepared by Lessor and a copy thereof furnished to Lessee, and Lessor's good faith computation of Lessee's *pro rata* share of said taxes and assessments for the year shall be final and binding on all parties. The taxes and assessments due from Lessee for the first and last years of the lease term shall be prorated so as to include only those portions of the taxable years which are part of the lease period. If property taxes are cancelled following Lessor's acquisition of the property, Lessee shall pay any possessory interest tax levied by Contra Costa County.

17. ADVERTISEMENTS AND SIGNS. Lessee shall not place or permit to be placed any sign, marquee, lettering, decoration, advertising, light or awning on the outside of the leased premises or on the inside of the said premises if the same be visible from the

outside of the leased premises, without the written consent of Lessor. Lessee agrees that all signs shall be conformity with dimensions and color schemes designated by Lessor. Lessee, upon request of Lessor, shall immediately remove any sign or decoration which Lessee has placed or permitted to be placed in, on or about the premises and which, in the opinion of Lessor, is objectionable or offensive, and if Lessee fails so to do, Lessor may enter upon the leased premises and remove the same. Lessee agrees not to use a phonograph, loud speaker or other sound equipment audible from the outside of the premises without the prior written consent of Lessor. Lessee shall comply with all sign requirements as set forth in the Oakley Municipal Code.

18. LESSEE'S INSURANCE. During the term of this Lease, Lessee at its own cost and expense, shall procure from reliable insurance satisfactory to Lessor, and keep in full force and effect at all times during this Lease term, a public liability and property damage insurance policy in amounts of not less than the following: Bodily injury liability - \$1,000,000 each person, \$1,000,000 each occurrence; property damage liability - \$500,000 each occurrence. Said policy shall cover injuries to and/or death of all persons and loss of or damage to property (including loss of use) occasioned by or arising from or out of the acts or omissions of Lessee, its agents and/or employees and/or the condition of the premises. Such insurance shall expressly inure to the benefit of Lessor, its agent or employees, for liability arising or alleged to have arisen from such acts or omission on the leased premises or the operations of Lessee or anyone directly or indirectly employed by Lessee. Said insurance policy shall name both Lessor and Lessee as insureds, with a copy of said policy being furnished directly to Lessor.

Lessee is to obtain a written obligation on the part of the insurance carriers to notify Lessor in writing at least ten (10) days prior to any cancellation or expiration without renewal thereof, and Lessee agrees if it does not keep said insurance in full force and effect the Lessor may take out the necessary insurance and pay the premium, and the repayment thereof shall be deemed to be a part of the rental and is payable as such on the next day upon which rent becomes due.

The Lessee shall, at its sole cost and expense, comply with any and all recommendations and requirements pertaining to the leased premises of any insurance organization or company in connection with the maintenance of fire and public liability insurance covering the leased premises and the shopping center.

19. WASTE. The Lessee shall not commit, or suffer to be committed, any waste upon the leased premises or any public or private nuisance. Lessee shall contract for the general and routine waste removal pursuant to City ordinance.

20. PROHIBITED USES. Lessee shall not use the leased premises for, or carry on or permit upon said leased premises, any offensive, unlawful, noisy or dangerous trade,

business, manufacture or occupation, or any nuisance or anything against the public policy. Lessee shall not conduct or permit any auction sale, sidewalk sale or parking lot sale to be held in or about the leased premises, although outdoor seating for Lessee's customers is allowed with a seating plan approved by Lessor. Lessee shall not solicit business, distribute handbills, store its equipment or merchandise or erect any signs, planters or other barriers on any sidewalk, in the parking lot, or in any common area, without the written permission of the City Manager.

21. **ENTRY BY LESSOR.** Lessee shall permit the Lessor and its designees to enter into and upon the leased premises after reasonable notice is given to Lessee, who shall not unreasonably withhold such permission, (a) to inspect the premises; (b) to make repairs, alterations or additions (with such materials as Lessor may deem necessary therefore) to the leased premises, the building of which the leased premises form a part, or any property owned or controlled by Lessor; (c) to post notices of non-liability for alterations, additions or repairs; (d) to place upon the property in which the said leased premises are located any usual or ordinary "For Sale" signs, and to show any prospective purchasers the leased premises; (e) to place upon said leased premises any usual or ordinary "To Let" or "To Lease" signs, at any time within ninety (90) days prior to the expiration of this Lease, in which case Lessee shall allow prospective lessees or applicants to enter and examine said leased premises during the said last ninety (90) days; and (f) for any other lawful purposes. In all instances of emergency, entry by Lessor, its designees or its invitees, Lessee waives any claim to damages or any rebate of rent for any loss of occupation or quiet enjoyment of the leased premises, including loss of business, occasioned by such entry.

22. **INDEMNIFICATION OF LESSOR.** Lessee, as a material part of the consideration to be rendered to Lessor, hereby waives all claims against Lessor for damages to goods, merchandise or property of Lessee in, upon or about said premises and for injuries to persons in or about said premises, from any cause arising at any time, and Lessee will hold Lessor exempt and harmless from any damage or injury to any person, or to the goods, merchandise or property of any person, occurring in, upon or about the leased premises, sidewalks or parking areas adjacent thereto, from any cause arising at any time during the term of this Lease or any extension hereof. Lessee agrees that if Lessor is involuntarily made a party defendant to any litigation concerning this Lease or the demised leased premises, for any reason other than because of any act or omission of Lessor, then Lessee shall hold Lessor harmless from all liability by reason thereof, including reasonable attorney's fees incurred by Lessor in such litigation and all taxable court costs.

23. **INSOLVENCY.** The following shall constitute a breach of this Lease by Lessee: (a) the insolvency of the Lessee; (b) the commencement of any bankruptcy proceedings whether begun by or against the Lessee; (c) the appointment of a receiver to take

possession of all or substantially all of the assets of Lessee; (d) an assignment by Lessee for the benefit of creditors.

24. **NOTICES.** Any notice, demand or communication under or in connection with this Lease may be served by either party upon the other by personal service, or by mailing the same by registered mail in the United States Post Office, postage thereon fully prepaid, and directed to Lessor at 3231 Main Street, Oakley, California 94561 and may, likewise, be served on Lessee by personal service, or by mailing the same, addressed to lessee at 3080 Main Street, Oakley, California 94561 whether or not Lessee has departed from, abandoned or vacated said leased premises. Either Lessor or Lessee may change its address by notifying the other party in writing as to such new address as may be desired used and which same shall continue as the address until further written notice.

25. **TIME IS OF THE ESSENCE.** Time is hereby expressly declared to be of the essence of this Lease and of all the covenants, agreements, conditions and obligations herein contained.

26. **NON-WAIVER OF BREACH.** The waiver by Lessor of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such terms, covenants or conditions or any subsequent breach of the same or any other term, covenant or condition herein contained. The subsequent acceptance of rent hereunder by Lessor shall not be deemed to be a waiver of any receding breach by Lessee of any term, covenant or condition of this Lease, regardless of Lessor's knowledge of such preceding breach at the time of acceptance of such rent.

27. **EFFECT OF EXERCISE OF PRIVILEGE BY LESSOR.** The exercise of any right or option or privilege hereunder by Lessor shall not exclude Lessor from exercising any and all other rights, privileges, and options hereunder and Lessor's failure to exercise any right, option or privilege nor shall it relieve Lessee from Lessee's part to be performed hereunder nor from damage or other remedy for failure to perform or meet the obligations of this Lease.

28. **VACATING OR ABANDONMENT OF PREMISES.** Lessee shall not vacate or abandon the leased premises any time during the lease term; and if Lessee shall abandon, vacate or surrender said leased premises, or be dispossessed by process of law, or otherwise, any personal property belonging to the Lessee and left on the leased premises shall be deemed to be abandoned, at the option of the Lessor, except such property as may be mortgaged to the Lessor, if any.

29. **SURRENDER OF LEASE NOT MERGER.** The voluntary or other surrender of this Lease by the Lessee, or a mutual cancellation thereof, shall not work a merger, and shall, at the option of the Lessor, terminate all of the existing subleases or subtenancies.

30. **DESTRUCTION OF PREMISES.** In the event of total destruction of the building in which the said leased premises are situated during the said term, from fire or other catastrophe, this Lease shall terminate. In the event of a partial destruction from any such causes, the Lessor shall forthwith restore the premises provided such restoration can be made within thirty (30) days under the laws and regulations of federal, state, county and municipal authorities, and materials and labor are available for such repairs, but such partial destruction shall in no way annul or void this Lease, except that Lessee shall be entitled to a proportionate deduction of rent while such restoration is being made, such proportionate deduction to be based upon the extent to which the making of such restoration shall interfere with the business carried on by Lessee in said leased premises. If such restoration cannot be made in thirty (30) days, Lessor may, at its option, make same within a reasonable time, this Lease continuing in full force and effect and the rent to be proportionately abated as in this paragraph provided. In the event that the Lessor does not so elect to make such restoration which cannot be made in thirty (30) days or a reasonable time, or such restoration cannot be made under such laws and regulations, or materials and labor are not available for such restoration within such time, this Lease may be terminated at the option of either party. In respect to any partial destruction which Lessor is obligated to restore or may elect to restore under the terms of this paragraph, the provisions of Section 1932, Subdivision 2, and of Section 1933, Subdivision 4, of the Civil Code of the State of California, are waived by the Lessee. In the event that the leased premises may be destroyed to the extent of more than 33-1/3% (thirty three and one-third percent) of the replacement cost thereof, the Lessor may elect to terminate this Lease. In any case that Lessor should elect or be obligated to restore or rebuild because of destruction as provided herein, Lessor's obligation shall be limited to the basic building, store front and interior work originally provided by Lessor at the inception of this Lease; Lessee shall fully repair or replace its own alterations and improvements, exterior signs, trade fixtures, equipment, display cases and other installations originally installed by Lessee at its expense.

31. **REMEDIES OF LESSOR OR DEFAULT.** This Lease is made upon the express condition that if default be made in the payment of the rent above reserved, or any part thereof, or if Lessee falls or neglects to perform, meet or observe any of Lessee's obligations hereunder, or if Lessee shall abandon or vacate said leased premises, Lessor or the legal representative of Lessor, at any time thereafter, without notice or demand, may lawfully declare said term ended, and re-enter the said demised premises, or any part thereof, either with or without process of law, and expel, remove and put out Lessee or any person or persons occupying said leased premises and may remove all personal property therefrom, and store the same in a public warehouse at the cost of and on account of Lessee, using such force as may be necessary to again repossess and enjoy said leased premises as before this demise, without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant or condition, and without

liability to any person for damages sustained by reason of such removal. Lessor may likewise, at Lessor's option, but at the cost of Lessee, and in addition to any other remedies which Lessor may have upon such default or failure or neglect and without notice to Lessee, petition the Superior Court of the State of California for and be entitled as a matter of right to the appointment of a receiver and said court may appoint such receiver and vest in him such powers and authority as may be necessary or proper to fully protect all the rights herein granted or reserved to Lessor. Any such receiver may take possession of any personal property belonging to the Lessee and used in the conduct of the business then being carried on by the Lessee in the said leased premises, and may use the same in conducting such business on the leased premises, without compensation to the Lessee.

Should Lessor elect to re-enter, as herein provided, or should it take possession pursuant to legal proceedings or pursuant to any notice provided for by law, it may, in addition to any other remedies Lessor may have upon such default, failure or neglect, either terminate this Lease or it may from time to time, without terminating this Lease, relet the said leased premises, or any part thereof, for such term or terms and at such rental or rentals and upon such other terms and conditions as Lessor, in its sole discretion, may deem advisable, with the right to make alterations and repairs to said leased premises. Rentals received by Lessor from such reletting shall be applied: First, to the payment of any indebtedness, other than rent, due hereunder from Lessee to Lessor; second, to the payment of rent due and unpaid hereunder; third, to the payment of any cost of such reletting, including commissions; fourth, to the payment of the cost of any alterations and repairs to the leased premises; and the residue, if any shall be held by Lessor and applied in payment of future rent as the same may become due and payable hereunder. Should such rentals received from such reletting during any month be less than that agreed to be paid during the month by Lessee hereunder, then Lessee shall pay such deficiency to Lessor. Such deficiency shall be calculated and paid monthly.

No such re-entry or taking possession of said leased premises by Lessor shall be construed as an election on its part to terminate this Lease unless a written notice of such intention be given to Lessee or unless the termination thereof be decreed by a court of competent jurisdiction. Notwithstanding any such reletting without termination, Lessor may at any time thereafter elect to terminate this Lease for such previous breach. Should Lessor at any time terminate this Lease for any breach, in addition to any other remedy it may have, it may recover from Lessee all damages it may incur by reason of such breach, including the worth at the time of any award of damages of the excess, if any, of the amount of rent reserved in this Lease for the balance of the term and charges equivalent to rent for the remainder of the stated term, and including the cost of recovering the leased premises over that which Lessee proves could reasonably have been avoided, pursuant to Section 1951.2 of the Civil Code of California. No notice of the exercise of any election given Lessor herein need be sent to Lessee.

32. **SUBORDINATION.** Lessee covenants that this Lease is and shall be at all times subject and subordinate to the liens of any mortgage or mortgages, deed of trust or deeds of trust now existing or which Lessor, or any subsequent owner of the demised premises shall make hereafter covering said premises, and to any and all advances made or to be made thereunder, and to the interest thereon and to any and all renewals thereof. Lessee covenants to execute, acknowledge, and deliver upon request, all documents demanded by Lessor to subordinate this Lease to any such indebtedness as herein provided.

33. **WAIVER OF RELOCATION BENEFITS:** Lessee warrants and represents to Lessor that Lessee does not have nor shall Lessee claim any right to relocation benefits under any provision of any State of California or federal law and Lessee knowingly waives the right to make any claim against the Lessor for relocation benefits in the event Lessor elects to terminate this Agreement for any reason or at the expiration of the Lease term. Lessee further warrants and represents that he has no other right or claim to compensation arising out of or connected with the acquisition of the leased premises by the Lessor and agrees never to assert such a claim. Lessee does not waive relocation benefits only in the event the leased premises is voluntarily rehabilitated or demolished by Lessor or subject to enforcement of building or health codes by a public entity, as set forth in California Government Code section 7265.3.

34. **BINDING ON SUCCESSORS.** The covenants and conditions herein contained shall, subject to the provisions as to assignment and subletting, apply to and bind the heirs, successors, executors, administrators and assigns of all the parties hereto.

35. **DEFINED TERMS.** The words "Lessor" and "Lessee" as used herein shall include the plural as well as the singular. Words used in masculine gender include the feminine and neuter. If there be more than one Lessor or Lessee the obligations hereunder imposed upon Lessor or Lessee shall be joint and several. The marginal heading or titles to the paragraphs of this Lease are not a part of this Lease and shall have no effect upon the construction or interpretation of any part hereof.

36. **COSTS OF SUIT.** In the event that it becomes necessary or advisable for either party hereto to file suit against the other party to enforce any rights hereunder, the successful party in such lawsuit shall be entitled to a reasonable attorney's fee, to be taxed as costs in such suit or to be fixed by the Court in any such suit.

37. **WAIVER OF SUBROGATION.** As long as their respective insurers so permit, Lessor and Lessee mutually waive for themselves and their respective insurers, their respective rights of recovery against each other for any loss insured by fire, extended coverage and other property insurance policies, existing for the benefit of the respective parties, but solely to the extent of the amount of insurance proceeds received by the

insured party. Each party shall obtain any available endorsements to evidence compliance with the above waiver.

IN WITNESS WHEREOF, the parties hereunto set their hands in duplicate, the day and year first hereinabove written.

LESSOR

City of Oakley, a municipal corporation

LESSEE

*Byrnes Enterprise, LLC, dba Mr. Pickles
Sandwich Shop*

By: _____

Bryan H. Montgomery
City Manager

By: _____

William Byrnes
Owner

ATTEST:

By: _____

Libby Vreonis
City Clerk

APPROVED AS TO FORM

By: _____

William R. Galstan
Special Counsel



STAFF REPORT

Date: Tuesday, January 27, 2015
To: Bryan H. Montgomery, City Manager
From: Joshua McMurray, Senior Planner
Subject: **State Mandated 2015-2023 Housing Element Update (General Plan Amendment GPA 01-13)**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary

The City has initiated a State Mandated Housing Element update required by Government Code Section 65583. The new Housing Element must be updated to comply with the 2015-2023 Regional Housing Needs Allocation (RHNA), as determined by the Bay Area Association of Governments (ABAG), and new statutory requirements. The final RHNA was adopted by ABAG on July 18, 2013. The Housing Element update will provide the capacity for the City's fair share of affordable housing for the next eight years.

The City's Housing Element has been reviewed by the State Department of Housing and Community Development (HCD), which has issued a letter stating the City's Housing Element will be in full compliance with State Law once the changes that they requested were incorporated into the document and subsequently adopted by the City Council. Those changes, as further discussed in this Staff Report, have been incorporated into the final document (attached).

Staff recommends that the City Council of the City of Oakley adopt the resolution approving the:

1. Updated Housing Element (2015-2023), with recommended changes, and thereby amends the Oakley 2020 General Plan to incorporate said Housing Element; and
2. Adopt the addendum to the Certified Oakley 2020 General Plan Environmental Impact Report.

Background and Analysis

The City adopted the Oakley General Plan in 2002, and in 2006, the State Department of Housing and Community Development (HCD) certified Oakley's first Housing Element, and in 2009, HCD certified the current 2007-2014 Housing Element. In August of 2013 the City Council approved an agreement for consulting

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Date: January 27, 2015

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services with De Novo Planning to prepare the Housing Element Update. Within the Housing Element, the City must demonstrate it has capacity or adequate sites to accommodate the projected RHNA need through the 8 year planning period.

The Bay Area Association of Governments, the Council of Governments (COG) representing the region, in cooperation with local jurisdictions, is responsible for allocating the region's projected new housing demand in each jurisdiction. This process is known as the RHNA and the goals are referred to as the RHNA goals or the "regional share" goals for new housing construction. The allocation takes into account factors such as employment opportunities, market demand for housing, availability of suitable sites and public facilities, community patterns, types and tenure of housing needs and others. The allocation is divided into five income categories: Above-Moderate, Moderate, Low, Very-Low, and Extremely-Low. In determining a jurisdiction's share of new housing needs by income category, the allocation is adjusted to avoid an over-concentration of lower-income households in one jurisdiction. The RHNA prepared by ABAG for the planning period of January 2015 through January 2023, identifies Oakley's projected regional share need as 1,168 new housing units.

To assist and provide recommendations to the City Council in the update process, a five member 2015-2023 Housing Element Update Citizen Advisory Committee (CAC) was appointed in August of 2013. Since the committee was formed; a total of four meetings have been held in addition to one public workshop where the committee and community stakeholders were invited to share their thoughts on the housing element update. Staff also presented the Draft Housing Element to the City Council during two separate work sessions. The September 9, 2014 City Council work session focused on the Policy Action program requiring the City to show how it will meet the remaining RHNA need. Staff presented a total of six sites, all with a multi-family land use designation and zoning. At the conclusion of the work session, the City Council directed Staff to go back and analyze additional sites. Staff held a public meeting with the Housing Element CAC on September 22, 2014. A variety of sites were discussed using the direction received from the City Council. Staff, in conjunction with the feedback from the CAC and the Housing Element Consultant came up with twelve additional sites for the City Council to consider. At the end of the work session, a total of seven sites were selected by the City Council to include in the Draft Housing Element. Of the seven sites, six are either zoned M-9 or M-12 (multi-family residential) and one of the sites is zoned General Commercial. The work session Staff Reports are attached for reference.

The Draft Housing Element was forwarded to the HCD on October 21, 2014 and released for a minimum 45-day public review and comment period on October 27, 2014 through December 18, 2014. Staff, the consultant, and HCD held a conference call on December 9, 2014 to discuss HCD's review and following that revisions were sent to HCD on December 11, 2014. HCD reviewed the revisions and issued a letter dated December 16, 2014 to the City stating that one remaining item regarding public participation needed to be updated in order for the Housing Element to be in full

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compliance with State Housing Element Law. That letter is attached for reference and a full review of the revisions requested by HCD is further analyzed as follows.

Revisions to the Housing Element

- **Extremely Low Income Households:** Page 10.II-23 was revised to identify the number and percentage of extremely low income households that are homeowners and that are renters as requested by HCD.
- **Downtown Specific Plan (SP-4) analysis:** Information requested by HCD regarding allowed densities and uses for the SP-4 subareas was added to the discussion of the Downtown Specific Plan on page 10.III-7.
- **Farmworker and Employee Housing:** A discussion of zoning for farmworker and employee housing is provided on page 10.III-14 in response to HCD. A policy action to address farmworker and employee housing has been added on pages 10.VI-9 and 10.VI-10.
- **Regional Transportation Fee:** Page 10.III-18 has been revised to include the additional information regarding the Regional Transportation Fee and the City's efforts to reduce fees to the extent feasible as requested by HCD.
- **East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP):** Page 10.III-18 has been revised to include additional information regarding the HCP/NCCP as requested by the East Contra Costa County Habitat Conservancy.
- **Outside Agency Fees:** Page 10.III-19 has been revised to reflect that development projects may need to comply with programs operated by outside agencies, including payment of applicable fees.
- **Rare and Endangered Species:** Page 10.III-24 was revised to reflect that the HCP/NCCP conservation strategy will address impacts to species covered by the HCP/NCCP.
- **Affordable Housing Overlay:** Pages 10.IV-6 through 10.IV-8 were revised to include an analysis of the feasibility of using the Affordable Housing Overlay to accommodate lower income housing. The analysis addresses the requirements of state law (market demand/trends, financial feasibility, and residential project experience).
- **Outreach efforts to Lower Income Group:** Page 10.VII-3 was revised to identify the effort that will be made to encourage participation by the lower income group.

HCD Review of the Housing Element

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As described above, the Public Review Draft Housing Element was revised to address verbal comments received from HCD staff during HCD's 60-day review period. HCD's formal review letter, dated December 16, 2014, for the City's Public Review Draft Housing Element indicated that the Housing Element complies with the statutory requirements of State law, with the exception of the need to demonstrate additional outreach efforts among lower income groups and to encourage public participation by lower and moderate income households. To accomplish this, the City has posted a public notice at locations targeted toward lower and moderate income households and organizations serving low/moderate income groups. The notice provides information regarding the availability of the Final Housing Element and encourages the public to review and comment on the Final Housing Element. The notice has been posted at affordable housing complexes, including The Commons at Oak Grove, Summer Creek Place, Golden Oak Manor, Courtyards at Cypress Grove, Oakley Place Senior Apartments, Oak Grove Terrace, Oak Forest Senior Villas, Silver Oaks, and Oakley Summer Creek Apartments. Agencies that serve the lower and moderate income, senior, at-risk, and other populations were also notified of the Housing Element Update, including senior organizations, emergency food providers, Contra Costa County Health Services, Contra Costa County Employment and Human Services, Oakley Union Elementary School District, Liberty Union High School District, Antioch Unified School District, and Knightsen Elementary School District. The Housing Element was made available for review on the City's website and at City Hall and the Oakley Library Branch.

Policy Action Programs

Within the Housing Element, the City must demonstrate it has capacity or adequate sites to accommodate the projected RHNA need through the 2015-2023 planning period. The RHNA prepared by ABAG for the planning period identifies Oakley's projected regional share need as 1,168 new housing units (background provided in the attached September 9, 2014 Staff Report). The City has sufficient entitled land through the East Cypress Corridor as well as other entitled residential projects throughout the City to accommodate the need for the Moderate and Above –Moderate units. Based on the RHNA assigned by ABAG, the total number of affordable units allocated to Oakley was 489. The Corporation for Better Housing (CBH) site had 29 units under construction and there is additional remaining capacity of 75 units on the CBH site. Those units can be used to reduce the 489 affordable units. There is a remaining need of approximately 386 affordable units (defined by either being Low, Very-Low, or Extremely-Low income). This means the City needs to identify sites able to accommodate the need; however it does not mean those units need to be constructed. As discussed above, the City Council, through work sessions, public outreach, and through input from Staff, the housing consultant and the Housing Element CAC, has identified seven sites included within Policy Action Program 1.1 (Page 10.VI-1 of the Housing Element). This recommendation has been reviewed by HCD and is to be completed within two years of the Housing Element being adopted.

Policy Action Program 1.1 specifically requires the City to apply the Affordable Housing Overlay Zone (AHO) on the seven parcels. The intent of applying the AHO is to allow property owners to build at either the default densities allowed by the

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underlying zone or build a qualifying affordable project at the AHO base density of 24 dwelling units per acre (which allows up to 32.4 dwelling units per acre after a State mandated density bonus is applied). The process to apply the AHO on these seven properties will be handled through a separate, public process also requiring a City Council action. During this separate process, there is an opportunity to reevaluate the seven sites. HCD does have a process in place to exchange sites on a "like for like" basis. If it is the City Council's desire to look at alternate sites during that process, Staff will work with HCD to ensure any new sites meet HCD's criteria. Staff anticipates this work will start in the next few months.

In addition to the requirement to accommodate the RHNA need for the current planning period, there are some key programs identified within the Housing Element that will require action in the upcoming years. They are as follows:

- Update the Zoning Code to Comply with Senate Bill (SB) 2, which require the City to allow transitional and supportive housing by right in all residential zones. The time frame to complete this is within 1 year of adopting the Housing Element.
- Update the Zoning Code to address residential care facilities. The time frame to complete this is within 1 year of adopting the Housing Element.
- Revise the Zoning Code to permit employee housing and farmworker housing in accordance with Health and Safety Code Section 17021.5 and 17021.6. The time frame to complete this is within 1 year of adopting the Housing Element.

Environmental Review

Pursuant to Section 15164 of the CEQA Guidelines, an addendum to the Certified Oakley 2020 General Plan Environmental Impact Report (EIR) was prepared by De Novo Planning. The Addendum concludes that the proposed changes do not cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no significant changes in the environmental conditions not contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts. The 2015-2023 Housing Element is within the scope of the previously Certified Oakley 2020 General Plan Environmental Impact Report (SCH #2002042134). The addendum has been attached to this report for reference.

Findings

Draft findings are included in the attached resolution.

Recommendation

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Staff recommends that the City Council of the City of Oakley adopt the resolution approving the:

1. Updated Housing Element (2015-2023), with recommended changes, and thereby amends the Oakley 2020 General Plan to incorporate said Housing Element; and
2. Adopt the addendum to the Certified Oakley 2020 General Plan Environmental Impact Report.

Attachments

1. Proposed City Council Resolution
2. Proposed 2015 – 2023 City of Oakley Housing Element
3. Addendum to the Oakley 2020 General Plan EIR
4. State Department of Housing and Community Development Letter dated December 16, 2014
5. September 9, 2014 Work Session Staff Report
6. October 14, 2014 Work Session Staff Report

RESOLUTION NO. XX-15

**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS
AND ADOPTING THE 2015-2023 HOUSING ELEMENT AND AMENDING THE
GENERAL PLAN TO INCORPORATE THE REVISED AND UPDATED HOUSING
ELEMENT AND ADOPTING THE ADDENDUM TO THE OAKLEY 2020 GENERAL
PLAN ENVIRONMENTAL IMPACT REPORT****FINDINGS**

WHEREAS, on November 1998, the voters approved the incorporation of the City of Oakley, to be effective July 1, 1999; and

WHEREAS, on July 1, 1999, the City of Oakley was incorporated; and

WHEREAS, after incorporation, the City adopted the Contra Costa County General Plan for the Oakley Area as its general plan, the County's subdivision ordinance as its subdivision ordinance, and the County's zoning ordinance as its zoning ordinance (Ordinance Nos. 1-99, 17-99, 22-99). Since that time, the City has prepared its own general plan, as required by Government Code Section 65360; and

WHEREAS, in December 2002, the Oakley City Council adopted the Oakley 2020 General Plan; and

WHEREAS, pursuant to State Government Code section 65300, cities and counties are required to prepare and adopt general plans to guide them in the long-range development of their communities. General plans must include seven mandatory, internally consistent elements including land use, circulation, conservation, open space, safety, noise and housing. Only the Housing Element is reviewed and certified by the State Department of Housing and Community Development (HCD); and

WHEREAS, the purpose of the Housing Element is to encourage the provision of an adequate and diverse supply of safe and affordable housing in all communities consistent with Statewide housing goals; and

WHEREAS, the Housing Element consists of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources and scheduled programs for the preservation, improvement, and development of housing, pursuant to California Government Code Section 65580; and

WHEREAS, on August 13, 2013, the City of Oakley contracted with De Novo Planning to update the Housing Element, and

WHEREAS, on August 13, 2013, the City of Oakley City Council, through a public application process, selected a five (5) person, with two alternates, Housing

Element Ad-Hoc Citizen Advisory Committee to assist Staff and the consultant in the Housing Element update process; and

WHEREAS, on February 27, 2014, the City held a publicly noticed workshop regarding the Housing Element update; and

WHEREAS, on September 9, 2014, the City Council held a publicly noticed workshop regarding the Draft Housing Element. Specifically the work session focused on Policy Action 1.1 to provide adequate sites to meet the remaining Regional Housing Needs Assessment (RHNA) and directed staff to analyze additional sites; and

WHEREAS, on October 14, 2014, the City Council held a publicly noticed workshop regarding additional sites to meet the RHNA. At that work session the City Council directed Staff to incorporate the seven sites listed on page 10.VI-1 of the Draft Housing Element. The City Council also directed Staff to submit the Draft Housing Element to HCD for a formal review. The Draft Housing element was submitted to HCD on October 21, 2014; and

WHEREAS, the City made available the Draft 2015-2023 Housing Element available for public review on October 27, 2014 through December 18, 2014; and

WHEREAS, HCD has reviewed and provided comments and recommended changes to the Draft Housing Element (letter dated December 16, 2014); and

WHEREAS, the recommended changes have been incorporated into the Draft Housing Element. HCD; and

WHEREAS, the 2015-2023 Housing Element is within the scope of the Certified Oakley 2020 General Plan Environmental Impact Report (SCH #2002042134) prepared and certified by the City of Oakley City Council; and

WHEREAS, Pursuant to Section 15164 of the CEQA Guidelines, an addendum to the Certified Oakley 2020 General Plan Environmental Impact Report was prepared by De Novo Planning. The Addendum concludes that the proposed changes do not cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no significant changes in the environmental conditions not contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts; and

WHEREAS, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, and mailed to all interested parties, outside agencies, and property owners within 300 feet of all properties discussed in Policy Action 1,1 of the Draft Housing Element on January 16, 2015. The Notice of Public Hearing was posted at the Oakley City Hall, Freedom High School, and

at 204 2nd Street (City Annex); and

WHEREAS, on January 27, 2015, the City Council held a properly noticed public hearing at which it received a report from City staff, oral and written testimony from the public, and deliberated on the item. At the conclusion of its deliberations, the Council voted to adopt the Resolution, adopting the Negative Declaration and adopting the Housing Element thereby amending said General Plan, as revised by the City Council during its deliberations.

NOW, THEREFORE, on the basis of the above findings of fact and the entire Record, the City Council makes the following findings in support of the recommended approvals:

1. The proposed project conforms to the provisions and standards of the General Plan;
2. The proposed project is consistent with the balance of the General Plan;
3. The proposed project is necessary to implement the goals and objectives of the General Plan;
4. The public necessity, convenience, and general welfare require the proposed amendment; and
5. The proposed project will not cause environmental damage.

NOW, THEREFORE, on the basis of the above findings of fact and the entire Record, the City Council:

1. Adopt the Updated Housing Element (2015-2023), with recommended changes, and thereby amends the Oakley 2020 General Plan to incorporate said Housing Element; and
2. Adopt the addendum to the Certified Oakley 2020 General Plan Environmental Impact Report.

PASSED AND ADOPTED by the City Council at a meeting held on the 27th day of January 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

FINAL 2015 - 2023 HOUSING ELEMENT

January 2015

Prepared for:

City of Oakley
3231 Main Street
Oakley, CA 94561



Prepared by:

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HO-1: Inventory of Residential Sites – located at end of Chapter IV.

Appendices

- A. Inventory of Residential Sites
- B. East Cypress Corridor Specific Plan
- C. Ad Hoc Working Group - Potential Multifamily Sites

I. INTRODUCTION

A. PURPOSE AND CONTENT

The City of Oakley's Housing Element is the component of the City's General Plan that addresses housing needs and opportunities for present and future Oakley residents through the 2015-2023 planning period and the 2014-2022 regional housing needs allocation (RHNA) cycle. The Housing Element provides the primary policy guidance for local decision-making related to housing. The Housing Element of the General Plan is the only General Plan Element that requires review and certification by the State of California.

The Housing Element provides a detailed analysis of Oakley's demographic, economic and housing characteristics as required by State law. The Element also provides a comprehensive evaluation of the City's progress in implementing the past policy and action programs related to housing production, preservation, conservation, and rehabilitation. Based on the community's housing needs, available resources, constraints, opportunities and past performance, the Housing Element identifies goals, policies, actions and objectives that address the housing needs of present and future Oakley residents.

B. HOUSING ELEMENT UPDATE PROCESS

The California State Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State's main housing goal. Recognizing the important part that local planning programs play in pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of their comprehensive General Plans (California Government Code Section 65580 et al.).

It is intended that this Housing Element be reviewed annually and updated and modified no less than every five years in order to remain relevant and useful and reflect the community's changing housing needs. This Housing Element covers the planning period from January 2015 to January 2023. The time frame of the planning period is determined by State law. State planning law mandates that jurisdictions within the Association of Bay Area Governments (ABAG) region update and adopt their Housing Element by January 31, 2015. This document represents the update required and responds to the issues that currently face the City.

C. STATE LAW AND LOCAL PLANNING

1. Consistency with State Law

The Housing Element is one of the seven General Plan elements mandated by the State of California, as articulated in Sections 65580 to 65589.8 of the California Government Code. State law requires that each jurisdiction's Housing Element consist of "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled program actions for the preservation, improvement, and development of housing." The Housing Element plans for the provision of housing for all segments of the population.

Section 65583 of the Government Code sets forth specific requirements regarding the scope and content of each Housing Element. Table 10-1 summarizes these requirements and identifies the applicable chapters in the Housing Element where these requirements are addressed.

Table 10-1
STATE HOUSING ELEMENT REQUIREMENTS

Required Housing Element Component	Reference
A. Housing Needs Assessment	
1. Analysis of population trends in Oakley in relation to countywide trends	Chapter II
2. Analysis of employment trends in Oakley in relation to regional trends	Chapter II
3. Projections and quantification of Oakley’s existing and projected housing needs for all income groups	Chapters II and IV
4. Analysis and documentation of Oakley’s housing characteristics, including:	
a. Level of housing cost compared to ability to pay	Chapter II
b. Overcrowding	Chapter II
c. Housing stock condition	Chapter II
5. An inventory of land suitable for residential development including vacant sites and having redevelopment potential and an analysis of the relationship of zoning, public facilities and services to these sites	Chapter IV
6. Identification of a zone where emergency shelters are allowed as a permitted use with sufficient capacity.	Chapter III
7. Analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels	Chapter III
8. Analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels	Chapter III
9. Analysis of special housing need: elderly, persons with disabilities, large families, farm workers, families with female heads of household	Chapter II
10. Analysis of housing needs for families and persons in need of emergency shelter	Chapter II
11. Analysis of opportunities for energy conservation with respect to residential development	Chapter III
12. Analysis of assisted multifamily rental housing developments that are eligible to change from lower-income housing during the next 10 years	Chapter IV
B. Goals and Policies	
13. Identification of Oakley’s goals, quantified objectives and policies relative to maintenance, improvement and development of housing	Chapter VI
C. Implementation Program	
14. Identify actions to make adequate sites available with appropriate zoning and development standards and with services and facilities to accommodate the City’s share of the RHNA	Chapter VI
15. Programs to assist in the development of adequate housing to meet the needs of extremely low, very low, low, and moderate income households.	Chapter VI
16. Address, and where appropriate and legally possible, remove	Chapter VI

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governmental constraints to the maintenance, improvement, and development of housing	
17. Remove constraints to or provide reasonable accommodations for housing for persons with disabilities	Chapter VI
18. Conserve and improve the condition of the existing affordable housing stock in Oakley	Chapter VI
19. Promote housing opportunities for all persons	Chapter VI
20. Identify programs to address the potential conversion of assisted housing development to market-rate housing	Chapter VI
21. Program actions to identify zone(s) where emergency shelters are permitted without a conditional use or other discretionary permit and with the capacity to meet the needs of individuals and persons needing emergency shelter.	Chapter VI
22. Include a diligent effort to achieve public participation of all economic segments of the community	Chapters VI and VII

2. General Plan Consistency

The Housing Element is one component of the City’s overall long-range planning strategy. The California Government Code requires that the General Plan contain an integrated, consistent set of goals and policies. The Housing Element is affected by policies contained in other elements of the General Plan. For example, the Land Use Element designates land for residential development and indicates the type, location and density of the residential development permitted in the City. Working within this framework, the Housing Element identifies goals, policies, actions and objectives for the planning period that directly addresses the housing needs of Oakley’s existing and future residents. The policies contained within other elements of the General Plan affect many aspects of life that residents enjoy – the amount and variety of open space, the preservation of natural, historic and cultural resources, the permitted noise levels in residential areas and the safety of the residents in the event of a natural or man-made disaster.

The Housing Element policies must be consistent with policies identified in other elements of the General Plan. The Housing Element has been reviewed for consistency with the City’s other General Plan elements. The policies and programs in this Element reflect the policy direction contained in other parts of the General Plan. As portions of the General Plan are amended in the future, this Housing Element will be reviewed to ensure that internal consistency is maintained.

3. Relationship to Other Plans and Programs

The Housing Element identifies goals, objectives, policies and action programs for the 2015-2023 planning period that directly address the housing needs of Oakley. There are a number of City plans and programs which work to implement the goals and policies of the Housing Element. These include the City’s Municipal Code and Specific Plans.

a. Oakley Municipal Code

The Oakley Municipal Code contains the regulatory and penal ordinances and certain administrative ordinances of the City, codified pursuant to Sections 50022.1 through 50022.8 and 50022.10 of the Government Code. The Oakley Municipal Code includes the City’s Zoning regulations.

The Subdivision Chapter of the Municipal Code regulates the design, development and implementation of

land division. It applies when a parcel is divided into two or more parcels; a parcel is consolidated with one or more other parcels; or the boundaries of two or more parcels are adjusted to change the size and/or configuration of the parcels.

The Zoning Chapter of the Municipal Code is the primary tool for implementing the General Plan, and is designed to protect and promote the health, safety and welfare of the people. The Zoning Chapter designates various districts and outlines the permitted, conditionally permitted and prohibited uses for each zone district. Finally, the Zoning Chapter provides property development standards for each zone district and overall administrative and legislative procedures.

b. Specific Plans

Specific Plans are customized regulatory documents that provide focused guidance and regulations for a particular area to address the specific characteristics or needs for that area. They generally include a land use plan, circulation plan, infrastructure plan, zoning classifications, development standards, design guidelines, and implementation plan. The City has three Specific Plans: the Downtown Specific Plan, the River Oaks Crossing Specific Plan, and the East Cypress Corridor Specific Plan

D. HOUSING ELEMENT ORGANIZATION

California Government Code Section 65583 requires a jurisdiction's Housing Element include the following components:

- A review of the previous Element's goals, policies, objectives and programs to ascertain the effectiveness of each of these components, as well as the overall effectiveness of the Housing Element.
- An assessment of housing need and an inventory of resources and constraints related to meeting these needs.
- A statement of goals, policies and quantified objectives related to the maintenance, preservation, improvement and development of housing.
- A policy program that provides a schedule of actions that the City is undertaking or intends to undertake implementing the policies set forth in the Housing Element.

The Oakley Housing Element is organized into seven parts:

1. Introduction - Explains the purpose, process and contents of the Housing Element.
2. Community Profile - Describes the demographic, economic and housing characteristics of Oakley and analyzes the current and projected housing needs in Oakley.
3. Resources and Constraints Analysis - Analyzes the actual and potential governmental and non-governmental constraints to the rehabilitation, preservation, conservation and construction of housing.
4. Land Resources and At-Risk Units – Identifies approved residential development projects in the City and the City's inventory of available sites to accommodate the RHNA and discusses the potential conversion of affordable housing units to market rate.
5. Effectiveness of Previous Housing Element – Describes the effectiveness of the previous Housing

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Element and discusses the implementation and success of each of the policy actions identified in the previous Housing Element.

6. Housing Plan - Details specific policies and programs the City of Oakley will carry out over the planning period to address the City's housing goals.

7. Community Participation – Describes the community participation process, including efforts to encourage a broad economic segment of the community and relevant stakeholders to participate, and summarizes public input received.

Given the detail and lengthy analysis in developing the Housing Element, supporting background material is included in the following appendices:

- Appendix A: Inventory of Residential Sites
- Appendix B: East Cypress Corridor Specific Plan
- Appendix C: Ad Hoc Working Group - Potential Multifamily Sites

E. CITIZEN PARTICIPATION

The California Government Code requires that local governments make diligent efforts to solicit public participation from all segments of the community in the development of the Housing Element. In compliance with this requirement, the City conducted public outreach efforts including a Community Workshop in February 2014, formation of the Ad Hoc Citizens Advisory Committee (CAC) in August 2013 and four CAC meetings throughout the update process, and three City Council meetings. Detailed information on community outreach and participation is provided in Chapter VII.

II. HOUSING NEEDS ASSESSMENT AND INVENTORY

A. INTRODUCTION

When preparing the Housing Element, jurisdictions must evaluate both existing and future housing needs for all segments of the population.

This section analyzes demographic, economic and housing characteristics that influence the demand for and availability of housing. The analyses form a foundation for developing programs and policies that seek to address identified housing needs according to income, tenure and special needs groups.

The primary data source utilized in this analysis was the Association of Bay Area Governments Data Package (ABAG, 2014) which has been approved for use by HCD. Additional data sources utilized in this analysis include the 2010 U.S. Census, the American Community Survey, the California Department of Finance (DOF), and the federal Department of Housing and Urban Development (HUD). These data sources are the most reliable for assessing existing conditions and provide a basis for consistent comparison with historical data and for making forecasts.

B. COMMUNITY PROFILE

1. Population Trends and Characteristics

Housing needs are generally influenced by population and employment trends. This section provides a summary of the changes to the population size, age and racial composition of the City.

a. Historical, Existing and Forecast Growth

The City of Oakley is one of 19 cities in Contra Costa County. The DOF estimates that Contra Costa County’s population in 2010 was 1,049,025. Table 10-2 lists adjacent counties and their respective populations.

**Table 10-2
REGIONAL POPULATION TRENDS 2000-2010**

County	2000	2010	% Change
Contra Costa County	948,816	1,049,025	10.0%
Alameda County	1,443,741	1,510,271	10.6%
Marin County	247,289	252,409	2.1%
Sacramento County	1,223,499	1,418,788	16.0%
San Joaquin County	563,598	685,306	21.6%
Santa Clara County	1,682,585	1,781,642	5.9%
Solano County	394,542	413,344	1.8%

Source: US Census, 2000; US Census 2010; ABAG, 2014

According to the U.S. Census and the DOF, Oakley experienced a 38.3 percent population increase between 2000 and 2010. Table 10-3 compares Oakley’s population growth trends with those of the County.

Table 10-3
POPULATION GROWTH 2000-2010

Jurisdiction	2000	2010	2000-2010 Growth	
			Number	%
Oakley	25,619	35,432	9,813	38.3%
Contra Costa County	948,816	1,049,025	100,209	10.6%
<i>Source: ABAG, 2014</i>				

b. Age Composition

In 2010, the school age (5-19 years) and persons aged 35-44 years populations were the largest age groups in the City. Twenty-nine percent of “school age” and 46 percent of “young adult” (20-24) and “prime working” (25-59) age populations resided in Oakley. The percentages of the “preschool” (0-4 years) and “older adult/retirement” (60 and over) populations were considerably lower. Table 10-4 summarizes the population’s age distribution in 2010.

Table 10-4
AGE DISTRIBUTION 2010

Age Group	2010	
	Contra Costa County (%)	Oakley (%)
0-4 years	7%	8.5%
5-19 years	21.9%	28.8%
20-34 years	18.7%	19.0%
35-44 years	17.3%	20.3%
45-59 years	20.1%	15.5%
60-74 years	9.5%	5.8%
75+ years	5.5%	2.1%
Total	100%	100%
Median Age	38.5	32.0
<i>Source: ABAG, 2014</i>		

c. Race and Ethnicity

Oakley residents are mainly composed of two racial/ethnic groups: White and Hispanic or Latino. As of 2000, 47.5 percent of residents in Oakley were White and 34.9 percent were of Hispanic or Latino origin. Table 10-5 summarizes the racial and ethnic composition of the population in 2010.

Table 10-5
RACIAL AND ETHNIC COMPOSITION 2010

Racial/Ethnic Group	2010	
	Number	% of Population
White	16,815	47.5%
Black	2,460	6.9%
American Indian & Alaska Native	177	0.5%
Asian	2,098	5.9%
Pacific Islander	119	0.3%
Other race	76	0.2%
Two or more races ²	1,323	3.7%

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Racial/Ethnic Group	2010	
	Number	% of Population
Hispanic or Latino ¹	12,364	34.9%
Total	35,432	100.0
Notes:		
¹ May be of any race. Figures in other rows reflect the population that is not Hispanic or Latino.		
² The “Population of two or more races” category has been added in the 2000 U.S. Census. Data may not be comparable.		
<i>Source: ABAG, 2014</i>		

2. Employment Trends

Housing needs are influenced by employment trends. Significant employment opportunities within a city can lead to growth in demand for housing in proximity to jobs. The quality and/or pay of available employment can influence the demand for various housing types and prices.

As shown in Table 10-6, in 2007-2011, 21.2 percent of Oakley residents were employed in educational, health and social services; 14.6 percent were employed in professional, scientific, management, administrative, and waste management services, 11.1 percent were employed in the retail trade; and 10 percent were employed in finance, insurance, and real estate. By comparison, 19.9 percent of the overall County residents were employed in educational, health and social services; 8.9 percent were employed in professional, scientific, management, administrative, and waste management services; and 13 percent were employed in retail trade.

**Table 10-6
EMPLOYMENT BY INDUSTRY¹ 2007-2011**

Industry	Oakley		Contra Costa County	
	Employees	%	Employees	%
Agriculture, forestry, fishing and hunting, and mining	91	0.6%	2,669	0.6%
Construction	1,661	11.0%	35,919	7.4%
Manufacturing	1,103	7.3%	34,917	7.2%
Wholesale trade	320	2.1%	13,296	2.7%
Retail trade	1,949	13.0%	53,806	11.1%
Transportation and warehousing, and utilities	1,125	7.5%	25,187	5.2%
Information	610	4.1%	14,746	3.0%
Finance, insurance, real estate, and rental and leasing	1,104	7.3%	48,139	10.0%
Professional, scientific, management, administrative, and waste management services	1,334	8.9%	70,367	14.6%
Educational, health and social services	3,002	19.9%	102,391	21.2%
Arts, entertainment, recreation, accommodation and food services	1,187	7.9%	36,815	7.6%
Other services (except public administration)	962	6.4%	24,422	5.1%
Public Administration	601	4.0%	20,910	4.3%
Total	15,049	100%	483,584	100%
Notes:				
¹ Data indicates occupations held by Oakley/Contra Costa Co. residents; related workplace location not indicated				
<i>Source: ABAG, 2014</i>				

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As shown in Table 10-7, Oakley Union Elementary School District is the largest single employer in Oakley with approximately 487 employees. Other major employers in Oakley include the City of Oakley with approximately 68 full-time equivalent employees, and Diamond Hills Sports Club and Spa with approximately 55 employees.

**Table 10-7
MAJOR EMPLOYERS**

Company	Number of Employees
Oakley Union Elementary School District	487
City of Oakley	68
Diamond Hills Sports Club and Spa	55
Lucky's	54
Raley's	46
Continente Nut	44
McDonalds	36
Foundation Constructors	32
Ironhouse Sanitary District	32
<i>Source: City of Oakley CAFR, 2013</i>	

Oakley's labor force increased from 13,700 in 2007 to 14,200 in 2013, as shown in Table 10-8. According to the California Employment Development Department, the unemployment rate in Oakley for 2013 was 5.3 percent. This was lower than the County's unemployment rate of 7.4 percent in 2013.

**Table 10-8
LABOR FORCE TRENDS 2007-2013**

Year	Labor Force	Employment	Unemployment	Unemployment Rate
2007	13,700	13,200	500	3.3%
2008	13,900	13,300	600	4.4%
2009	13,700	12,700	1,000	7.4%
2010	13,600	12,500	1,100	8.1%
2011	13,800	12,800	1,000	7.5%
2012	14,000	13,100	900	6.5%
2013	14,200	13,400	800	5.3%
<i>Source: State of California Employment Development Department (EDD), 2014</i>				

3. Household Characteristics

This section describes Oakley's household characteristics. The U.S. Census Bureau defines a "household" as all persons living in a single housing unit, whether or not they are related. One person living alone is considered a household, as is a group of unrelated people living in a single housing unit. The U.S. Census Bureau defines "family" as related persons living within a single housing unit.

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a. Household Formation and Composition

The DOF provides data on occupied housing units, which corresponds to total households reported in the U.S. Census. As shown in Table 10-9, the Census reported 10,727 housing units in Oakley in 2013, a 36.7 percent increase from 2000. The number of households in Oakley has increased at a more rapid pace than the number of households in the overall County and State. In Contra Costa County, the total number of households increased by 9.1 percent between 2000 and 2013.

Table 10-9
TOTAL HOUSEHOLDS 2000-2010

Area	2000	2010	Percent Increase 2000-2010
Oakley	7,847	10,727	36.7%
Contra Costa County	344,129	375,364	9.1%

Source: U.S. Census 2000; ABAG, 2014

The average number of persons per household in Oakley was 3.26 in 2000. The Census estimates that in 2010, persons per household in Oakley remained constant at 3.26. As shown in Table 10-10, the average number of persons per household in Oakley continues to be higher than the County average.

Table 10-10
AVERAGE PERSONS PER HOUSEHOLD 2000-2010

Jurisdiction	2000 ¹	2010
Oakley	3.26	3.26
Contra Costa County	2.72	2.77

Source: Department of Finance Table 10- E-5, 2000; ABAG, 2014

As shown in Table 10-11, households of three to four persons in Oakley made up the largest segment of total households in 2010, as well as the largest segment of owner and renter households.

Table 10-11
HOUSEHOLD SIZE DISTRIBUTION 2010

Household Size	Total Households	% of Total	Renter Households	% of Total	Owner Households	% of Total
1 Person	1,522	14.2%	756	19.3%	1,002	12.7%
2 Persons	2,614	24.4%	744	19.0%	2,171	27.6%
3-4 Persons	4,269	39.8%	1,472	37.6%	3,306	42.0%
5+ Persons	2,322	21.6%	942	24.1%	1,384	17.6%
Total	10,727	100%	3,914	100%	7,863	100%
Average Size	3.26		3.11		3.30	

Source: ABAG, 2014

b. Household Income

As indicated in Table 10-12, the median household income for the City of Oakley in 2010 was \$78,102, slightly less than the median income for the County by \$1,033. Within the City, the median income for owner-occupied households (\$69,533) was more than the median income for renter-

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occupied households (\$35,933).

**Table 10-12
MEDIAN HOUSEHOLD INCOME - 2010**

Jurisdiction	2010 ¹
City of Oakley	\$78,102
Contra Costa County	\$79,135
<i>¹2011 Dollars</i>	
<i>Source: ABAG, 2014</i>	

HCD calculates an annual median household income (MHI) for each county in the State. HCD uses five income categories to determine housing affordability based on the MFI. Table 10-13 shows the income ranges for each income category based on the 2013 HCD MHI of \$84,150 for a three-person household in Contra Costa County.

**Table 10-13
INCOME RANGE BY AFFORDABILITY CATEGORY 2013**

Affordability Category	% of County Median ¹	Income Range (\$)
Extremely Low Income	≤30%	\$0 - \$25,250
Very Low Income	31%-50%	\$25,251 - \$42,100
Low Income	51%-80%	\$42,101 - \$59,600
Moderate Income	81%-120%	\$59,601 - \$101,000
Above Moderate Income	>120%	\$101,001 +
Notes:		
¹ Based on State HCD income categories for a three-person household		
<i>Source: HCD, 2013</i>		

The HCD median family income for jurisdictions in Contra Costa County was \$93,500 for a four-person household in 2013. Based on 2006-2010 HUD data, shown in Table 10-14, 72.9 percent of renter-occupied households and 29.0 percent of owner-occupied households in Oakley were within the very low and low income categories. Data was not provided for the extremely low income category.

**Table 10-14
HOUSEHOLD INCOME CATEGORY BY TENURE 2006-2010**

Income	Owner-Occupied		Renter-Occupied		Total Occupied	
	Number	% ¹	Number ²	%	Number ³	%
Very Low	1,280	15.9%	1,230	56.4%	2,510	24.5%
Low	1,055	13.1%	360	16.5%	1,415	13.8%
Moderate	1,750	21.7%	295	13.5%	2,045	20.0%
Above Moderate	3,965	49.3%	295	13.5%	4,260	41.6%
Total	8,050	100%	2,180	100%	10,230	100%
<i>Source: ABAG, 2014</i>						

4. Housing Inventory and Market Conditions

This section describes the housing stock and market conditions in the City of Oakley. By analyzing past and current housing trends, future housing needs can be projected.

a. Housing Stock Profile

In 2013, Oakley had 1,903 housing units, which is 2.9 percent of the County’s total units. Of these units, 7,847 were occupied and 785 (6.6 percent) were unoccupied. Table 10-15 summarizes the number of housing units in Oakley and the County from 2000 to 2013.

**Table 10-15
NUMBER OF HOUSING UNITS
OAKLEY AND CONTRA COSTA COUNTY - 2000-2013**

Year	Oakley	Contra Costa County	Oakley as % of total Contra Costa County
2000	7,956	354,140	2.2%
2010	11,484	400,263	2.9%
2013 ¹	11,903	404,054	2.9%
Notes: ¹ Department of Finance			
<i>Source: U.S. Census 2000 SF3 H1 and Department of Finance Table 2 E-5, 2013</i>			

i. Unit Size

In 2008-2012, the most common type of renter-occupied units was 3-bedroom units, making up 38.9 percent of renter-occupied units. The second largest group of renter-occupied units was 2-bedroom units (27.2 percent). Of the owner-occupied units, 41.1 percent had 3 bedrooms and 40.4 percent had 4 bedrooms. The 3- and 4- bedroom units were the most common type of housing units overall, making up 40.6 percent and 35 percent of all housing units respectively. Table 10-16 summarizes the distribution of unit size by tenure in 2010.

**Table 10-16
UNIT SIZE BY TENURE 2008-2012**

	Owner-Occupied		Renter- Occupied		Total Occupied Housing Units	
	Units	%	Units	%	Units	%
Studio/1 bedroom	137	1.7%	325	12.9%	462	4.4%
2 bedrooms	619	7.7%	684	27.2%	1,303	12.4%
3 bedrooms	3,302	41.1%	977	38.9%	4,279	40.6%
4 bedrooms	3,241	40.4%	447	17.8%	3,688	35.0%
5 or more bedrooms	731	9.1%	78	3.1%	809	7.7%
Total	8,030	100.0%	2,511	100.0%	10,541	100.0%
<i>Source: ACS, 2008-2012</i>						

ii. Unit Type

The 2013 DOF data showed that 90.6 percent of the housing units in Oakley are single-family detached homes. From 2000 to 2013, the number of units for all housing types increased. The increase in single family detached homes comprised the majority of the increase in total housing

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units, which increased by 47.6 percent. Table 10-17 shows Oakley’s housing inventory by unit type from 2000 to 2013.

As shown in Table 10-18, owner-occupied housing units were predominately single-family detached, with this type comprising 90.6 percent of all units. Multi-family housing represented 4.3% of the housing stock and mobile homes, 3.2%.

**Table 10-17
HOUSING INVENTORY BY UNIT TYPE**

Housing Type	2000	% of Total	2013 ¹	% of Total
Single family, detached	7,306	91.6%	10,785	90.6%
Single family, attached	84	1.1%	236	2.0%
Multi-family	164	2.1%	506	4.3%
Mobile homes	402	5%	376	3.2%
Other (Boats, RV, etc.)	19	0.2%	N/A	-
Total Housing Units	7,975	100%	11,903	100%

Note: ¹ California Department of Finance
 Source: U.S. Census 2000 SF3 H30 and California Department of Finance Table 2 E-5, 2008

b. Tenure

Approximately 76 percent of Oakley’s housing units were owner-occupied and 24 percent were renter-occupied in 2010. The percentage of owner-occupied units in Oakley was comparatively higher than Contra Costa County (67.1%).

**Table 10-18
OCCUPIED UNITS BY TENURE 2010**

	Owner-Occupied		Renter- Occupied		Total	
	Number	% ¹	Number	% ¹	Number	% ¹
Oakley	8,163	76.1%	2,564	23.9%	10,727	100%
Contra Costa County	251,904	67.1%	123,460	32.9%	375,364	100%

Notes:
¹ Percent of total in each category
 Source: ABAG, 2014

c. Vacancy Rates

Vacancy rates are an indicator of housing supply and demand. Low vacancy rates influence greater upward price pressures. A higher vacancy rate indicates downward price pressure. A four to five percent vacancy rate is considered “healthy.” In 2000, the vacancy rate in Oakley was 1.6 percent. The vacancy rate reported by DOF in 2010 was 6.6 percent. Table 10-19 summarizes the number of occupied and vacant units in Oakley from 2000 to 2010.

**Table 10-19
OCCUPANCY STATUS 2000-2010**

Occupancy Status	2000	%	2010	%
Occupied Housing Units	7,847	98.4%	10,727	93.4%
Vacant Housing Units	128	1.6%	757	6.6%
Total Housing Units	7,975	100%	11,484	100%

Source: ABAG, 2014

d. Age of Housing Stock

The age of a housing unit is often an indicator of housing conditions. In general, housing that is 30 years or older may exhibit need for repairs based on the useful life of materials. Housing over 50 years old is considered aged and is more likely to exhibit a need for major repairs.

The ACS provides data on age of housing stock. In Oakley, 5.4 percent of the housing stock was built before 1960 and 3 percent was built from 1960 through 1969. The majority of the housing stock is less than 35 years old: 79.9 percent was built in 1980 or later. . Table 10-20 provides a summary of housing stock by year built.

**Table 10-20
HOUSING STOCK BY YEAR BUILT – 2010**

Year Built	Units	%
2005 or later	1,602	14.2%
2000 - 2004	1,187	10.5%
1990 - 1999	2,943	26.1%
1980 - 1989	3,274	29.1%
1970 - 1979	1,316	11.7%
1960 - 1969	335	3.0%
1950 - 1959	235	2.1%
1940 - 1949	213	1.9%
1939 or earlier	162	1.4%
Total	11,267	100%

Source: ABAG, 2014

e. Housing Conditions

Housing is considered substandard when conditions are found to be below the minimum standard of living conditions defined in the California Health and Safety Code. Households living in substandard conditions are considered to be in need of housing assistance, even if they are not seeking alternative housing arrangements, due to the threat to health and safety.

In addition to structural deficiencies and standards, the lack of infrastructure and utilities often serves as an indicator for substandard conditions. According to the 2007-2011 ACSs, 35 occupied units in Oakley lacked complete plumbing facilities. 285 of the occupied units lacked complete kitchen facilities. 132 housing units had no telephone service available. It should be noted that there may be some overlap in the number of substandard housing units, as some units may lack complete plumbing, kitchen facilities, and/or telephone service. Table 10-21 summarizes the number of units lacking plumbing, complete kitchen facilities, and telephone service.

**Table 10-21
UNITS LACKING PLUMBING OR COMPLETE KITCHEN FACILITIES 2010**

Units	Total	%
Lacking complete plumbing facilities	35	0.3%
Lacking complete kitchen facilities	285	2.5%
No telephone service available	132	1.3%
<i>Source: ABAG, 2014</i>		

Table 10-22 summarizes housing units with housing problems by the income level of the household. “Housing problems” are considered a household that has one or more of the following housing conditions: lacks complete plumbing, lacks complete kitchen facilities, more than one person per room, and cost burden greater than 30 percent. The majority of housing problems occur in households earning above median income (30.6%) and in very low income households (23.6%).

**Table 10-22
HOUSING UNITS WITH 1 OR MORE HOUSING PROBLEMS – 2006-2010**

	Owner-Occupied		Renter-Occupied		Total Occupied Housing Units	
	Units	%	Units	%	Units	%
< 30% of HMI	475	11.6%	355	24.1%	830	14.9%
30% - 50% of HMI	640	15.7%	670	45.4%	1,310	23.6%
50% - 80% of HMI	665	16.3%	325	22.0%	990	17.8%
80% - 100% of HMI	660	16.2%	65	4.4%	725	13.1%
100% + of HMI	1,640	40.2%	60	4.1%	1,700	30.6%
Total	4,080	100%	1,475	100%	5,555	100%
<i>Source: ABAG, 2014</i>						

In April 2008, the City adopted Ordinance No. 06-08 (Neighborhood Preservation Ordinance) which set property maintenance standards for the City. The purpose of adopting this Ordinance was to establish standards for property maintenance and provide abatement of substandard conditions. In the case of a violation, it is the responsibility of City Enforcement Officer to enforce these standards. The Ordinance includes property maintenance standards for:

- Small Residential Lots (zoned R-15, R-12, R-10, R-7, R-6 and P-1)
- Landscaping Requirements
- Storage of Household Items, Construction Items and Rubbish
- Exterior Property Conditions
- Prohibited Activities
- Building Maintenance Requirements
- Vector Nuisances
- General Nuisances Prohibited

f. Housing Costs and Rents

This section evaluates housing cost trends in Oakley. Analyses of trends for both renter and owner-occupied units, including rental and sales prices, are provided in comparison to ability to pay.

i. Affordability Gap Analysis

The costs of home ownership and renting can be compared to a household’s ability to pay for housing. Housing affordability is defined as paying no more than 30 percent of the household income on housing expenses. Table 10-23 summarizes affordable rents and purchase prices by income categories based on the 2013 HCD MHI of \$93,500 for Contra Costa County. In this table, affordable purchase price is calculated by assuming a 5.0 percent interest rate with a 30-year fully amortized mortgage. It is noted that the following table estimates affordable purchase prices and that affordability will vary for individual households. Information specific to an individual household and a specific home, such as interest, downpayment, closing costs, and tax and assessment rates, is necessary to calculate an affordable purchase price for any specific home sales transaction.

**Table 10-23
2013 AFFORDABLE RENT AND PURCHASE PRICE
BY INCOME CATEGORY**

Income Category	% of MFI ¹	Affordable Rent Payment ²	Estimated Affordable Purchase Price ³
Extremely Low Income	≤30% MFI ⁴	\$551	\$96,846
Very Low Income	31% - 50% MFI	\$972	\$163,100
Low Income	51% - 80% MFI	\$1,410	\$233,170
Moderate Income	81% - 120% MFI	\$2,445	\$397,620
Above Moderate Income	>120% MFI	\$2,445 +	\$397,620 +
Notes:			
¹ Percent of Median Family Income			
² Based on 30% of income and \$80 utility costs			
³ Assumes 5% interest rate on fully amortized 30-year fixed-rate mortgage			
⁴ MHI = 2013 HCD Median Household Income \$93,500 (4-person)			

ii. Existing and New Home Price Trends

In 2010, the median value for all owner-occupied units in Oakley was \$276,700, based on ABAG data, as shown in Table 10-24. The value of a home is self-report to the Census and is not necessarily based on current sales prices.

**Table 10-24
MEDIAN VALUE OF OWNER-OCCUPIED UNITS**

Value	2000	2010	% Change
Oakley	\$185,500	\$276,700	49.2%
Contra Costa County	\$253,800	\$490,200	93.1%
<i>Source: ABAG, 2014</i>			

Table 10-26 shows the 2007 and 2013 median sale price for homes in the County and Oakley. As shown in Table 10-25, as of August 2013, the median sale price for new and resale homes in Oakley was \$300,000. This represents a 36 percent decrease from the median sales price in 2007. The median sales price in Oakley was lower than the median for the County in 2013. Since 2007, home prices

throughout the region and State declined significantly but have begun to show signs of recovery in the last year.

**Table 10-25
MEDIAN SALE PRICE**

Jurisdiction	2007	2013	% Change
Oakley	\$469,000	\$300,000	-36.0%
Contra Costa County	\$570,000	\$392,500	-31.1%

Source: Data Quick, dqnews.com, 2008 and 2014

iii. Ownership Affordability

Based on a median sale price of \$300,000 for new and resale housing units in Oakley in 2013, moderate income households can afford homeownership. Very low and low income households may be able to afford homeownership, as entry-level home prices are as low as \$224,950 in 2014, However, the median sale price exceeds the affordability range for lower income households. See Table 10-23 for estimated affordable sales prices based on household income levels.

iv. Rental Prices

According to Rent.com, Zillow, and Craigslist in the first quarter of 2014, the average rental prices were \$675 for a 1-bedroom, 1-bath unit ; \$975 for a 2-bedroom unit5; a\$1,625 for a 3-bedroomh unit, and \$1,875 for a 4-bedroom unit. Table 10-26 summarizes the average monthly rent by unit size in 2014.

**Table 10-26
AVERAGE MONTHLY RENT BY UNIT SIZE 2014**

Unit Size	Average Monthly Rent
	2014 ¹
1 bedroom, 1 bath	\$675
2 bedrooms, 1 or 2 bath	\$975
3 bedrooms, 2 baths	\$1,625
4 bedrooms, 2 baths	\$1,875
5 or more bedrooms	\$2,800
Median Gross Rent – 2000	\$944
Median Gross Rent - 2010	\$1,445

Source: Rent.com, Zillow.com, and Craigslist, February 2014; ABAG, 2014

v. Rental Affordability

Based on the average monthly rents in Oakley shown in Table 10-27, extremely low and very low income households would not be able to afford the median rates of rental housing in Oakley. The median rents for one-bedroom and two-bedroom units would be affordable to the low, moderate, and above moderate income households. Three-bedroom units would be affordable to large low income households and to moderate and above moderate income households.

C. HOUSING NEEDS

This section provides an overview of existing housing needs in Oakley. It focuses on the following categories:

- Household overpayment
- Overcrowding
- Estimated new construction
- Special needs groups

1. Households Overpaying for Housing

Overpayment is defined as households paying more than 30 percent of their gross income on housing related expenses, including rent or mortgage payments and utilities. High housing costs can cause households to spend a disproportionate percentage of their income on housing. This may result in repayment problems, deferred maintenance or overcrowding.

The impact of high housing costs is more apparent for extremely low, very low, and low income households, especially renter households.

As shown in Table 10-27, 65 percent of renters in Oakley overpay for housing, with 58 percent of renters in the lower income groups overpaying for housing. Approximately 40 percent of all homeowners in Oakley overpay for housing, with 22 percent of those homeowners in the lower income groups. The incidence of severe overpayment for housing (households paying more than 50% of their income toward housing costs) is highest among the lower income households, both renters and homeowners, with the largest numbers of households severely overpaying in the very low income group.

**Table 10-27
HOUSEHOLDS BY INCOME LEVEL AND OVERPAYMENT AND OVERPAYMENT RATES AS
PERCENTAGE OF TOTAL HOUSEHOLDS (2006-2010)**

Income Group	Renters	Owners	Total
Extremely Low			
Percent with Cost Burden 30-50%	100 / 5%	75 / 1%	175 / 2%
Percent with Cost Burden >50%	225 / 10%	400 / 5%	625 / 6%
Very Low			
Percent with Cost Burden 30-50%	290 / 13%	185 / 2%	475 / 5%
Percent with Cost Burden >50%	375 / 17%	435 / 5%	810 / 8%
Low Income			
Percent with Cost Burden 30-50%	130 / 6%	135 / 2%	265 / 3%
Percent with Cost Burden >50%	155 / 7%	530 / 7%	685 / 7%
Total Extremely Low, Very Low, and Low Income Households Paying >30%	1,275 / 58%	1,760 / 22%	3,035 / 30%

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Income Group	Renters	Owners	Total
Moderate			
Percent with Cost Burden 30-50%	130 / 6%	135 / 2%	265 / 3%
Percent with Cost Burden >50%	0	340 / 4%	340 / 3%
Above Moderate			
Percent with Cost Burden 30-50%	0	805 / 10%	805 / 8%
Percent with Cost Burden >50%	0	180 / 2%	180 / 2%
Total Households	2,187 / 100%	8,053 / 100%	10,240 / 100%
Percent with Cost Burden 30-50%	650 / 30%	1,335 / 17%	1,985 / 19%
Percent with Cost Burden >50%	755 / 35%	1,545 / 19%	2,300 / 22%

Source: ABAG, 2014

2. Overcrowding

An Overcrowded Housing Unit is defined by the U.S. Census Bureau as a housing unit occupied by more than one person per room (excluding bathrooms, kitchen, hallway and closet space).

Overcrowding can affect public facilities and services, reduce the quality of the physical environment and create conditions that contribute to deterioration.

Table 10-28 summarizes number of persons per room in Oakley. In 2006-2010, 310 households in Oakley were overcrowded, accounting for 3 percent of all households. Of these households, 195 were owner-occupied and 115 were renter-occupied.

**Table 10-28
NUMBER OF PERSONS PER ROOM (2006-2010)**

Persons per Room	OWNERS		Renters		Total	
	Households	Percent of Total ¹	Households	Percent of Total ²	Households	Percent of Total ³
1.01 to 1.50	165	2%	115	5%	280	3%
>1.50	30	<1% ¹	0	0%	30	< 1%
Total	195	2%	115	5%	310	3%

Source: ABAG, 2014

3. 2014 - 2022 Growth Needs

ABAG is responsible for allocating housing needs to each jurisdiction in its region, including Oakley. A local jurisdiction's "fair share" of regional housing need is the number of additional housing units needed to accommodate the forecasted growth in the number of households, to replace expected demolitions and conversion of housing units to non-housing uses, and to achieve a future vacancy rate that allows for healthy functioning of the housing market. The allocation is divided into the four income categories: Very-Low, Low, Moderate, and Above-Moderate. The allocation is adjusted throughout the region to avoid an over-concentration of lower-income households in any one jurisdiction. In addition to the allocations in the Very-Low, Low, Moderate and Above-Moderate income categories, the City must also consider the growth need for extremely low income

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households. The regional share of extremely low income units is assumed to be 50 percent of the allocation of very low income units. Table 10-29 shows the Regional Housing Needs Allocation for the City of Oakley.

**Table 10-29
REGIONAL HOUSING NEEDS ALLOCATION 2014-2022**

	Extremely-Low Income ¹	Very-Low Income	Low Income	Moderate Income	Above-Moderate Income	Total Allocation
Housing Units	159	158	174	175	502	1,168
Notes:						
¹ Extremely low income units is a subset equal to 50 percent of the allocation of very low income units.						
Source: ABAG, 2014						

4. Special Needs Groups

Certain segments of the population have more difficulty in finding decent, affordable housing due to special needs. This section identifies the needs for elderly persons, large households, female-headed households, persons with disabilities, homeless persons and farmworkers.

a. Elderly Persons

Elderly persons are considered a special needs group because they are more likely to have fixed incomes and may require specially-designed units to live independently. Elderly persons are defined by the HUD as persons aged 62 years and older. Elderly persons often have special needs related to housing location and construction. Because of limited mobility, elderly persons typically need access to public facilities (i.e., medical and shopping) and public transit. In terms of housing construction, elderly persons may need ramps, handrails, elevators, lower cabinets and counters, and special security devices to allow for greater self - protection. Oakley has seven residential care homes for the elderly, which provide varying levels of living assistance to persons 60 years of age and older. These homes include two H.E.R Residential Care Homes (152 & 156 Meadow Brook Court), KD Board & Care (4984 Winchester Drive), Isabella Caring Hands (1684 Fernwood Drive), Spyglass Senior Villa 2 (75 Bottlebrush Court), Spyglass Senior Villa 4 (39 Calla Court), and Trust Painter's Love Joy Rest Home (171 Douglas Road), Foster Residential Care (4745 La Vista Drive), and Golden Shepherd's Home III (65 Drywood Court),

In 2010, Oakley had 2,391 senior residents, an increase of 74% since 2000. As shown in Table 10-30, the 65 – 69 and 85 – 89 groups each increased by the largest number of seniors, with a proportional increase of approximately 100% for each of these age brackets, and the 90 – 95 group increased by the largest percentage (206%).

**Table 10-30
POPULATION BY AGE**

Householder Age	2000	2010	% Change
65 – 69	440	846	92%
70 – 74	400	601	50%
75 – 79	256	400	56%
80 – 84	175	311	78%

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Householder Age	2000	2010	% Change
85 - 89	81	169	109%
90 - 95	16	49	206%
95 +	10	15	50%
Total 65+	1,378	2,391	74%

Source: ABAG, 2014

As shown in Table 10-31, 1,386 households (13% of total households) have a householder of 65 years of age or more. Of the senior households, 1,047 (76%) are owner-occupied and 339 (24%) are renter-occupied. The ABAG data indicates that 664 (47%) of senior householders live alone.

**Table 10-31
HOUSEHOLDERS BY TENURE AND AGE - 2010**

Householder Age	Owner-Occupied Households		Renter-Occupied Households		Total Households	
	Number	% of Owner-Occupied Households	Number	% of Renter-Occupied Households	Number	% of Total Households
65 – 74	642	8%	196	8%	838	8%
75 – 84	319	4%	97	4%	416	4%
85 +	86	1%	46	2%	132	1%
Total 65+	1,047	13%	339	13%	1,386	13%

Source: ABAG, 2014

Data from the 2007-2011 ACS indicates that 301 (15%) of senior persons had incomes below the poverty rate. Based on 2007-2011 ACS data shown in Table 10-32, 27 percent of elderly households earned less than \$30,000, falling within the extremely low and very low income categories; and 36.7 percent earned \$30,000 to \$49,999, generally falling within the very low and low income categories.

**Table 10-32
ELDERLY HOUSEHOLD INCOME DISTRIBUTION - 2007-2011**

Income	Householder Age 65+ years	
	Number	%
<\$30,000	864	27%
\$30,000- \$49,999	774	24%
\$50,000- \$74,999	580	18%
\$75,000- \$99,999	275	9%
\$100,000 +	679	21%
Total	3,172	100%

Source: ABAG, 2014

In 2010, senior households accounted for 13% of total households in the City. Given the growth in the senior population during the past decade, it is anticipated that a minimum of 13% (152 units) of the City's RHNA should be of housing types appropriate for senior households. As shown in Table 10-34, over half of the senior households have incomes that are generally in the extremely low, very low, and low income categories. Therefore, it would be appropriate to provide at 76 senior units

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servicing the lower income ranges and 76 senior units that serve the moderate and above income groups. Housing opportunities for senior households include senior independent living communities that include ownership and/or rental housing opportunities, residential care facilities (both small homes serving 6 or fewer persons and larger facilities), assisted living facilities, and skilled nursing homes.

b. Large Households

State housing law defines large households as those having five or more persons living within the same housing unit. Large households are considered a special needs group because they require more bedrooms. In 2010, there were 2,322 households in Oakley with at least five persons, representing 22 percent of the total households in the City. Of the total households, 21 percent were owner-occupied large households and 25 percent was renter-occupied large households. Refer to Table 10-33.

**Table 10-33
LARGE HOUSEHOLDS BY TENURE - 2010**

Household Size	Owner-Occupied	Renter-Occupied	Total Households ¹
Five Persons	940	315	1,255
Six Persons	408	183	591
Seven or more Persons	336	140	476
Total	1,684	638	2,322
Percent of Total Households	21%	25%	22%

Source: ABAG, 2014

The median income of large households ranges from a low of \$60,972 for households with six persons to \$100,238 for five person households to a high of \$123,148 for households with seven or more persons. Only six person households have a lower median income than the City-wide average, as shown in Table 10-34.

**Table 10-34
MEDIAN INCOME BY HOUSEHOLD SIZE**

	Median Income
5 Person Household	\$100,238
6 Person Household	\$60,972
7 or more Person Household	\$123,148
Median Income (All Households)	\$78,102

Source: ABAG, 2014

**Table 10-35
HOUSEHOLD SIZE VERSUS BEDROOM SIZE - (2007-2011)**

Tenure	5 Person Households			6 Person and Larger Households		
	3 BR Units	Households	Excess	4+ BR Units	Households	Excess
Owner	3,511	940	2,845	4,018	744	3,274
Renter	776	315	461	597	323	274

Source: De Novo Planning Group, 2014; ABAG, 2014

While large households represent a significant portion of total households in Oakley, the housing stock in the City reflects the larger average household size. As shown in Table 10-35, there is an excess of larger units (3 bedroom and 4 and more bedroom units) in comparison to household sizes that are appropriate for the larger units. As noted in Table 10-29, 3 percent of households are overcrowded and less than one percent of households are severely overcrowded. It is anticipated that the City will continue to have a large average household size and that large households of five or more persons will continue to represent approximately one-fifth of all households. Therefore, it is anticipated that 22 percent (257 units) of the City’s RHNA should be provided as larger units.

c. Female-Headed Households

Female-headed households are a special needs group due to comparatively low rates of homeownership, lower incomes and high poverty rates experienced by this group. According to the 2010 U.S. Census data provided in the ABAG Data Package, there were 995 female-headed families with children and 417 female-headed households without children in Oakley. Female-headed families represent a total of 16 percent of the families in the City. Table 10-36 shows the number of female-headed households by tenure in 2000.

**Table 10-36
FEMALE-HEADED HOUSEHOLDS BY TENURE 2010**

Householder Type	Number	% of Total Families
Female-headed family, with children under 18	995	12%
Female headed family, with no children under 18	417	5%
Total	1,412	16%
<i>Source: ABAG, 2014</i>		

As shown in Table 10-37, in 2010, 12 of the female-headed households in Oakley were below poverty level. Of those with children under the age of 18, 15 percent were below poverty level.

**Table 10-37
POVERTY IN FEMALE-HEADED HOUSEHOLDS 2000 - 2010**

Household Type	2000	2010
Female-headed households below poverty level	16%	12%
Female-headed households with children under 18 below poverty level	19%	15%
<i>Source: ABAG, 2014</i>		

It is anticipated that female-headed households will continue to represent a portion of the City's population. While typical single family and multi-family housing is appropriate for female-headed households with children, single female-headed householders with children may have a higher need for nearby services, including childcare and schools. The incidence of female-headed households below the poverty level also indicates a need for housing units that serve the extremely low income population that provide services and amenities appropriate for female-headed households with children.

d. Persons with Disabilities

The U.S. Census Bureau provides information on the number of persons, including the elderly, with disabilities of varying types and degrees. The types of disabilities included in the Census are:

- **Sensory:** Blindness, deafness, or a severe vision or hearing impairment.
- **Physical:** A condition that substantially limits one or more basic physical activities, such as walking, climbing stairs, reaching, lifting, or carrying.
- **Mental:** A condition lasting six months or more that makes it difficult to perform certain activities including learning, remembering, or concentrating.
- **Self-care:** A condition lasting six months or more that make it difficult to perform certain activities including dressing, bathing, or getting around inside the home.
- **Go-outside-home:** Only asked for population 16 and older; a condition lasting six months or more that make it difficult to perform certain activities including going outside the home alone to shop or visit a doctor's office.
- **Employment:** Only asked for the population aged 16 to 64; a condition lasting six months or more that make it difficult to perform certain activities including working at a job or business.

Access and affordability are the primary challenges for persons with disabilities. Access, both within the home and to/from the home site, is important for the persons with disabilities. This often requires specially designed dwelling units. Additionally, housing locations near public facilities and public transit are important for this special needs group.

The U.S. Census Bureau provides information on the number of persons with disabilities of varying types and degrees. Table 10-38 shows the number of Oakley residents with disabilities over the age of 5. According to the 2008-2012 ACS, 9.9 percent of Oakley residents reported having one or more types of disabilities. As summarized in Table 10-39, the majority of persons with a disability in Oakley are not in the labor force (56 percent), while 10 percent are unemployed and 34 percent are employed. Table 10-41 identifies the types of disabilities reported for persons aged 18-64 in Oakley. Five percent of disabled persons have an independent living difficulty, meaning that they may need to live in a home or facility that provides assistance with various life activities. Two percent have a self-care disability. Six percent have an ambulatory disability, meaning that they may need accommodations, such as a ramp, grab bars, or other improvements, to make their home more accessible. Persons may have more than one disability, so there may be overlap between these categories.

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**Table 10-38
PERSONS REPORTING DISABILITIES – 2008-2012**

Age Group	Number	% of Age Group
Under 5	0	-
5-17 years	317	3.8%
18-64 years	1,991	9.0%
65+ years	1,214	46.2%
TOTAL	3,522	9.9%

Source: 2008-2012 ACS

**Table 10-39
PERSONS 18-64 WITH DISABILITIES BY EMPLOYMENT STATUS – 2009-2011**

	Employed	Unemployed	Not in Labor Force	Total	
Total Population	14,953	2,202	4,974	22,129	100%
<i>With A Disability</i>	<i>743</i>	<i>230</i>	<i>1,231</i>	<i>2,204</i>	<i>10%</i>
With A Hearing Difficulty	230	99	289	618	3%
With A Vision Difficulty	84	26	264	374	2%
With A Cognitive Difficulty	239	37	557	833	4%
With An Ambulatory Difficulty	483	103	720	1,306	6%
With A Self-Care Difficulty	51	22	384	457	2%
With An Independent Living Difficulty	381	49	654	1,084	5%

Source: ABAC, 2014

Developmental Disabilities

The persons with a disability category includes persons with developmental disabilities.

"Developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual." This term includes mental retardation, cerebral palsy, epilepsy, autism, and disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but does not include other handicapping conditions that are solely physical in nature.

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While the US Census reports on mental disabilities, which include developmental disabilities, the Census does not identify the subpopulation that has a developmental disability. The California Department of Developmental Services (DDS) maintains data regarding people with developmental disabilities, defined as those with severe, life-long disabilities attributable to mental and/or physical impairments. The DDS data is reported by zip code, so the data reflects a larger area than the City of Oakley. The DDS data indicates that approximately 370 developmentally disabled persons reside in zip code 94561 (Table 10-40). Of these persons, 128 have special housing needs (independent/supported living, community care facility, and intermediate care/skilled nursing facility) as shown in Table 10-41 and 242 live at home with a parent, guardian, or foster parent.

Table 10-40
PERSONS WITH A DEVELOPMENTAL DISABILITY BY AGE

Zip Code	0-17	18 and Older	Total
94561*	153	217	370

Source: DDS, 2014

*Data for the zip code also includes unincorporated areas adjacent the City

Table 10-41
PERSONS WITH A DEVELOPMENTAL DISABILITY BY RESIDENCE TYPE

Zip Code	Community Care Facility	Home of Parent/Guardian	Independent/Supported Living	Intermediate Care or Skilled Nursing Facility	Foster Family Home	TOTAL
94561*	83	238	19	26	4	370

Source: DDS, 2014

*Data for the zip code also includes unincorporated areas adjacent the City

Oakley has community and residential care homes providing housing opportunities for the disabled. These include Avalon-Magnolia Park (developmentally disabled, 6 beds), Avalon Vineyards (developmentally disabled, 6 beds), Avalon-Fernwood (developmentally disabled, 6 beds), Avalon-legends (developmentally disabled, 6 beds), Avalon-X (developmentally disabled, 6 beds), Cimarra Family Care Home (developmentally disabled, 6 beds), Duarte Care Adult Residential Facility (developmentally disabled, 6 beds), J.M.J. Retreat (developmentally disabled, 6 beds), J.M.J. Retreat 2 (developmentally disabled, 6 beds), Lee Family Care Home #4 (developmentally disabled, 6 beds), Paraiso Homes (mentally disabled, 8 beds), Quail Glen (developmentally disabled, 6 beds), S.M. Care Home 1 (developmentally disabled, 6 beds), and Vierra Residential Care Home II (developmentally disabled, 6 beds).

Summary of the Housing Needs of the Disabled

In 2010, approximately 10 percent of Oakley's population reported having a disability. The 2008-2011 ACS indicates that 2,586 (24.5 percent) of households had one or more disabled members. Applying this figure to the RHNA, approximately 286 new households will have one or more disabled members, including developmentally disabled members, during the 2014-2022 planning period. Not all households with a disabled member require housing that differs from the typical single family home or apartment. However, some disabled persons may require assistance with self-care or life tasks or may need housing that has improvements that make the home accessible.

Housing units appropriate to accommodate physical, sensory, and/or developmental disabilities are anticipated to be needed for at least half of disabled households.

e. Homeless Population

It is challenging to accurately count homeless populations, which include people living in vehicles and in places not designed to be permanent housing (i.e., motels) in addition to those on the streets and in shelters. The Contra Costa Inter-jurisdictional Council on Homelessness (CCICH) is charged with providing a forum for communication about the implementation of Contra Costa County's Ten Year Plan to End Homelessness and providing advice and input on the operations of homeless services, program operations, and program development efforts in Contra Costa County. The CCICH Executive Committee is an Advisory Board to the Contra Costa Board of Supervisors in issues relating to homelessness.

According to the 2013 homeless count results, there are an estimated 3,798 homeless persons in Contra Costa County. Of the Countywide homeless population, approximately 2,448 are sheltered and 1,350 are unsheltered. The 2013 homeless county identified 60 unsheltered homeless in Oakley.

Countywide, approximately 29% of homeless individuals are chronically homeless while only 2% of homeless families reported being chronically homeless. Countywide, subpopulations identified during the 2013 homeless count included veterans (7%), severely mentally ill (19%), chronic substance abuse (22%), and victims of domestic violence (12%).

Oakley is part of the Countywide Continuum of Care for homeless and special needs populations. The 2010-2015 Consolidated Plan identified 1,461 beds, including emergency shelter, transitional housing, and supportive housing, for homeless individuals and families.

There are no homeless or transitional shelters located in Oakley. The closest shelter is the East County Shelter located in Antioch, which provides 20 year-round adult-only individual beds. In addition, East County Transitional Housing in Antioch provides 70 year-round beds for families with children. Shepherd's Gate in Brentwood provides long-term supportive housing for up to 18 women and children.

Based on the 2013 homeless count, the City has a need to provide shelter for up to 60 homeless persons, including both individuals and families, at any given point in time.

f. Farm Workers

Farm workers are defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor. In 2000, at most 91 persons, comprising of 0.6 percent of Oakley's labor force, were employed in agriculture (91 persons were employed in the agriculture, forestry, fishing and hunting, and mining sector). It is assumed that only a small percentage of persons employed in this industry are involved in active agricultural production and harvest.

g. Extremely Low Income Households

Though not a State-defined special needs group, extremely low income households have specific needs based on their low income in comparison to housing costs. Extremely low income households are defined as households earning 30 percent or less of the MFI. In accordance with Chapter 891, Statutes of 2006 (AB 2634), cities must quantify the existing and projected extremely low income households and analyze their needs. The 2006-2010 data provided in the ABAG Data Package identified 1,060 extremely low income households (10.4 percent) in Oakley. Approximately 46% (485) extremely low income households rent and 54% (575) own their home. .

Table 10-22 and 10-27 summarizes the extremely low income households with housing problems. Approximately 77 percent of extremely low income households experience overpayment, with the majority of these experience severe overpayment, and 78 percent have at least one type of housing problem.

Housing types to accommodate the needs of extremely low income households include transitional and supportive housing, single room occupancy units (SROs), multi-family rental housing, factory-built housing, workforce housing, and mobile homes.

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III. RESOURCES AND CONSTRAINTS

A. GOVERNMENTAL RESOURCES AND CONSTRAINTS

Governmental resources include programs that provide funds for housing-related activities, as well as, incentives provided by the local jurisdiction for the provision of housing.

Governmental constraints are policies, standards, requirements and actions imposed by the government that may have a negative impact on the development and provision of housing for a variety of income levels. These constraints may include building codes, land use controls, growth management measures, development fees, processing and permit procedures, and site improvement costs. State and federal agencies play a role in the imposition of governmental constraints; however, these agencies are beyond the influence of local government and are, therefore, not addressed in this analysis.

1. Land Use Controls

Land use controls include city-initiated General Plan policies, zoning regulations and standards, permit processing requirements and development fees.

a. General Plan

The General Plan constitutes the highest-level policy document for the City of Oakley. The Land Use Element of the General Plan identifies the location, distribution and density/intensity of the land use within the City. Residential densities are measured in dwelling units per acre (du/ac).

The 2020 Oakley General Plan identifies eight land use designations that permit residential uses. Table 10-42 summarizes Oakley’s residential land use designations by total acreage and permitted density ranges.

**Table 10-42
2020 OAKLEY GENERAL PLAN
RESIDENTIAL LAND USE DESIGNATIONS**

Designation	Description	Permitted Density (Minimum to Maximum)
Agricultural Limited (AL)	The purpose of the Agriculture Limited designation is to accommodate light agriculture including vineyards, orchards, and row crops, animal husbandry and very low-density residential uses - reflections of the historic and continuing agrarian practices within Oakley.	0.1 to 1.0 dwelling unit per gross acre.
Single-Family Residential, Very Low Density (SV)	The purpose of the Single-Family Residential, Very Low Density (SV) Land Use Designation is to provide for large-lot residential development, which maintains the rural character. These lots typify an estate lot, but are not associated with commercial agriculture or animal husbandry, with the exception of limited numbers of horses or livestock. Single-Family homes, second dwelling units, and small residential facilities and group homes are allowed.	0.2 to 1.0 dwelling unit per gross acre.
Single-Family Residential, Low	The purpose of the Single-Family Residential, Low Density (SL) Land Use Designation is to accommodate traditional single-family	0.8 to 2.3 dwelling units per gross acre.

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Designation	Description	Permitted Density (Minimum to Maximum)
<i>Density (SL)</i>	residential development, which maintains the low density typical of a large-lot suburban development. Single-Family homes, second dwelling units, and small residential facilities and group homes are allowed.	
<i>Single-Family Residential, Medium Density (SM)</i>	The purpose of the Single-Family Residential, Medium Density (SM) Land Use Designation is to accommodate moderate density, single-family residential development. These neighborhoods will more closely resemble a typical suburban development with spacious yards and little resemblance to a rural neighborhood. Single-Family homes, second dwelling units, and small residential facilities and group homes are allowed.	2.3 to 3.8 dwelling units per acre.
<i>Single-Family Residential, High Density (SH)</i>	The purpose of the Single-Family Residential, High Density (SH) Land Use Designation is to provide for moderately dense single-family residential development that is consistent with suburban uses. This designation will allow for a higher density suburban neighborhood with smaller lots that are commonly seen in traditional urban and suburban neighborhoods within Oakley. Single-Family homes, second dwelling units, and small residential facilities and group homes are allowed.	3.8 to 5.5 dwelling units per gross acre.
<i>Multiple-family Residential, Low Density (ML)</i>	The purpose of the Multiple-family Residential, Low Density Land Use Designation is to provide a more affordable, small lot development and to increase the availability of rental or entry-level housing. Multiple-family housing, Single-Family housing, duplexes, small group homes and residential facilities are allowed. Hospitals, eleemosynary and philanthropic institutions, and larger convalescent homes, and boarding homes may also be located within these areas.	5.5 to 9.6 dwelling units per gross acre.
<i>Multiple-family Residential, High Density (MH)</i>	The purpose of the Multiple-family Residential, High Density (MH) Land Use Designation is to provide affordable and rental residential units, and to maximize urban residential space. This designation allows for a typical apartment-style building or a condominium complex. Hospitals, eleemosynary and philanthropic institutions, and larger convalescent homes, and boarding homes may also be located within these areas.	9.6 to 16.7 dwelling units per gross acre.
<i>Mobile Home (MO)</i>	The purpose of the Mobile Home (MO) Land Use Designation is to accommodate mobile home parks as a form of affordable and accessible.	5.5 to 9.6 mobile home units per gross acre.
<i>Commercial Downtown (CD)</i>	The Commercial Downtown (CD) Land Use Designation provides for retail commercial and residential uses.	No minimum/maximum.

Source: City of Oakley General Plan 2020

According to the current General Plan, a total of 21,109 dwelling units are anticipated within the City's planning areas at build-out. As of 2013, the State Department of Finance (DOF) estimated 11,903 dwelling units exist in Oakley. This leaves a remaining capacity of 9,206 new dwelling units.

Depending on land costs, a range of densities may be necessary to contribute to a project's affordability for

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people at various income levels. The following densities are generally appropriate to accommodate construction affordable to specific income levels are generally accepted by HCD:

- Extremely-Low, Very-Low, and Low Income: 30 dwelling units per acre minimum in metropolitan areas
- Moderate Income: 5-20 dwelling units per acre minimum; the entry-level prices of new single family homes are affordable to moderate income households in Oakley
- Above-Moderate Income: Up to 11 dwelling units per acre

In addition to the generally accepted densities, Assembly Bill (AB) 2348 established “default” density standards. If a local government has adopted density standards consistent with the established population criteria, sites with those density standards are accepted as appropriate for accommodating the jurisdiction’s share of regional housing need for lower-income households. Pursuant to AB 2348, Oakley is considered a “metropolitan” jurisdiction with a “default” density of 30 dwelling units per acre.

b. Zoning Code

The Zoning Code is the primary tool for implementing the General Plan. It is designed to protect and promote public health, safety and welfare, as well as to promote quality design and quality of life. The City of Oakley’s residential zoning designations control both the use and development standards of each residential parcel, thereby influencing the development of housing.

Table 10-43 summarizes permitted residential uses in residential districts. Single-family residential zoning include eight districts: AL, R-6, R-7, R-10, R-12, R-15, R-20 and R-40. Single-family units are permitted as a matter of right in all single-family residential districts. Multiple-family residential zones include the M-9, M-12, M-17, and MH districts. Multiple-family buildings are permitted as a matter of right in multiple-family residential districts. In addition, single-family dwellings are permitted as a matter of right in multiple-family residential districts.

Residential uses are permitted in the SP-4 (Downtown Specific Plan) zoning district at a maximum density of 45 units per acre, but densities are determined on a case-by-case basis.

The Housing Plan includes a program to limit the development of single-family dwellings on sites zoned for multifamily development (M-12, M-17, and higher) in order to ensure that the City has adequate sites to accommodate a range of housing types.

Table 10-44 summarizes the development standards and requirements for each residential zone.

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**Table 10-43
ALLOWED RESIDENTIAL USES- RESIDENTIAL ZONES**

Zone	Single-Family Detached	Multiple-family	Second Unit	Duplex	Transitional or Supportive Housing	Emergency Shelter
Agricultural Limited Residential District (AL)	P	--	P	--	--	--
Single-Family Residential District (R-6)	P	--	P	--	P (6 or fewer) CUP (7 or more)	--
Single-Family Residential District (R-7)	P	--	P	--	P (6 or fewer) CUP (7 or more)	--
Single-Family Residential District (R-10)	P	--	P	--	P (6 or fewer) CUP (7 or more)	--
Single-Family Residential District (R-12)	P	--	P	--	P (6 or fewer) CUP (7 or more)	--
Single-Family Residential District (R-15)	P	--	P	--	P (6 or fewer) CUP (7 or more)	--
Single-Family Residential District (R-20)	P	--	P	--	P (6 or fewer) CUP (7 or more)	--
Single-Family Residential District (R-40)	P	--	P	--	P (6 or fewer) CUP (7 or more)	--
Multiple-Family Residential District (M-9)	P	P	--	P	CUP	CUP
Multiple-Family Residential District (M-12)	P	P	--	P	CUP	CUP
Multiple-Family Residential District (M-17)	P	P	--	P	CUP	CUP
Mobile Home Residential District (MH)	P (mobile home)	P (mobile home)	--	--	--	--
Commercial Downtown (CD)	DC: P DS: CUP RCC: P	DC: P DS: CUP RCC: P	--	DC: P DS: CUP RCC: P		P (in the Downtown Core area on the Civic Center parcels)
Affordable Housing Overlay (AHO)	--	P	--	--	--	--

P=Permitted by Right C= Conditional Use Permit Required

Source: City of Oakley Zoning Code

Table 10-44
SUMMARY OF RESIDENTIAL ZONING REQUIREMENTS

Zone	Minimum Lot Size		Minimum/ Maximum Densities	Maximum Building Height (Ft.)	Minimum Front Yard Setback (Ft.)	Aggregate Width of Side Yard (Ft.)	Minimum Width of One Side Yard (Ft.)	Minimum Rear Yard Setback (Ft.)
AL	1-10 ac		--	35 (2 ½ stories)	25 ³	40	20	15
R-6	6,000 sq ft		--	30 (2 stories)	20 ³	15	5	15
R-7	7,000 sq ft		--	30 (2 stories)	20 ³	15	5	15
R-10	10,000 sq ft		--	30 (2 stories)	20 ³	20	5	15
R-12	12,000 sq ft		--	30 (2 stories)	20 ³	25	10	15
R-15	15,000 sq ft		--	30 (2 stories)	20 ³	25	10	15
R-20	20,000 sq ft		--	30 (2 stories)	25 ³	35	15	15
R-40	40,000 sq ft		--	30 (2 stories)	25 ³	40	20	15
M-9	Detached SFD ¹	4,000	9 units per acre	36 (3 stories)	15	10	--	15
	Duplex	8,000			20	20	--	20
	MFPS ²	10,000			25	20	--	20
	MFIS ³	10,000			10	--	--	10
M-12	Detached SFD ¹	4,000	12 units per acre	36 (3 stories)	15	10	--	15
	Duplex	8,000			20	20	--	20
	MFPS ²	10,000			25	20	--	20
	MFIS ³	10,000			10	--	--	10
M-17	Detached SFD ¹	4,000	16.7 units per acre	36 (3 stories)	15	10	--	15
	Duplex	8,000			20	20	--	20
	MFPS ²	10,000			25	20	--	20
	MFIS ³	10,000			10	--	--	10
MH	2,500 sq ft		7 units per acre	30 (2 stories)	10-20	5-10	--	10
CD	3,500 sq ft		DC: up to 45 units per acre (case- by-case basis) DS: case-by-case RCC: no density identified	50	DC: 0 DS: 0	DC: 0 DS: 10	N/A	DC:10 DS: 0-15
AHO	--		24 – 32.4 units per acre	42	15	15	--	15

Notes: ¹ Single-Family Dwelling. ² Multiple-Family Project Site. ³ Multiple-Family Individual Site.

Source: City of Oakley Zoning Code

c. Parking Requirements

Table 10-45 summarizes residential parking requirements in Oakley. Parking requirements do not constrain the development of housing directly. However, parking requirements may reduce the amount of available lot area for residential development.

**Table 10-45
RESIDENTIAL PARKING REQUIREMENTS**

Type of Residential Development	Required Parking Spaces (off street)
Manufactured Home Parks	2 spaces per manufactured home dwelling unit
Multiple-Family Dwelling Unit	a. Every apartment or dwelling unit shall have, on the same lot or parcel, off-street automobile storage space as follows: <ul style="list-style-type: none"> i. Studio dwelling unit - 1 space One bedroom dwelling unit - 1 ½ spaces Two or more bedroom units – 2 spaces ii. One-quarter (1/4) space per each dwelling unit for guest parking and fractional amounts of which shall be rounded out to the next higher whole number of spaces. b. One-half (1/2) of the required spaces shall be covered.
Multiple-Family Dwelling Unit - AHO	One bedroom dwelling unit – 1 space Two and three bedroom dwelling units – 1 ½ spaces Four and more bedrooms – 2 ½ spaces Parking may be tandem or uncovered.
Single-Family Dwelling Unit	Each Single-Family dwelling unit shall have at least 2 covered off-street automobile parking spaces on the same lot.
Second Dwelling Unit	In addition to parking required for the primary residence, 1 additional off-street parking space shall be provided for a second dwelling unit. This additional parking space may be uncovered and compact, but may not block vehicular access to a parking space that is required for the primary residence. The parking space shall be outside the front yard setback. The requirement for an additional parking space may be waved by the Planning Commission if it finds that adequate on-street parking is available adjacent to the property.
Downtown Specific Plan	Multifamily: Minimum 1 stall per unit (1 or 2 bedroom); another .5 space for each additional bedroom above 2 Single Family: minimum 1 stall per unit (1 or 2 bedroom); another .5 space for each additional bedroom above 2 or an additional space for 3 bedrooms

Source: City of Oakley Zoning Code, Sections 9.1.410 and 9.1.1402; Downtown Specific Plan

d. Downtown Specific Plan.

The Downtown Specific Plan (DSP) identifies two districts that accommodate mixed-use residential and higher density residential uses: Downtown Core Area and Downtown Support Area. Residential densities are determined on a case-by-case basis with a maximum density of 45 units/acre. DSP development standards are summarized in Table 10-46 and parking requirements are identified in Table 10-47.

The Downtown Specific Plan (SP-4) has three main subareas, the Downtown Core, the Downtown Support, and the Residential Commercial Conversion Opportunity Area. The three subareas allow for residential uses at different densities. The Downtown Core area allows for up to 45 dwelling units per acre with the approval of a Conditional Use Permit. The Downtown Support area allows for residential uses with the approval of a Conditional Use Permit; however the density is determined on a case-by-case basis and in conjunction with the areas shown on the Subarea Map. The Residential Commercial Conversion Opportunity Area also allows for residential uses with the approval of a Conditional Use Permit; however the density is also determined on a case-by-case basis. In all instances, the City would require a comprehensive plan and analysis justifying the proposed density in each of the subareas. Determining factors could include, but not fully encompass, the location to services such as transit, schools and shopping, as well as where the project is located, the densities in the immediate area, and compatibility with adjacent land uses.

e. East Cypress Corridor Specific Plan

The East Cypress Corridor Specific Plan (ECCSP) is an approximately 2,546-acre area within the City of Oakley. The ECCSP identifies seven residential land use districts:

- Single Family Residential – Low: Maximum density of 2.3 units/acre;
- Single Family Residential – Medium: Maximum density of 3.8 units/acre;
- Single Family Residential – High: Maximum density of 5.5 units/acre;
- Multi-Family Residential – Low (detached): Maximum density of 9.6 units/acre;
- Multi-Family Residential – Low (attached): Maximum density of 9.0 units/acre;
- Multi-Family Residential – High: Maximum density of 12.0 units/acre; and
- Mobile Home: Maximum density of 9.6 units/acre.

Development standards, including minimum lot sizes, setbacks, building heights, and, for multifamily units, maximum ground coverage (see Appendix B, Tables 2 and 3). The development standards accommodate typical single family and multifamily development. Parking must be consistent with the requirements of the Zoning Code. For multifamily high density projects, the provisions for 40% maximum site coverage for buildings and 3-story building heights (maximum of 40 feet) accommodate approximately 25 to 30 units per acre, which is higher than the maximum allowed density of 12.0 du/ac. The ECCSP identifies that the maximum number of dwelling units may be exceeded pursuant to the Affordable Housing Overlay district, Density Bonus, and Second Dwelling Units provisions of the Zoning Code.

f. Planned Unit Development District

The City defines a Planned Unit Development (P-1) District as a large-scale integrated development, infill development, or a General Plan special area of concern, which would allow flexible regulations through cohesive design procedures. The intent of the P-1 District is to allow diversification in the relationships of buildings, structures and open spaces, ensure compatibility with surrounding land uses, and to ensure substantial compliance with the General Plan and the intent of the Municipal Code. This is accomplished through applying standards that satisfy the requirements of public health, safety and general welfare. The P-1 District specifically permits detached single family dwelling units and second units and also permits any land uses included on an approved final development plan. This allows for a range of land uses and provides for flexibility in determining the specific type of units and densities suitable for a proposed project or site

All site and building requirements, including yard, building height, lot coverage, and landscaping are determined on a case-by-case basis based on the specific characteristics of the site and the need to provide

additional zoning control by establishing site specific conditions of approval and standards for a specific P-1 District.

g. Affordable Housing Overlay

The City of Oakley has established an Affordable Housing Overlay (AHO) district. The AHO district applies to areas zoned Multiple-Family High (MFH) and allows housing densities that exceed the maximum units per acre otherwise allowed in the district, if development meets State density bonus criteria. Qualifying projects must provide at least 10 percent of the total units of the housing development as target units affordable to lower income households; or at least five percent of the total units of the housing development as target units affordable to very low income households; or at least 10 percent of the total units of the housing development as target units affordable to moderate income households; or senior citizen housing as defined and meeting the requirements set forth in Government Code section 65915 and applicable state law; or as otherwise specified by Government Code section 65915.

The AHO also modifies the multifamily development standards to compliment higher density housing projects. Table 10-46 summarizes the development standards. All developments within the AHO district must be consistent with the City of Oakley Residential Design Guidelines and Multifamily Residential Design Guidelines. Following adoption of the 2009 Housing Element, the City updated the Section 9.1.410 of the Zoning Ordinance to clarify that 24 du/acre is the base density for projects in the AHO and the maximum density, inclusive of a density bonus, is 32.4 dwelling units per acre. The AHO provisions have been improved, but it is not clear which zoning designations the AHO is consistent with as there is not an MFH zoning designation. The Housing Plan includes a policy action to revise the Zoning Code to identify that the AHO can be applied in any of multifamily districts and in the Specific Plan districts that allow multifamily housing.

**Table 10-46
DEVELOPMENT STANDARDS FOR
MULTI-FAMILY CONSTRUCTION IN THE AFFORDABLE HOUSING OVERLAY**

Subject	Standard
Site Area (minimum)	No minimum.
Building Site Coverage (combined maximum)	40%
Front Setback (minimum)	15 ft.
Rear Setback (minimum)	15 ft.
Aggregate Side Setback	15 ft. (with 5 ft. minimum)
Distance Between Buildings (minimum)	20 ft. for 2 stories; 25 ft. for 3 stories
Height Limit (maximum)	38 ft.
Parking Requirements (minimum)	1-bedroom: 1 on-site parking space; 2-3 bedrooms: 1½ on-site parking spaces; 4 or more bedrooms: 2 on-site parking spaces

Source: City of Oakley Zoning Code, Section 9.1.410

2. Density Bonus Ordinance

In order to encourage the construction of affordable housing developments for Very-Low and Low Income households, and senior households, and in accordance with Section 65915 *et seq.* of the California Government Code, the City of Oakley has adopted a Density Bonus Ordinance (Section 9.1.412 of the Zoning Code). Upon request from the applicant, the City grants a density bonus to an applicant or developer of a housing development, who agrees to provide the following:

- At least 10 percent of the total units of the housing development as target units affordable to lower income households; or
- At least five percent of the total units of the housing development as target units affordable to very low income households; or
- Senior citizen housing as defined and meeting the requirements set forth in Government Code Section 65915 and applicable state law; or
- As otherwise specified by Government Code Section 65915.

a. General Density Bonus for Affordable Units

The City grants a density bonus for developments providing units affordable to and occupied by Very-Low and Low Income persons and households. The project must have a minimum of five units and an affordability covenant for at least 30 years. To determine the number of density bonus units granted, the City follows the guidelines set forth in Government Code Section 65915.

b. Density Bonus for Senior Housing

As set forth in Government Code Section 65915 and other applicable State law, the Density Bonus Ordinance provides for a density bonus for senior citizen housing that meet certain requirements.

c. Development Incentives

In addition to the density bonus, at least one other incentive identified in California Government Code 65915 must be provided to developers proposing housing developments that meet the required guidelines. The need for incentives will vary for different housing developments and, thus, the allocation of incentives is determined on a case-by-case basis. The additional incentives may include, but are not limited to, the following:

- A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum applicable building standards.
- Allow mixed-use development so long as it does not conflict with the land use designations in the General Plan land uses.
- Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions or avoidance.
- Waived, reduced, or deferred planning, plan check or construction permit fees.
- The City may offer an equivalent financial incentive in lieu of granting a density bonus and an additional incentives(s). The value of the equivalent financial incentive shall equal at least the land cost per

dwelling unit savings that would result from a density bonus and must contribute significantly to the economic feasibility of providing the target units.

Table 10-47 lists the number of incentives granted by the level and percentage of affordability.

**Table 10-47
NUMBER OF INCENTIVES BY LEVEL OF AFFORDABILITY**

Level of Affordability	Percentage of Affordable Units	Number of Development Incentives
Very-Low Income	5%	1
	10%	2
	15%	3
Low Income	10%	1
	20%	2
	30%	3
Moderate Income in Condominium or Planned Development	10%	1
	20%	2
	30%	3

Source: City of Oakley Zoning Code, Section 9.1.412

3. Residential Care Facilities

A “residential care facility” is a resident-occupied dwelling, licensed by the State/County that provides housing and care for children and/or adults on a full-time, live-in basis. Residential Care facilities with six or fewer persons are permitted by right pursuant to State Law. While residential care facilities are permitted by right pursuant to State law, the City’s Zoning Ordinance does not identify residential care facilities as an allowed use and does not address residential care facilities that serve seven or more persons. The Housing Plan includes a program to define residential care facilities in the Zoning Ordinance, to identify that residential care facilities serving six or fewer persons are permitted by right in all residential districts, and to identify permit requirements for residential care facilities that serve seven or more persons.

4. Emergency Shelters, Transitional and Supportive Housing and Single Room Occupancy Units

Recent changes to State law (Senate Bill 2) require that cities identify sites that are adequately zoned for emergency shelters and transitional housing. Additionally, cities must not unduly discourage or deter these uses.

a. Emergency Shelters

There are no emergency shelters located in Oakley. The closest shelter is the East County Shelter located in Antioch, which provides 20 year-round individual beds. Additionally, East County Transitional Housing in Antioch provides 70 year-round family beds. The City of Oakley Zoning Code allows homeless shelters in multiple-family zones with a use permit. There are no specific limitations or standards for development of emergency shelters.

Senate Bill (SB) 2 requires that cities with an unmet need for emergency shelters allow these uses by right without a conditional use or other discretionary permit. The identified zone(s) must have sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter.

The Emergency shelters are permitted by right on the Civic Center site within the Downtown Core Zone in the Downtown Specific Plan. The Civic Center site includes an undeveloped parcel that is used as the City's corporation yard. The corporation yard site is planned for development by the Downtown Specific Plan and uses discussed for the site have included various civic and community-serving uses. This 0.99-acre parcel has the capacity to accommodate an emergency shelter and the City is supportive of locating an emergency shelter on the parcel. Development standards on this site allow for maximum building heights of four floors/50 feet and floor area ratios of 1.0 would accommodate a building of 24,000 – 43,124 square feet, which would allow for an emergency shelter of adequate size to meet the City's needs for unsheltered homeless persons. The Housing Plan includes a program to identify a replacement site with zoning that meets the requirements of State law in the event that the corporation yard site is approved for development with a use other than an emergency shelter.

b. Transitional and Supportive Housing

Transitional housing is used exclusively by households at immediate risk of being homeless, or transitioning from homelessness to permanent housing. State law defines transitional housing as buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

There are no transitional shelters located in the City of Oakley; however, according to the City's Zoning Code, transitional shelters are permitted in multiple-family zones with a use permit as long as they are consistent with Section 65008 of the California Government Code, which prohibits adverse discrimination in land use decisions for residential developments based on race, sex, color, religion, ethnicity, national origin, ancestry, lawful occupation, familial status, disability, age, the method of financing development, or intended occupancy of the development by persons of lower income.

The Zoning Code does not define or include development standards or regulations for supportive housing. State law defines supportive housing as housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

The Zoning Code defines transitional and supportive housing consistent with the definitions in State law. Transitional and supportive housing with six or fewer units is permitted by right in all single family residential zones; a conditional use permit is required in all single family residential zones for transitional and supportive housing serving seven or more persons. The multifamily residential zones only permit transitional shelters with a conditional use permit and supportive housing is not addressed in the multifamily residential zones. The requirement for a conditional use permit conflicts with State law, which requires that transitional and supportive housing be permitted as a residential use, subject only to those requirements that apply to other residential uses of the same type in the same zone. Further, supportive housing must be allowed in multifamily residential zones as well as single family. The Housing Plan includes a program to amend the Zoning Code to permit transitional and supportive housing as residential uses, subject only to those requirements that apply to other residential uses of the same type in the same zone, meaning that single family dwelling units providing transitional and supportive housing are subject only to the requirements to permit a single family dwelling and that multifamily housing providing transitional and supportive housing is subject to the same requirements as a multifamily development.

c. Single Room Occupancy Units

Single room occupancy units (SROs) are small, one-room units occupied by a single individual, and may either have shared or private kitchen and bathroom facilities. SROs can provide a valuable form of affordable housing for lower- income individuals, seniors, and persons with disabilities.

Section 9.1.1218 of the Zoning Code defines single room occupancy as a facility providing dwelling units where each unit has a minimum floor area of 150 square feet and a maximum floor area of 220 square feet. The units may have kitchen or bathroom facilities and must be offered on a monthly basis or longer. SROs are allowed with a conditional use permit in the General Commercial zone. Section 9.1.1218 establishes development standards which address unit size, occupancy, common area, kitchen facilities, bathroom facilities, laundry facilities, storage, accessibility, length of stay, management, and parking. The development standards are appropriate for the type of development and are appropriate to ensure adequate facilities to serve SRO residents.

5. Second Unit Ordinance

The City's Second Unit Ordinance was adopted on July 14, 2003, and is intended to increase the supply of smaller dwelling units and rental housing units by allowing second dwelling units to be developed on certain lots which are zoned single-family residential use. The City of Oakley permits second dwelling units in the AL, R-6, R-7, R-10, R-12, R-20 and R-40 districts provided certain requirements are met and subject to ministerial review and approval by the Community Development Director. Second dwelling units must comply with City design and development standards to ensure that they are compatible with existing neighborhoods.

The City's Second Unit Ordinance sets forth the criteria for second units including the definition of a second unit, the maximum allowable square footage, and the development standards for these units. These criteria do not pose a constraint to the development of second units. Criteria for second units include:

- No more than one additional dwelling unit is allowed on any one legal lot or parcel
- Construction of the second unit will not result in total structural lot coverage in excess of 40 percent
- The total floor area of the second unit can not exceed 1,000 square feet on lots less than 10,000 square feet and can not exceed 1,200 square feet on lots 10,000 square feet or larger
- Second units must conform to setback requirements of the zoning district applicable to primary residence
- The second dwelling unit shall incorporate the same or similar architectural features as the primary residence
- Either the second unit or primary unit must be occupied by the property owner

6. Housing for Persons with Disabilities

The U.S. Census Bureau defines persons with disabilities as those with a long-lasting physical, mental or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

a. Reasonable Accommodation Procedures

The provisions of SB 520 require municipalities to analyze potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities, and demonstrate local

efforts to remove governmental constraints that hinder the locality from meeting the need for housing for persons with disabilities. Cities are required to include programs that remove constraints and provide reasonable accommodations for housing designed for persons with disabilities.

The City implements reasonable accommodation procedures and a streamlined permit review process for reasonable accommodation requests through the City's Building Official. Requests may be submitted in person at City Hall or through the City's website.

The City Building Code and Zoning Code were analyzed to identify any constraints to housing development for persons with disabilities. As described under b (Zoning and Land Use Regulations), the Zoning Code does not address residential care homes (group homes) or residential care facilities, which may result in limiting the types of housing available to disabled persons. The City will continue to monitor its land use regulations for possible governmental constraints to housing for persons with disabilities. The Housing Plan includes a program to continue to implement the City's reasonable accommodation procedures and to review changes to the Zoning Code, Building Code, and other relevant documents to ensure that future updates do not introduce constraints to persons with disabilities.

b. Zoning and Other Land Use Regulations

The City has not identified any zoning or other land-use regulatory practices that could discriminate against persons with disabilities. However, the Zoning Code does not clearly address residential care facilities or community care facilities, which may impede the availability of such housing for these individuals.

Examples of the ways in which the City facilitates housing for persons with disabilities through its regulatory and permitting procedures are:

- Supportive single-family housing for six or fewer persons is a permitted use in single-family residential zones.
- All multiple-family complexes are required to provide handicapped parking spaces, depending on the size of the development. The City is flexible and works with the developers of special needs housing and will reduce parking requirements if the applicant can demonstrate a reduced need for parking. The City has no separate restrictions or development standards for group homes or other special needs housing.
- The City of Oakley allows, as a matter of right, residential care facilities for six or fewer persons in all residential zoning districts. Group care facilities for more than six persons are permitted subject to a conditional use permit in residential districts. While the City allows these uses, the Zoning Code is silent in regards to residential care facilities which will be addressed as described in the Housing Plan.
- The City of Oakley holds public hearings for every change or amendment to any ordinance, policy, program, procedure, funding, or other similar action. There is no public hearing for the establishment of a group home for six or less persons. Requests for group homes of more than six persons are determined at a noticed public hearing before the Planning Commission. Property owners within 300 feet of the site are noticed and may attend and comment.
- Recognizing that some persons with disabilities may require the assistance of specially trained persons who live with the disabled persons, the Zoning Code does not differentiate between related

and unrelated persons occupying the same residential unit.

- The City works with a Certified Access Specialist to ensure that development plans meet ADA requirements.

7. Farm Worker and Employee Housing

State law requires that employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure permitted in residential zones. Further, state law requires that employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone.

State law also requires that employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use designation and shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. State law requires that no conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in an agricultural zone shall include agricultural employees who do not work on the property where the employee housing is located.

Agricultural uses are allowed in the Limited Agricultural (AL), Agriculture Preserve (A-4), and Delta Recreation (DR) Districts. These districts do not currently accommodate farm labor and employee housing as a permitted use, as required by state law. Chapter VI, Housing Plan, includes a policy action to revise the Zoning Code to permit farm labor and employee housing as required by state law.

8. Building Codes and Enforcement

The City of Oakley's building and safety codes are adopted to preserve public health and safety, and ensure the construction of safe and decent housing. These codes and standards also have the potential to increase the cost of housing construction or maintenance.

a. Building Codes

The City of Oakley has adopted the 2010 California Building Standards Administrative Code, 2010 Edition; California Building Code, 2010 Edition; California Residential Code, 2010 Edition; California Electrical Code, 2010 Edition; California Mechanical Code, 2010 Edition; California Plumbing Code, 2010 Edition; California Energy Code, 2010 Edition; California Fire Code, 2010 Edition; California Green Building Standards Code, 2010 Edition (mandatory provisions only), which are based on the 2009 International Building Code and establishes construction standards for all residential buildings. The codes have been adopted without amendment. The City Council regularly reviews the latest edition of the California Building Standards Code and typically adopts the state-wide code with changes or modifications as are reasonable and necessary because of local climatic, geological, or topographical conditions, or as otherwise permitted by State law. The regulations set forth are designed to ensure the safety and welfare of Oakley's residents.

b. Americans with Disabilities Act

The Federal Fair Housing Act of 1998 (FHA) and the Americans with Disabilities Act (ADA) are federal laws intended to assist in providing safe and accessible housing. ADA provisions include requirements for a minimum percentage of units in new developments to be fully accessible for persons with physical disabilities. Compliance with these regulations may increase the cost of housing construction as well as the cost of rehabilitating older units, which may be required to comply with current codes. However, the enforcement of ADA requirements is not at the discretion of the City, but is mandated under federal law.

c. Code Enforcement

The City conducts code enforcement activities on a complaint basis in response to reports from residents and other community members. When a complaint is received the City inspects the property and determines whether there is a code violation. If there is a code violation, the City sends a letter to the property owner informing them that they have 10 days to correct the violation. If the violation is not abated within the 10 days, a second notice is sent informing the property owner that the violation must be abated within 10 days or the City will abate the violation and bill the owner. If the City abates the violation, the property owner has 30 days to pay for the abatement process or a lien will be placed on the property. Code enforcement activities work to preserve the City's existing housing stock.

The City of Oakley continues the Community Service Program to educate residents and business owners about municipal codes. Building code, weed and trash abatement code, and abandoned vehicle code information are part of the Community Service Program curriculum. In addition to providing code enforcement education, the Community Service Program is a resource for residents and businesses, providing information on programs and services offered to Oakley residents by other agencies.

9. Residential Design Guidelines

The City of Oakley's Residential Design Guidelines apply to both single-family and multiple-family residential units. The guidelines are intended to aid project developers, design professionals, City staff, and decision makers in the review of the design of development to ensure consistent quality while supporting flexibility. Parameters include emphasizing entryways, deemphasized garages, using appropriate window forms, varying roof styles, and emphasizing the appropriate use of trim, materials, and colors. While there are no cost provisions within the guidelines, the purpose of these design standards is not to be cost prohibitive but help developers during the initial design process.

In order to similarly assist project developers in the design of multiple-family projects and help the City achieve the quality of multiple-family product that will enhance the community, the City will adopt design guidelines for multiple-family development. Program 10.2.C of the General Plan incorporates the following general parameters for multiple-family design guidelines:

- Sufficient outdoor privacy for each unit (e.g., patios, decks)
- Covered off-street parking
- Parking away from the primary access street screened with landscaping
- Assurance of proper site and building maintenance
- Segmentation of building mass into smaller units, including one-story elements if adjacent to

single-story residential development

- Pitched and varied rooflines
- Functional and accessible interior site open space
- Recreational areas for children when appropriate
- Easily identifiable and sheltered entrances to units
- Energy efficient design
- On-site management for complexes over 15 units
- Design that discourages features such as large blank walls and monotonous color schemes
- On-site facilities to serve residents, including community centers, recreational facilities and similar amenities as appropriate to the proposed complex and in consideration of proximity to existing amenities

These criteria would not pose a significant constraint to the development of both multiple-family market rate complexes and affordable complexes as these requirements are generally practiced in the design of both types of multiple-family developments. The implementation of these guidelines may result in a higher project cost to multiple-family development by requiring the use of more expensive materials, or incorporating amenities such as recreational and community facilities, but will result in the reduction of design cost by assisting the developers in the understanding of the City's design requirements. The objective of implementing these guidelines is to assist the developer in the City's desire to have aesthetically pleasing and sustainable multiple-family projects. The City has developed, but not adopted the Multiple-Family Residential Design Guidelines. Currently, the design guidelines are utilized in the review of multi-family projects, but are not regulatory standards. The Planning Commission has recently been disbanded and the City Council absorbed the duties of the Planning Commission. The City Council reviews and approves design review applications for multi-family projects unless the project is a qualifying affordable housing project, in which case design review is completed at the staff level.

10. Development Fees

Various development and permit fees are charged by the City and other agencies to cover administrative processing costs associated with development. These fees ensure quality development and the provision of adequate services. Often times, development fees are passed through to renters and homeowners in the price/rent of housing, thus affecting the affordability of housing.

Tables 10-48 and 10-49 summarize the fees the City collects related to residential development. It is noted that the City has a fee incentive program in place through June 2015 to encourage in-fill development of residential subdivisions. The fees shown in Tables 10-48 and 10-49 represent the full fees without any as the reduction incentive will end 6 months into the 8-year planning period for this document.

10.0 – HOUSING ELEMENT

Table 10-48
 PLANNING, PERMITTING, AND DEVELOPMENT FEES SUMMARY

Building Fees		Fee		
Building Permit Fees				
	2,000 square foot home			\$3,953
	950 square foot home			\$1,753
Administrative Building Fees				
	2,000 square foot home			\$1,186
	950 square foot home			\$595
Planning and Application Fees		Fee		
General Plan Amendment				\$9,669*
Zone Change				\$7,524*
Conditional Use Permit				\$3,807*
Variance				\$2,856*
Zoning Administrator Fees – CUP/Variance				\$550
Zoning Administrator Review				\$1,225
Planning Commission/City Council Review Tentative Maps, Major Projects				\$3,363*
Permit Extension – Administrative				\$137
Permit Extension – Public Hearing				\$603
Development Agreement				\$488*
Residential Density Bonus Review				\$1,465*
Subdivision Fees		Fee		
Parcel Map				\$5,237*
Major Subdivision				\$11,938* (plus \$100/lot per unit over 50)
Condominium Map				\$7,987*
Public Works		Fee		
Final map or parcel map check				\$5,770*
Public Improvement Plan Review (\$50,001 or more)				\$15,969 plus 2% of improvements > \$50,000
Grading Plan Review <\$100,000/> \$100,000				\$3,983 / \$9,372**
Grading Inspection <\$100,000/> \$100,000				\$6,710 / \$15,687
2014 Development Impact Fees				
Type	Single Family	Multi-family	Second Unit	City Fees
City Traffic	\$12,792	\$7,804	\$3,668	
Parks Impact	\$8,500	\$4,132	\$2,713	
General Plan	\$300/acre	\$300/acre	\$300/acre	
Public Facilities	\$2,746	\$1,794	\$843	
South Oakley Infrastructure Master Plan	\$352/acre	\$352/acre	\$352/acre	
Outside Agency Fees				
Regional Transportation Development Impact Mitigation	\$18,860 \$5,391 (senior housing)	\$11,578 \$5,391 (senior housing)	\$5,441	
East County Fire Protection District	\$750	\$468	\$220	
Ironhouse Sanitary District	\$6,758	\$6,758	\$6,758	

10.0 – HOUSING ELEMENT

Diablo Water District	\$8,636	\$8,636	\$8,636
Oakley Union Elementary School	\$4.03/s.f.	\$4.03/s.f.	\$4.03/s.f.
Liberty Union High School	\$1.50/s.f.	\$1.50/s.f.	\$1.50/s.f.
Antioch Unified School District	\$2.24/s.f.	\$2.24/s.f.	\$2.24/s.f.

**ESTIMATED AVERAGE COST – COST BASED ON TIME AND MATERIALS*

***ESTIMATED AVERAGE COST – COST BASED ON IMPROVEMENT VALUE*

SOURCE: CITY OF OAKLEY, 2013 AND 2014

Table 10-49 summarizes the estimated cost of fees for a single family home, a 40-unit residential subdivision, and a 40-unit multifamily project. Total fees for a 2,000 s.f. single family home are approximately \$59,444 while fees per unit for a 50-home subdivision (average home size of 2,000 s.f.) are \$59,722 per unit. Fees per unit for a 50-unit multifamily project with an average unit size of 950 s.f. are \$50,4401 per unit. Fees for single family homes are similar to neighboring jurisdictions while fees for multi-family development are higher than neighboring jurisdictions. While the City generally has reduced impact fees (traffic, parks, and public facilities fees) for multifamily development compared to single family development, some outside agencies (water district, sanitary district, and schools) serving Oakley do not provide for a reduction in multifamily fees. The City also provides a reduced fee structure for senior housing and for second units. The City’s fees are generally comparable to fees of other regional jurisdictions.

As shown in Table 10-49, the majority of fees (60 percent of single family fees and 65 percent of multifamily fees) collected for development are for outside agencies. These outside agencies provide services necessary for health and public safety, particularly water, sewer, and school services and the City does not have the jurisdiction to reduce these outside fees.

It is noted that the Regional Transportation Development Impact Mitigation Fee is currently discounted; however, Table 10-48 reflects the full fee as the fee reduction is anticipated to end in 2015. The Regional Transportation Fee payment goes to completion of the new State Route 4, providing for regional funding assistance with the much-needed bypass. When a residential development project falls within the boundaries of the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) inventory area, additional fees may apply. The HCP/NCCP provides an effective framework to protect natural resources in Eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species. The HCP/NCCP provides for comprehensive species, wetlands, and ecosystem conservation and contributes to the recovery of endangered species in northern California. HCP/NCCP fees are applied to development projects impacting potential habitat and are one option for mitigating impacts to, or incidental taking of, State and federally listed threatened and endangered species (under the Endangered Species Act and California Endangered Species Act.) The HCP/NCCP fee varies by project, depending on the location of the parcel and habitat type.

The City has worked to reduce fees to the extent feasible. The City continues to see significant levels of residential development, including lower income housing, and the fees have not posed a constraint to date. It is noted that Chapter VI, Housing Plan, includes a program to regularly review development fees and to take appropriate actions to revise fees, if appropriate. For fees that are outside of the City’s control, the program requires the City to review the fees and to request fee reductions, to the extent feasible, from the administering agency.

Table 10-49
**PLANNING, BUILDING, AND DEVELOPMENT IMPACT FEE ESTIMATES
 FOR TYPICAL DEVELOPMENT PROJECTS**

	Single Family Unit ¹	50-Unit Single Family Subdivision ¹	50-Unit Multi-Family Project ²
Planning and Building Department Fees			
Building Permit	\$3,953	\$197,650	\$87,650
Administrative Building Fees	\$1,186	\$59,300	\$29,750
Tentative Subdivision Map	-	\$11,938	-
Development Agreement	-	\$488	-
Zoning Administrator Review	\$1,225	-	\$1,225
Planning Commission City/Council Review	-	\$3,363	-
Residential Density Bonus Review	-	-	\$1,465
Subdivision Map	-	\$11,938	-
Final Map Check	-	\$5,770	-
Public Improvement Plan Review	-	\$25,969	\$4,324
Grading Plan Review and Inspection	-	\$15,687	\$6,710
<i>Subtotal Planning and Building Fees</i>	<i>\$6,364</i>	<i>\$332,103</i>	<i>\$131,124</i>
Development Impact Fees			
City Impact Fees	\$24,129	\$1,206,464	\$751,700
Outside Agency Impact Fees	\$46,064	\$2,303,200	\$1,634,675
Total Fees (Planning/Building and Impact Fees)	\$76,557	\$3,841,767	\$2,517,499
Fee per Unit	\$76,557	\$76,835.34	\$50,349.98

¹SINGLE FAMILY UNITS ESTIMATED TO BE 2,000 S.F.

²MULTI-FAMILY UNITS ESTIMATED AT AN AVERAGE OF 950 S.F.

SOURCE: CITY OF OAKLEY, 2013 AND 2014; DE NOVO PLANNING, 2014

11. Local Processing and Permit Procedures

Applications for development permits are made in writing to the Community Development Department. Application processing times vary depending on the permit being requested. In addition, some planning applications require public hearings. On average, development permits are processed in less than three months. Overall, development permit approval processing in Oakley does not create any unnecessary delays or increases to the cost of housing.

The City is required to determine if an application is complete within 30 days of receipt. Once deemed complete, application processing begins. Applications are reviewed for consistency with the General Plan and Zoning Code, and conformance with design standards. In general, applications require 45 days for staff review and 90 days, if Planning Commission approval is required. A project requiring City Council approval will generally require an additional 90 days. An approved development plan will remain in effect for three years. All residential development in the City require either Planning Commission and/or City Council approval, except for single-family additions and the addition of second units, which only require staff review.

10.0 – HOUSING ELEMENT

Applications are submitted to the Planning Department, which then reviews them for their completeness. Once the application is determined to be complete, it goes before the Planning Commission for review and approval. Final Maps for subdivisions are approved by the City Council once the Planning Commission has approved the Tentative Subdivision Map. The process can take six months to a year for approval.

The Planning Commission has recently been disbanded and the City Council absorbed the duties of the Planning Commission. Multi-family projects are permitted by-right in the Multiple Family Residential Districts (M-9, M-12, and M-17) and the Mobile Home Residential District (MH). However, the City Council reviews and approves design review applications for multi-family projects unless the project is a qualifying affordable housing project, in which case design review is completed at the staff level.

Certain applications for development are subject to the requirements of the California Environmental Quality Act (CEQA) and require the preparation of an environmental document (i.e., environmental impact report or mitigated negative declaration) before a project can be approved. The requirement to prepare an environmental document can substantially lengthen the development review process, sometimes taking up to one year to obtain project approval. However, the cost associated with preparing an environmental document is not considered to disproportionately constrain residential development in Oakley.

As described under Section 10 (Development Fees), some development projects may need to comply with outside agency requirements, including payment of applicable fees.

The costs associated with development project review will vary between projects. Oakley utilizes an efficient and comprehensive approach towards development review and permitting that allows for quick response to developer applications. In addition, the City utilizes many practices such as expedited application processing, reducing costs, and clarification of the process to developers and homeowners to minimize City impacts on the development process. Increased development costs resulting from the City's development review and permitting process are not considered to constrain housing development.

Table 10-50 illustrates the typical development timelines for various applications and permits.

**Table 10-50
DEVELOPMENT PLAN REVIEW PROCESS**

Project Type	Reviewing Authority	Timeframe
Single-Family house addition	Staff	45 days
Accessory unit	Staff	90 days
Custom home built on individual basis	Staff	45 days
Single-Family homes built as part of housing development of four or fewer units	Planning Commission or City Council	90 days
Single-Family homes built as part of housing development of five or more units	Planning Commission or City Council	90+ days
Multiple-Family housing	Planning Commission or City Council	90 days
Note: Requirements of CEQA can change the reviewing authority		
<i>Source: City of Oakley</i>		

12. Environmental and Infrastructure Constraints

a. Environmental Constraints

Environmental hazards affecting housing units include geologic and seismic conditions, which provide the greatest threat to the built environment. The following hazards may impact future development of residential units in the City.

i. Seismic Hazards

Oakley is bordered by the San Joaquin River side of the Delta to the north, to the east by unincorporated areas of Contra Costa County, to the south by the City of Brentwood, and to the west by the City of Antioch. The two major seismic faults located near the City of Oakley are the San Andreas and Antioch Faults. The City of Oakley is underlain by the Brentwood Fault, which is inferred active on the basis of scattered small magnitude earthquakes near the trace of the fault. Other inferred active faults just west of Oakley are the Davis and Antioch Faults.

As required by the State of California, the Oakley General Plan contains policies regarding geologic and seismic hazards within the Health and Safety Element. The goal of the City of Oakley General Plan seismic hazard policies is to protect human life, reduce the potential for serious injuries, and minimize the risk of property losses from the effects of earthquakes, including fault rupture, ground shaking, and liquefaction - induced ground failure. The following policies are included in the Health and Safety Element:

- Recognize that a severe earthquake hazard exists and reflect this recognition in the City's development review and other programs
- Include a thorough evaluation of geologic-seismic and soils conditions at risk in all significant land use decisions (General Plan Amendment, Rezoning, etc., affecting ten acres or more)
- Require the design of structures for human occupancy for satisfactory performance under earthquake conditions
- Prohibit the erection of critical structures and facilities whose loss would substantially affect the public safety or the provision of needed services, in areas where there is a high risk of severe damage in the event of an earthquake unless appropriate engineering and construction practices are applied to ensure structural stability

A major earthquake could have the potential to cause the failure of the dam structure at the Los Vaqueros Reservoir south of Oakley. Upon failure, water would spill out quickly and head generally northeast to the Delta through low-lying land. However, according to a 1995 ABAG Hazard Map, Oakley is not in a dam inundation area.

ii. Soils

The City of Oakley is mostly made up of lowland soil association soils, with some tidal flat-delta-marsh lowlands soils in the northeast corner of the City. Physical and chemical characteristics of soils may limit construction/development. The following soil types are within areas currently designated for urban development in Oakley:

Lowland soil association. Slowly to very slowly permeable, highly expansive and corrosive with slight erosion hazard.

Tidal flat-delta-marsh lowland. Highly expansive, very highly corrosive, and moderately to slowly permeable.
Class II Delhi sand. Excessively drained soils where runoff is slow or very slow.

These soils vary moderately regarding erosion potential, drainage, and suitability for fill.

iii. Flooding

Substantial areas within the City are subject to flooding, especially areas along the shoreline of the Delta and northeast of the Contra Costa Canal. The Marsh Creek area, the majority of the City's shoreline areas, and the entire Cypress Lakes Sphere of Influence (SOI) area are within the 100-year floodplain. The City has established policies and programs within the General Plan to mitigate hazards from potential flooding, therefore, flooding is not considered a constraint on the development. The goal of the Flood Hazards section of the Health and Safety Element is to protect public safety and minimize the risk to life and property from flooding. Policies regarding flood hazards include:

- Applications for development at urban or suburban densities in 100-year floodplain areas where there is a serious risk to life and property shall demonstrate appropriate solutions or be denied
- In mainland areas along the creeks and bays affected by water backing up into the watercourse, it shall be demonstrated prior to development that adequate protection exist through levee protection or change of elevation.

In addition, the following policies must be considered in areas prone to flooding:

- Buildings in urban development near the shoreline of the Delta and in flood-prone areas shall be protected from flood dangers, including consideration of rising sea levels
- Habitable areas of structures near the shoreline of the Delta and in flood-prone areas shall be sited above the highest water level expected during the life of the project, or shall be protected for the expected life of the project by levees of an adequate design
- Rights-of-way for levees protecting inland areas from tidal flooding shall be sufficiently wide on the upland side to allow for future levee widening to support additional levee height
- Review flooding policies in the General Plan every five years in order to incorporate any new scientific findings regarding the potential for flooding and projected increases in sea levels
- Review flooding policies as they relate to properties designated by FEMA as within the 100-year floodplain
- Development proposals near the shoreline of the Delta and within flood-prone areas shall be reviewed by the Flood Control District, as an advisory agency, prior to approval by the City

iv. Toxic and Hazardous Wastes

Heavy industrial land uses centered in northwest Oakley have the potential to present significant risk to public safety. Potential hazards include explosion and flammability of petroleum products and other chemicals, and chemical toxicity. The former DuPont Chemical Plant was located in northwest Oakley; however, the site has since closed and DuPont is in the process cleaning up the site. The presence hazardous materials within Oakley poses a potential safety hazard.

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Pipelines for the transportation of natural gas, crude oil, and refined petroleum products pass through Oakley, including residential and commercial areas. The public safety hazard from a pipeline break would depend on the proximity of the accident to populated areas, as well as the nature of the event that produced it.

There are several active gas and oil wells in Oakley, most of which are far from populated areas of the City. Although there is the risk of a well catching on fire, such incidents have been very few and the risk of such a fire causing a general disaster is remote.

To provide protection from hazards associated with the use, transport, treatment, and disposal of hazardous substances, the City has developed the following policies:

- Hazardous waste releases from both private companies and public agencies shall be identified and eliminated.
- Storage of hazardous materials and wastes shall be strictly regulated.
- Secondary contaminant and periodic examination shall be required for all storage of toxic materials.
- Industrial facilities shall be constructed and operated in accordance with up-to-date safety and environmental protection standards.
- Industries which store and process hazardous materials shall provide a buffer zone between the installation and the property boundaries sufficient to protect public safety. The adequacy of the buffer zone shall be determined by the Community Development Department.

v. Fire Hazards

The City of Oakley receives fire protection from the East Contra Costa Fire Protection District (ECCFPD). The ECCFPD covers all of Oakley and the area to the east of Oakley north of Delta Road, west of Byron Highway, and south of the San Joaquin River channel, as well as other areas in the East County previously served by the East Diablo and Bethel Island Fire Protection Districts.

The ECCFPD provides service to structural, wildland, vehicle, and miscellaneous exterior fires; vehicle accidents involving disentanglement and extrication; medical emergencies and hazardous materials incidents. The District currently has one fire station, Station 93, serving the City of Oakley, as well as other stations serving areas outside Oakley.

A fire hazard severity scale has been devised which characterizes areas throughout the County by the number of days of moderate, high and extreme fire hazard. The City of Oakley is entirely within the boundaries of critical Fire Weather Class 3, which correlates to 9½ or more days per year of moderate, high and extreme fire hazard. The Class 3 category is the highest in the County, with Class 1 having less than one day per year, and Class 2 having one to 9½ days per year.

In order to promote a high level of emergency preparedness and protect public health and safety in the event of a natural or human-caused disaster, the City has developed the following policies in the Growth and Management Element of the General Plan:

- Promote and encourage the high service level of fire protection services within Oakley.

- Require that new development pay its fair share of costs for new fire protection facilities and services.
- Identify needed upgrades to fire facilities and equipment during project environmental review and planning activities.
- Incorporate analysis of optimum fire and emergency service access into circulation system design to maximize the effectiveness of existing and proposed fire protection facilities.
- Require special fire protection measures in high-risk uses (i.e., mid-rise buildings, and those developments where hazardous materials are used and/or stored) as conditions of approval.
- Require the provision of fire fighting equipment access to open space areas in accordance with the Fire Protection Code and to all future development in accordance with Fire Access Standards.

vi. Noise

According to the Noise Element of the Oakley General Plan, there are no obvious sources of disruptive noise in the City. Ambient noise can be heard, especially in those areas adjacent to major highways, intersections, and rail lines.

As development occurs, additional noise disturbance will emerge as a temporary impact of construction. The City is committed to imposing “Best Management Practices” on all development and construction in the City. This may include limiting the hours of construction to avoid disruption during normal sleep hours. In addition, the development of new neighborhoods may unintentionally create situations where new residents are introduced to existing noise conditions. However, proper land use practices will minimize the proximate placement of conflicting uses. Sound-walls can minimize many of these impacts, though land use practices will more effectively address the true issue. By recognizing the impacts of noise, the City can effectively address any proposed sources of noise or noise conflicts as they arise.

vii. Vegetation and Wildlife Habitat

Vegetation within the Oakley area includes agricultural and ruderal fields; perennial and seasonal marsh, orchards, riparian habitat, and landscaped (developed) vegetation communities.

The General Plan includes policies aimed at encouraging the preservation of important ecological and biological resources. The General Plan encourages the development of open space uses in an ecologically sensitive manner and the preservation and enhancement of the natural characteristics of the San Joaquin Delta and Dutch Slough in a manner that encourages public access. In addition, an effort should be made to preserve and expand stream corridors in Oakley, restoring natural vegetation where feasible.

viii. Rare and Endangered Species

According to the U.S. Fish and Wildlife Service species list for the City’s representative USGS quadrangle, there are numerous special status plant and animal species known or expected to occur in Oakley. The HCP/NCCP conservation strategy will mitigate the impacts to the HCP/NCCP’s covered species and contribute to recovery of these species (see Section 10. Development Fee for more detail).

Special-status plant species including Delta mudwort, Mason’s lilaeopsis, rose mallow, and Suisun marsh aster have the highest potential to occur within the City. In general, habitat for these species includes the marsh habitat along the northern border of City.

One invertebrate species, curved-foot hygrotus diving beetle has the highest potential to occur within Oakley. Habitat for this species in the area includes the sloughs.

California red-legged frog, San Joaquin coachwhip, Giant garter snake, California horned lizard, silvery legless lizard, and Northwestern pond turtle have the highest potential to occur in the City. Generally, these species occur in aquatic habitats (marshes and sloughs), with the exception of the horned and legless lizards, which may occur in association with sandy soils.

Special-status mammal species that have the highest potential to occur in the City include San Joaquin kit fox, San Joaquin pocket mouse, and several species of bats. Generally, the pocket mouse and kit fox could occur in the open upland habitats in Oakley, and bats in the upland areas closer to water.

Special-status avian species including California black rail, Suisun song sparrow, tricolored blackbird, species of herons, ibis, egrets, mountain plover, Greater sandhill crane, Swainson's hawk, western burrowing owl, and other raptors including ferruginous hawk and Cooper's hawk have the highest potential to occur in the City. These species could potentially occur in undeveloped portions of Oakley.

ix. Agricultural Lands

Oakley has historically been an agricultural community, with a wide variety of agricultural crops. While much of the land used for agriculture has been developed into urban uses, there are remaining private parcels that continue in agricultural production. These agricultural areas help to preserve the traditional rural character of the community, maintain open space, and reduce congestion within the City. While the City recognizes the historic role of agriculture within the Oakley community and supports continued agriculture, the transition from agriculture to urban uses limits the potential for large-scale commercial agriculture within Oakley.

b. Infrastructure Constraints

i. Water

The Diablo Water District (DWD) provides water service to Oakley, and parts of Bethel Island and Knightsen. DWD's water supply comes from a commitment of 30 million gallons per day (MGD) from the Contra Costa Water District, a public water agency, which delivers water to 450,000 people in central and eastern Contra Costa County. CCWD provides water for irrigation and industry with a full commitment from the Central Valley Project of 174 MGD. DWD's commitment from CCWD is for "normal" years, though it can be less during drought years.

The District's raw water supply is from surface water from the Contra Costa Canal, which obtains water from the Sacramento-San Joaquin Delta at the Rock Slough intake. This water is then stored in Los Vaqueros Reservoir to improve the water quality, minimize seasonal water quality variations, and provide emergency storage. The Los Vaqueros Reservoir has a capacity of 100,000 acre-feet of storage (32,600 MG).

All surface water is treated at the Randall-Bold Water Treatment Plant (RBWTP), which was completed in 1992 and is jointly owned by DWD and CCWD. The RBWTP has an initial capacity of 40 MGD with expansion capability to 80 MGD. DWD has a treated water storage capacity of 12.8 MG. The ultimate storage capacity required within DWD's sphere of influence is 28.8 MG.

Historically, due to deteriorating water quality, DWD utilized wells only for emergency purposes. To increase supply reliability, provide operational flexibility and meet future needs, DWD has embarked on a Well Utilization Program to locate a better supply of groundwater in the greater Oakley Area. The Well

Utilization Program would allow DWD to reduce its surface water supply purchases from CCWD and delay purchase of additional RBWTP capacity because groundwater could be used to help meet high water demands in the summer. In 2006, DWD completed the first phase of this project which consists of a well and pump station in Glen Park in the City of Oakley; a blending facility at the RBWTP; and an 18-inch diameter, 18,250-foot-long pipeline that conveys water from the Glen Park well to the blending facility. There are two more phases proposed which include two additional wells and a groundwater monitoring program.

The DWD Urban Water Management Plan identified an existing water demand of 1,816 million gallons (MG) in 2010 and projected that water deliveries would increase to 5,572 MG by 2035, based on buildout land uses and adopted General Plans of the jurisdictions served by DWD. DWD's supply sources in 2010 provided 3,074 MG, which was more than adequate to serve the existing demand. By 2035, DWD has planned to develop additional supply sources for a total supply of 6,651 MG, which is adequate to accommodate projected demand. The City's RHNA is less than the buildout conditions projected within the City's General Plan and, as such, is within growth projections used by DWD to plan for water service. Adequate water supplies exist or are planned to meet the needs of Oakley.

According to the City's General Plan, Oakley can supply water service to all areas within the City limits. Currently, existing infrastructure is available to sites identified in the vacant land survey. Additionally, Oakley will continue to meet its future demands through programs such as the Well Utilization Program.

ii. Sewer

The Ironhouse Sanitary District (ISD) provides wastewater service to Oakley, Bethel Island and unincorporated areas of eastern Contra Costa County. The City of Oakley and its Sphere of Influence (SOI) areas are entirely within ISD's boundary. The wastewater services involve the transmission of wastewater from residential, commercial and light industry to a treatment facility and the final disposal of the wastewater and residual waste solids.

The wastewater system is composed of collection, treatment, and effluent recycling facilities. ISD has recognized that the collection and treatment facilities must be expanded to meet future requirements. The daily flow is approximately 2.6 MGD and, as of 2009, the treatment system capacity was 3.0 MGD. ISD is expanding its capacity to 4.3 MGD with the opening of a new treatment plant in 2011.

According to the General Plan, ISD has estimated a future potential wastewater flow of 8.0 MGD within its SOI. ISD is proposing to upgrade and increase both its wastewater treatment capacity and effluent application area to meet future wastewater service needs and projected effluent discharge water quality requirements. This increased capacity will be in phases until the ultimate build-out is reached. In order to meet future potential wastewater flow, ISD is proposing to expand their wastewater treatment plant. This expansion is currently under environmental review.

In 2007, ISD updated the Sewer Master Plan. The SMP evaluates the capacity needs of ISD and identifies capital improvement projects. The SMP anticipates buildout of the areas it serves based on General Plans and similar document. The SMP anticipates future dry weather flows of 8.63 MGD and wet weather flows of 10.7 MGD. ISD's Capital Improvements Program is regularly updated and plans for expansion of wastewater treatment and conveyance facilities to keep pace with new development.

In 1991, ISD prepared a Wastewater Facilities Expansion Plan (ISD Facilities Plan) that outlined the recommended treatment and effluent recycling projects necessary to meet the projected service demand.

Since completion of the ISD Facilities Plan, the District has continued to refine future wastewater flow projections and proposed facilities plans and prepares a Capital Improvements Program and annually updates its 5-year strategic plan. According to the General Plan, development within Oakley will not exceed ISD's planned maximum capacity limits.

13. East Cypress Corridor Annexation

In 2002, the Oakley City Council adopted the strategic goal of annexing the East Cypress Corridor area. In February 2004, the City determined that a specific plan should be prepared for the East Cypress Corridor area. As a result, the City authorized the preparation of the East Cypress Corridor Specific Plan for the development of approximately 2,546 acres of land in this area. An Environmental Impact Report (EIR) was prepared for the East Cypress Corridor Plan and was certified by City Council on March 13, 2006. On the same date, the City Council adopted the East Cypress Specific Plan, related General Plan Amendments, and CEQA findings for the approvals.

In April 2006, the EIR certification was challenged by the Greenbelt Alliance, who filed a petition for writ of mandate. On August 24, 2007, the Superior Court determined that the EIR was legally deficient and entered a judgment granting a peremptory writ of mandate. In compliance, the City rescinded their certification and authorized the preparation of a Supplemental EIR to address the specific legal deficiencies the Court had identified in its judgment and decision.

The City of Oakley issued a Notice of Preparation and Initial Study for the Supplemental EIR on October 26, 2007. On August 21, 2008, the Draft Supplemental EIR for the East Cypress Corridor Specific Plan was published for public review. The public review period was from September 5, 2008 through October 24, 2008. The City Council will conduct a public hearing on the matter on March 10, 2009.

For the purposes of the RHNA analysis, the annexation was not incorporated into the assessment of vacant land for this Housing Element period.

14. ON AND OFF-SITE IMPROVEMENTS

When developing land, the City may require the developer to dedicate land, construct, or pay fees to provide necessary on and off-site improvements. Land dedication, site improvements or fees may be required to provide adequate sanitary sewer and water service to a project, to make necessary transportation improvements, and to provide other infrastructure to the project. In addition, the City may require the payment for various offsite improvements as part of project mitigation measures (e.g., payment towards an offsite traffic signal). Developers of new residential projects are also required to construct all onsite streets, sidewalks, curb, gutter, and affected portions of offsite arterials. The cost for site improvements varies from project to project, based on the specific location and existing infrastructure. For infill projects where infrastructure may already be available, there may be a need to upgrade and/or expand the existing improvements to serve new residential development.

Road classifications and standards are found in the City's General Plan Circulation Element. They are as follows:

- Major Arterial – 4 or more lanes, 120 foot right-of-way
- Minor Arterial – 2 lanes, 76 foot right of way

- Collector – 2 lanes, 70-85 foot right-of-way
- Local Street – 2 lanes, 60 foot right-of-way

Arterials and collectors are designated on the General Plan according to existing and projected needs. Developers are responsible for the development of roadways associated with the residential project. City roadways are required to be paved. Curbs/gutters and drainage facilities direct storm and runoff water out of residential developments.

Development of and connection to municipal water and sewer services are required as a condition of approving tract maps. Water service is necessary for a constant supply of potable water. Sewer services are necessary for the sanitary disposal of wastewater. These off-site requirements allow for the development of much higher residential densities.

B. NON-GOVERNMENTAL CONSTRAINTS

1. Vacant and Underutilized Land

A thorough analysis of vacant and underutilized land within the City of Oakley is provided in Appendix B.

2. Land Prices

Land costs have a demonstrable influence on the cost and availability of affordable housing. Land prices are determined by numerous factors, most important of which are land availability and permitted development densities. As land becomes less available, the price of land increases. Vacant, unentitled residential land in Oakley is approximately \$58,000 to \$100,000 per acre. Individual residential lots range from \$99,000 to \$250,000 acre. A vacant multi-family site is priced at \$201,153 per acre.

Land costs in the San Francisco Bay Area are relatively high as compared with the rest of the nation. The cost of land in Oakley is less than most areas in the San Francisco Bay Area, though higher than property in the Central Valley. Given the current downturn in the real estate market and the limited number of parcels for sale, land price projections are difficult to track accurately.

3. Construction Costs

Construction costs are primarily determined by the costs of materials and labor. They are also influenced by market demands and market-based changes in the cost of materials. Construction costs depend on the type of unit being built and the quality of the product being produced. Construction costs have remained relatively steady, due in part to the economic downturn. Table 10-51 summarizes the estimated construction costs based on type of development in Oakley.

**Table 10-51
CONSTRUCTION COST ESTIMATES**

Development Type	Cost per Square Foot
Single-Family Residential	\$100-125
Town homes/Condominiums	\$150-180
Multiple-Family- garden style apartments	\$200
Multiple-Family- stacked flats with structured	\$250

parking	
<i>Source: City of Oakley</i>	

4. Financing

Mortgage interest rates have a large influence over the affordability of housing. Higher interest rates increase a homebuyer’s monthly payment and decrease the range of housing that a household can afford. Lower interest rates result in a lower cost and lower monthly payments for the homebuyer.

When interest rates rise, the market typically compensates by decreasing housing prices. Similarly, when interest rates decrease, housing prices begin to rise. There is often a lag in the market, causing housing prices to remain high when interest rates rise until the market catches up. Lower-income households often find it most difficult to purchase a home during this time period.

As shown in Table 10-52, the number of loan applications increases as income increases. The percentage of persons denied for a home loan in the Oakland-Fremont-Hayward Metropolitan Area is highest for the very low-income (less than 50 percent of the MFI) category, at 21.7%.

**Table 10-52
MORTGAGE LENDING RATES-2012
OAKLAND-FREMONT-HAYWARD MSA**

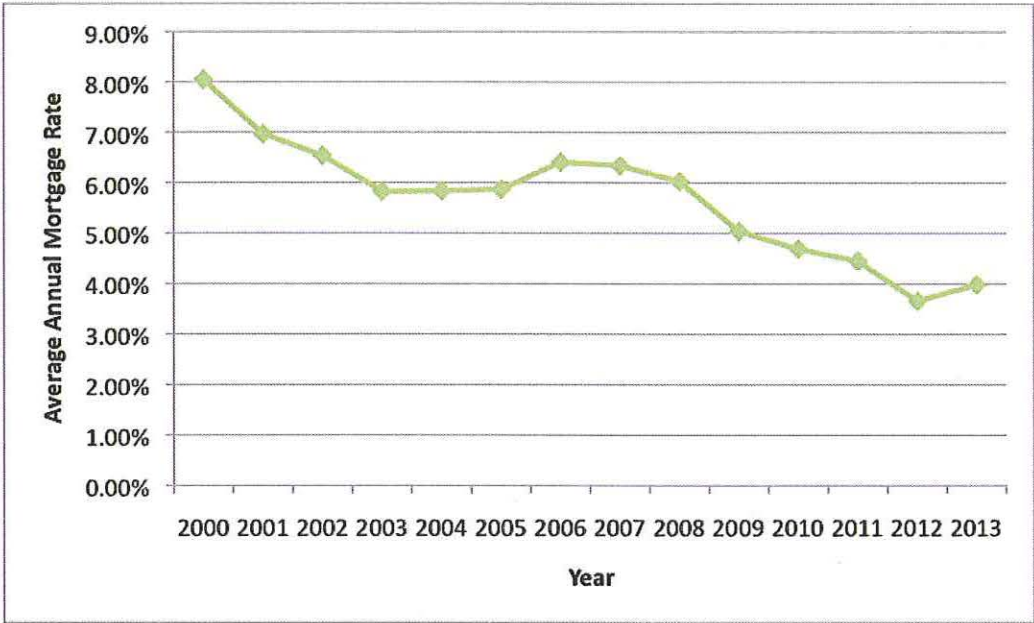
Income Group	Total Applications	Loans Originated	Applications Denied	Percentage Denied
<50% MFI	1,910	1,147	415	21.7%
50-79% MFI	3,748	2,527	562	15.0%
80-99% MFI	2,371	1,649	300	12.7%
110-119% MFI	2,321	1,647	256	11.0%
120% MFI	11,802	8,750	1,050	8.9%
Total	22,152	15,720	2,583	11.7%

Source: Federal Financial Institutions Examination Council (FFIEC), HMDA Data, 2014

Figure 10-2 shows the average interest rates between 2000 and 2013. Average annual interest rates have generally decreased from approximately 8% in 2000 to approximately 4% in 2013. Interest rates are determined by national policies and economic conditions and there is little that a local government can do to affect these rates. However, in order to extend home buying opportunities to lower-income households, jurisdictions can offer interest rate write-downs. Additionally, government insured loan programs may be available to reduce mortgage down payment requirements.

There have been recent changes in the qualifications and lending standards for home loans. Nationally there has been a large increase in the number of delinquencies and foreclosures in the residential market; as a result, lenders have more stringent qualifications for home loans and lower-income households may find it more difficult to qualify.

Figure 10-2
AVERAGE ANNUAL MORTGAGE RATES 2000 - 2013



Source: Freddie Mac Primary Mortgage Market Survey, 2014

5. Energy Conservation

Energy conservation remains a major priority in the City of Oakley. The City continues to require compliance with Title 24 of the California Administrative Code on the use of energy efficient appliances and insulation. Through compliance with Title 24, new residential development has produced reduced energy demands.

Pacific Gas and Electric Company (PG&E), which provides electricity and gas service in the City of Oakley, offers public information and technical assistance to homeowners regarding energy conservation. PG&E provides numerous incentives for energy efficient new construction and home remodeling. Remodeling rebates include cool roofs, insulation and water heaters. Residents are granted between \$150 - \$200 per 1,000 square feet for installed cool roofs and attic and wall insulation. Installing new energy-efficient water heaters qualifies residents with a \$30 rebate.

PG&E also offers energy-efficiency tax credits under the Energy Policy Act of 2005. Both homeowners and builders may qualify for these tax credits. Existing homeowners are eligible for tax credits up to a maximum of \$500 for energy-efficiency improvements. An additional tax credit is available for solar energy systems. Builders of energy-efficient new homes are eligible for tax credits up to a maximum of \$2,000.

The City will develop an energy conservation strategy, which may include but is not limited to the following programs to further encourage energy and resources conservation:

- Provide incentives, such as expedited plan check or reduced building permit fees, for developments utilizing green building or sustainable design
- Promote the programs offered by PG&E through informational materials at City Hall, on the City’s website, and at other public locations

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- Develop green building and sustainable design standards
- Provide educational materials and technical assistance regarding energy conservation and green building
- Encourage green building and energy conservation techniques in projects utilizing the City's rehabilitation program or in City-assisted new construction

There are a number of national voluntary recognition programs that encourage energy efficient homes and green building practices and provide guidance to cities and developers. Some of the programs utilized by the housing industry include:

- U.S. Green Building Council's LEED green building programs
- Build it Green's Green Point Rated program
- National Association of Home Builders Model Green Home Building program
- U.S. Environmental Protection Agency's Energy Star® for Homes program
- Building Industry Institute's California Green Builder program

Many of these programs have been designed to reduce the impacts associated with the construction and operation of residential buildings through reductions in energy and water use, use of innovative technologies, reduced maintenance costs, and improved occupant satisfaction. These programs and other programs similar to these have been applied to numerous single- and multi-family residential projects throughout California and nationwide.

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IV. LAND RESOURCES AND AT-RISK UNITS

A. ADEQUATE SITES ANALYSIS

Each city is mandated through State Housing Element Law to demonstrate it has adequate sites available through appropriate zoning and development standards and with the required infrastructure for a variety of housing types and income levels. The City must demonstrate it has capacity or adequate sites to accommodate the projected need for housing through the 2014-2022 planning period.

The State Department of Finance (DOF) is responsible for developing the total Statewide housing demand projection. With the State Department of Housing and Community Development (HCD), this demand is apportioned to each of the State's regions. The demand represents the number of additional units needed to accommodate the anticipated growth in the number of households, to replace expected demolitions and conversions of housing units to non-residential uses, and to allow for a future vacancy rate conducive to a healthy functioning housing market.

The Association of Bay Area Governments (ABAG), the Council of Governments (COG) representing the region, in cooperation with local jurisdictions, is responsible for allocating the region's projected new housing demand in each jurisdiction. This process is known as the Regional Housing Needs Allocation (RHNA) and the goals are referred to as the RHNA goals or the "regional share" goals for new housing construction. The allocation takes into account factors such as employment opportunities, market demand for housing, availability of suitable sites and public facilities, community patterns, types and tenure of housing needs and others. The allocation is divided into four income categories:

- · Very-Low Income – 0 to 50 percent of the median income
- · Low Income – 51 to 80 percent of the median income
- · Moderate Income – 81 to 120 percent of the median income
- · Above-Moderate Income – more than 120 percent of the median income

In determining a jurisdiction's share of new housing needs by income category, the allocation is adjusted to avoid an over-concentration of lower-income households in one jurisdiction. In addition to the allocation in the four income categories, recent legislation requires cities to consider the needs of Extremely-Low Income households earning 30 percent or less of the median income.

The RHNA prepared by ABAG for the planning period of January 1, 2007 through June 30, 2014, identifies Oakley's projected regional share need as 775 new housing units.

1. Construction Achievements in 2014

To determine the housing site needs for the 2014-2022 RHNA period, the needs are adjusted by the actual number of housing units constructed from January 1, 2014, to the current period, or a total of 70 units (through May 31, 2014). Of the 70 units constructed, 29 units are affordable to moderate income households. The remaining 41 are assumed to be affordable to above moderate income households. An additional 48 units are under construction, including a 29-unit affordable multifamily project. Based on this adjustment, the remaining RHNA need for Oakley to accommodate is 1,048 units, with the allocations based

on income category shown in Table 10-53.

**Table 10-53
ADJUSTED RHNA NEED**

Income Category	Dwelling Units			
	RHNA Allocation	Units Constructed	Units Under Construction	Remaining RHNA Need
Extremely-Low ¹	158	0	3 ²	155
Very-Low	157	0	15 ²	142
Low	174	0	11 ²	163
Moderate	175	29	4	142
Above-Moderate	502	41	15	446
Total	1,168	70	48	1,048

Notes:
 1 Regional share of Extremely-Low income units is assumed 50 percent of the Very-Low income units.
 2 CBH Project – Carol Lane
 Source: ABAG, City of Oakley

2. Current Projects

The remainder of Oakley’s RHNA needs for moderate and above moderate income households can be met through projects that are entitled but not yet constructed and through projects that are under construction.

A total of 5,348 units have been entitled and are either located in projects that are entitled, but not yet under development, or projects that are under development. Table 10-56 identifies entitled projects that are not yet under development. Table 10-57 identifies entitled projects that are under development, including the total number of units approved, number constructed, and number of units remaining to be developed. Entitled projects are shown on Figure HO-1.

Of these, 4,532 single family units and 195 multifamily units are entitled, but not yet constructed (Table 10-54) and an additional 4,991 single family/multifamily detached units and 567 multifamily attached units are planned in the approved East Cypress Corridor Specific Plan. As identified in Table 10-55, an additional 516 single family and 105 multifamily units are located in approved projects that are either partially or entirely under construction.

The single family units in Tables 10-54 and 10-55 are anticipated to be affordable primarily to above moderate income households; however, based on advertised sales prices and available market data, it is anticipated that approximately 30% of the single family units (2,856 units) will be affordable to moderate income households based on market conditions and current sales prices. These entitled projects are more than adequate to accommodate the City’s remaining need for moderate and above moderate income units. As identified in Section 3 below, the City has additional sites appropriate for single family and high density single family uses that can accommodate additional moderate and above moderate income households.

Of the approved and under construction projects identified in Table 10-55, 29 multifamily units are currently being constructed by the Corporation for Better Housing as an affordable housing project that will provide 3 extremely low, 15 very low, 11 low, and 1 moderate income units. The remaining 75 units on the Corporation for Better Housing site will be affordable to very low and low income households, pursuant to the project’s entitlements.

Table 10-54: ENTITLED PROJECTS, NOT YET CONSTRUCTED

Subdivision Tract Number	Development Name	Project Location	Resolution Number	Approved Lots/Units
7662	Stonewood - Seeno	Rose Lane	CC 05-03	215
8734	Seeno Homes	Grapevine Ln.	County Approved	28
8736	Pheasant Meadows - Discovery Builders	1860 O'Hara	CC 125-05	42
8787	Rosewood	4073 Rose Ave.	CC 40-10	61
8803	Brownstone 10 - DCM Group	Brownstone Rd	CC 18-07	50
8807	Villa Grove - Discovery Builders	2080 O'Hara	CC 37-07	50
8836	Vintner View - Discovery Builders	Grapevine Ln.	CC 82-06	16
8876	West of Gehringer School - JMH Weiss Road	South Simoni Ranch	CC 78-05	21
8904	Tuscany Estates - D.R. Horton	Cypress Road/Sellers	PC 08-06	97
8916	Heartwood Estates	Mellowood/Clearwood	CC 69-05	41
8973	Ponderosa Homes	Sellers, south of Railroad	CC 117-05	176
8975	Meritage Homes	Main St./Simoni Ranch Rd.	CC 38-07	75
8656	Daybreak Development	Coventry Dr.	PC 03-04	6
8728	Calandev - Stewart Fahmy	Fuscia Ave	PC 35-05	30
8985	Clyde Miles Construction - Lois Lane	Lois Lane	PC 05-06	11
9104	Cutino Property Ryder Homes	Within 8541/Cedar Glenn Drive	CC 141-06	20
9015	Cosetti & Creson - Global Investments	4219 Machado Lane	CC 114-06	98
9016	De Jesus Property- Global Investments	Sellers, north of Railroad	CC 53-06	71
9027	Duarte Ranch - Discovery Builders	Southeast Corner Laurel/Rose	CC 76-06	116
9030	Jeff Olson	3930 Marsh Way	CC 28-06	6
9032	Emerson Property Project	N/W: E. Cypress Rd. and Sellers Ave.	CC 107-10	567
9033	Gilbert - Castle/Ryder	Cypress Road/Sellers	CC 117-07	506
9043	Aspen Lane -Discovery Builders	Empire Rd./Carpenter	CC 146-06	16
9044	Laurel - Discovery Builders	Laurel near Rose Ave.	CC 30-07	20
9052	Mederos Subdivision	4761 Live Oak Ave.	CC 15-09	5
9080	KB Home - Teal Cove II	Cypress Grove/ Frank Hengle Way	CC 112-06	26
9088	Cedarwood	Knox Lane - Michelle Lane, Live Oak Ave.	CC 09-10	34
9156	Bethel Island LLC	Summer Lake South/ North of Rock Slough	CC 122-11	933 single family 195 multifamily
9191	Empire Station	Empire/Neroly	CC 39-08	47
9284	The Ranchettes at Neroly	Oakley Rd.	88-12	7
9285	Estates at Vineyard Acres	Knarlwood Rd. and Oakley Rd.	70-12	7
9307	Summer Lake North	N/E: East Cypress and Bethel Island Rds	CC 116-11	824
9311	KT KB Oakley	Bethel Is., Jersey Is., and Dutch Slough Rds	CC 45-12	276

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Subdivision Tract Number	Development Name	Project Location	Resolution Number	Approved Lots/Units
MS 03-978	--	60 Douglas Rd.	PC 30-05	4
MS 04-978	Zel Debelich	140 Hill Ave	PC 27-05	3
MS 04-980	Beers Minor Subdivision	30 W. Cypress Place	CC 61-05	3
MS 04-977	Thompson	151 Hill	PC 16-05	3
MS 05-978	Michelle Lane	300 Michelle Lane	PC 04-06	4
MS 06-976	Hooper Property	2836 Stirrup Drive	PC 20-06	2
MS 06-977	Dyer Property	115 Douglas Road	PC 26-06	2
MS 06-978	Hanoum Minor Subdivision	4790 Knarlwood Road	CC104-07	4
MS 06-979	Laniohan Property	91 Lozoya Way	CC 17-07	3
MS 06-982	Candelario Barragan	3239 Doyle Road	CC 75-07	4
MS 09-976	Baca Parcel Map	4901 Bethel Island Rd.	CC 90-10	2
	East Cypress Corridor Specific Plan (Specific Plan approved, individual projects need to request tentative maps, etc.). See Appendix B.			4,991 single family 567 multifamily
TOTAL				9,523 single family 762 multifamily units

Table 10-55: PROJECTS APPROVED AND UNDER CONSTRUCTION

Subdivision Tract Number	Development Name	Project Location	Resolution Number	Approved Lots/Units	Completed Lots/Units	Remaining Units
7562, 8900, 8955	Summer Lakes South (apx. 127 lots permitted by County)	East Cypress Annexation Area	County Approval	625	288	337
7590, 7655, 7760	Monarch Ranch (Amberwood) -- West Coast Builders	4440 Live Oak Ave.	County Approval	155	119	36
8541	Cortina - Standard Pacific	5373 Main St.	PC 24-05	354	121	25
	Sagewood - Ryder Homes		PC 23-05		60	
	Tanglewood - Meritage		PC 11-05		148	
8737	Hawkeye	East of Marsh Creek/ South of Subd. 6963	CC 27-04	172	56	116
9199	Magnolia Park II	Neroly Road	CC 90-09	162	160	2
MS 08-978	Corporation for Better Housing	Oakley Apartments at 52, 52, 54, 59, 69 and 71 Carol Lane	CC 125-08	509 multifamily	404 completed	30 units under construction, 75 units remaining
TOTAL				1,468 single family 509 multifamily	952 single family 404 multifamily	516 single family 105 multifamily

3. Vacant and Underutilized Land

The City has approximately 602.72 acres of vacant and underutilized residential land without a current project entitlement or development agreement in place. These sites are anticipated to accommodate 1,559 single family and 137 multifamily units. The underutilized parcels are zoned for residential use, but are developed with residential units at densities lower than the maximum allowed or with non-residential uses and could accommodate additional units. Table 10-56 summarizes vacant and underutilized parcels and their additional development capacity. Sites included in the Inventory of Residential Land for Development (Table 10-56) are shown on Figure HO-1. Appendix A describes each vacant and underutilized parcels, identifying the zoning designation, General Plan designation, APN, acreage, existing uses, realistic capacity, and maximum development potential; please note that the East Cypress Corridor parcels are summarized in Appendix B. All of the underutilized parcels are minimally developed with single family homes and/or accessory structures and do not have extensive development that would limit the future use of the parcel for the residential uses considered in the General Plan, or are parcels that are mostly developed but could be split at some point to accommodate additional units as allowed by the General Plan and Zoning Code. Exhibit 1 and shows the locations of the vacant and underutilized parcels, except for the East Cypress Corridor Specific Plan parcels which are shown in Appendix B.

**Table 10-56
INVENTORY OF AVAILABLE RESIDENTIAL LAND FOR DEVELOPMENT**

Zoning Designation ¹	Total Vacant/ Underutilized Acres	Dwelling Units Per Acre	Realistic Yield (80% of Max) ²	Maximum Dwelling Unit Potential
Single Family				
Agricultural Living	80.52	1	52	64
Single Family R-40	115.41	1.09	78	96
Single Family R-15	138.70	2.90	296	360
Single Family R-10	122.75	4.34	420	517
Single Family R-6	124.45	7.26	701	870
P-1	3.31	4.34	12	15
	585.14		1,559	1,922
Multifamily				
M-9 – Multifamily Residential	9.33	9	61	78
M-12 – Multifamily Residential	8.25	12	76	95
TOTAL	17.58		137	173

¹All sites included in the table have a General Plan designation that is compatible with the zoning

²80% of maximum capacity, except for sites with proposed/approved projects, which are calculated based on the number of units in the project

³Includes 'detached' multifamily units in East Cypress Specific Plan

Source: City of Oakley, 2014; Contra Costa County GIS, 2014, East Cypress Specific Plan, 2006; De Novo Planning Group, 2014

4. Capacity to Meet Remaining RHNA Need

Based on constructed units and the current projects, the City has adequate approved and entitled projects to meet the City’s moderate and above moderate income needs. The City has a total RHNA allocation of 175 moderate and 502 above moderate units. The single family and multifamily development projects identified in Table 10-56, which identifies a total of 4,991 single family and 567 multifamily units, is more than adequate

to accommodate the City’s allocation of 677 moderate and above moderate income units.

The City has a total allocation of 489 extremely low, very low, and low income units. The 6.37-acre portion of the CBH site has been approved and entitled for 105 units pursuant to a density bonus agreement with the project applicant. Construction is underway on 29 units (3 extremely low, 15 very low, 11 low, and 1 moderate income units) on a portion of the 6.37-acre site and capacity remains for an additional 75 units, consistent with the density bonus agreement and project entitlements.

After accounting for the CBH site, the City has 386 lower income units of the RHNA remaining to be accommodated. As identified by Government Code Section 65583.2(c)(3)(B)(i), a default density allowing at least 30 units per acre is appropriate to accommodate housing for lower income (extremely low, very low, and low) households for jurisdictions in metropolitan counties. The City’s non-entitled multifamily sites have densities of 9 and 12 units per acre. The City’s multifamily sites in the East Cypress Corridor Specific Plan allow densities of 9 and 12 units per acre and a maximum density of 20 units per acre with an affordable housing overlay. With the maximum density bonus available, these sites would allow 12.15 units per acre (M-9 x 1.35), 16.2 units per acre (M-12 x 1.35), and 27 units per acre (East Cypress 20 x 1.35). None of these densities are adequate to accommodate the City’s remaining allocation of 386 lower income units. The Housing Plan includes a program to rezone sites with the AHO designation accommodate the remaining need of 386 units. While the default density that can be assumed for Oakley to accommodate lower income housing is 30 units per acre, the AHO designation, with a base density of 24 units per acre for affordable housing projects, has successfully accommodated affordable housing in Oakley and is considered appropriate to continue to accommodate the City’s lower income housing needs.

a. Feasibility Analysis – AHO Designation and Lower Income Housing Sites

Recent projects in Oakley include the Oak Ridge Family Apartments, Oak Meadow Family Apartments, and Oak Forest Senior Villas. The Oak Forest Senior Villas was constructed in 2010; the Oak Ridge Family Apartments and Oak Meadow Family Apartments are currently under construction. Each of these projects provides 100% of units restricted to extremely low, very low, and low income households, with the exception of one manager unit in each project.

Recent Project Experience

Details regarding each project are provided in Table 10-57 below. The following analysis describes residential project experience, discusses market demand and trends, and describes the financial feasibility of developing affordable units in zones with a density that permits less than 30 units per acre.

**Table 10-57
RECENT AFFORDABLE RESIDENTIAL PROJECTS**

Project Name	Oak Ridge Family Apartments	Oak Meadow Family Apartments	Oak Forest Senior Villas
Zoning	AHO	AHO	AHO
Acres	1.25	1.39	1.61
Total Units	30	44	44
Type	4-story apartments (1, 2, and 3 bedroom units) with surface parking	4-story apartments (1, 2, and 3 bedroom units) with surface parking	4-story apartments (1 and 2 bedroom units) with surface parking
Year Built	Under construction	Under construction	2010

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Project Name	Oak Ridge Family Apartments	Oak Meadow Family Apartments	Oak Forest Senior Villas
Actual Density	24 du/ac	31.6 du/ac	27.3 du/ac
% of Max. Density	100% of base density, 74% of max. density with density bonus	132% of base density, 97.5% of max. density with density bonus	114% of base density, 84% of max. density with density bonus
Affordability	3 units - 30% AMI 30 units - 45% AMI 12 units - 50% AMI 11 units - 60% AMI 1 unit - manager	5 units - 30% AMI 11 units - 45% AMI 18 units - 50% AMI 6 units - 55% AMI 3 units - 60% AMI 1 unit - manager	5 units - 30% AMI 7 units - 45% AMI 22 units - 50% AMI 9 units - 60% AMI 1 unit - manager
Land Assemblage	Multiple parcels assembled by developer and re-mapped through tentative parcel map	Multiple parcels assembled by developer and re-mapped through tentative parcel map	Multiple parcels assembled by developer and re-mapped through tentative parcel map
Total Development (Land, Construction, Permits, etc.) Cost per Unit	\$240,787	\$268,526	\$209,248
Land Cost per Unit	\$11,759	\$14,545	\$28,409
Land to Development Cost Ratio	4.9%	5.4%	13.6%
Per Unit Gap Financing	\$51,676 (Contra Costa County HOME Consortium loan and SLAH funds)	\$5,000 (Affordable Housing Program Grant - FHLBSF)	\$6,841 (Affordable Housing Program Grant - FHLBSF)

Source: City of Oakley, 2014; TCAC Applications

**Low Income Housing Tax Credit is not included in the gap financing as it is assumed that a successful lower income project will receive an LIHTC allocation as the primary source of financing.*

Market Demand and Trends

The City's regional housing needs allocation demonstrates anticipated market demand for new housing between 2014 and 2022. The City's allocated new housing demand is 489 units for lower (extremely low, very low, and low income) households from 2014 through 2022. In addition, the City has 3,035 existing lower income households that are overpaying for housing that may support additional market demand for units restricted to and affordable to lower income households.

As demonstrated in Table 10-57, housing trends to accommodate the City's lower income housing needs in recent years have been primarily multi-family apartment complexes, developed at densities of 24 to 31.6 dwelling units per acre. Most of these development projects have received density bonuses to accommodate higher densities to maximize benefits of the base zoning (Affordable Housing Overlay – 24 units per acre).

The AHO designation encourages affordable development by providing an increase in density to the 24 units per acre base density only to projects that include units affordable to very low and low income households.

This process encourages development of affordable housing and also encourages use of the density bonus by specifically specifying and encouraging use of the density bonus to accommodate higher densities, up to 32.4 units per acre, on the AHO sites.

Financial Feasibility

Recent projects in Oakley demonstrate the feasibility of constructing affordable housing on sites zoned for less than 30 units per acre. Affordable projects have been successfully planned, financed, and developed on sites that accommodate 24 dwelling units per acre through the AHO designation.

Each of the projects identified in Table 10-57 used tax credits as the primary source of financing, through the state's Tax Credit Allocation Committee LIHTC program. However, even with use of tax credits, each project had a remaining financing gap. The financing gap ranged from \$5,000 to \$51,676 per residential unit and was filled through various funding sources, including Contra Costa County HOME Consortium funds, Contra Costa County Summer Lake Affordable Housing (SLAH) funds, and Federal Home Loan Bank Affordable Housing Program (AHP) funds. Funding through the Contra Costa County HOME Consortium, Contra Costa Urban County CDBG Program, and Federal Home Loan Bank AHP funds continue to be available to assist in filling the financing gap for future development projects.

The Oak Ridge Family Apartments, Oak Meadow Family Apartments, and Oak Forest Senior Villas projects were each constructed on AHO sites that permit 24 units per acre. The Oak Meadow Family Apartments and Oak Forest Senior Villas projects received density bonuses and were constructed at 31.6 and 27.3 units per acre, respectively. This demonstrates that the AHO zoning, which allows a base of 24 units per acre for affordable housing projects, is sufficient and appropriate to accommodate lower income development in Oakley. It is noted that the projects developed on AHO sites are not only appropriate for low income households, but included a significant number of units affordable to extremely low and very low income housing.

While no regional studies have been conducted recently to determine typical affordable housing densities in the east Contra Costa County area or the broader region, recent affordable housing projects in the east county region include The Grove at Sunset Court with a density of 17 units per acre (54 units on 3.18 acres) in nearby Brentwood.

B. AT-RISK ASSISTED UNITS

State Housing Element Law requires the analysis of government-assisted housing that is eligible to change from low-income to market-rate housing during the 2007-2014 planning period and the five years subsequent (2015-2019). For the purpose of Housing Element Law, assisted housing developments are defined as multifamily rental housing complexes that receive government assistance under federal, State, and/or local programs. Housing assistance could include a rental subsidy, mortgage subsidy or density bonus for an assisted housing development. Government assisted housing may convert to market-rate for a number of reasons including expiring subsidies, mortgage repayments or expiration of affordability restrictions.

This section will address:

- An inventory of assisted housing units that are at-risk of converting to market rate housing;
- An analysis of the costs of preserving and/or replacing these units; and
- Resources that could be used to preserve at-risk units.

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1. Inventory of Assisted Affordable Units

There are a total of 620 assisted housing units in Oakley. Of those units, none are “at-risk” of losing their affordability during the 2007-2014 planning period; 33 units are “at-risk” of losing their affordability between the years 2015-2019. Table 10-58 is an inventory of affordable housing units that are not at-risk between 2007 and 2019.

**Table 10-58
INVENTORY OF ASSISTED UNITS**

Project	Address / APN	Type of Unit	Program	Term of Affordability Restrictions/	Total Units	Assisted Units
Oakley Family Apartments	53 Carol Ln.	Family	LIHTC	2063	208	205
Oakley Place Senior Villas	65 Carol Lane	Senior	LIHTC/ County/RDA	2063	54	53
Oak Grove Terrace	67 Carol Ln.	Senior	LIHTC	2063	54	53
Oak Forest Senior Villas	71 Carol Lane	Senior	LIHTC	2065	44	43
Golden Oak Manor	5000 Kelsey	Family	LIHTC	2036	50	49
Silver Oaks	4991 Gardenia	Disabled	HOME Funds/ HUD 202/811	2039	23	23
Oakley Summer Creek	4950 Empire Avenue	Senior	LIHTC/City Funds/ RDA	2056	80	79
Cypress Grove	2000 Rubens Way	Family	LIHTC; Housing Fund; Tax Exempt Bond; HOME Funds	2061	96	95
Habitat for Humanity Homes	035-313-004, 035-313-009	Family		2050	9	9
TOTAL					618	609

Source: City of Oakley

There are no assisted housing developments that are at-risk of converting from an affordable status to market rate in the next ten years. The earliest potential conversion, Golden Oak Manor, is in 2036. As there are no units at-risk of converting, a discussion of the cost to preserve affordability through new construction, rehabilitation, and/or subsidies is not required.

d. Resources for Preservation

There are a variety of federal, state and local housing programs to assist in the provision of affordable housing through new construction, acquisition/rehabilitation, and subsidies. The following summarizes the financial resources potentially available to developers and other entities interested in providing affordable housing and related services in the City of Oakley.

i. *Federal and State Programs*

Community Development Block Grants (CDBG) – CDBG funds are awarded to entitlement communities on a formula basis for housing activities. Funding is awarded on a competitive basis to each participating city. Activities eligible for CDBG funding include acquisition, rehabilitation, economic development and public services. The City of Oakley participates in the Urban County program, through which Contra Costa County administers CDBG funds for the unincorporated County as well as cities that participate in the program. The City may receive funds, on a competitive basis, through the Urban County program.

HOME Investment Partnership – HOME funds are granted by a formula basis from HUD to increase the supply of decent, safe, sanitary, and affordable housing to lower income households. Eligible activities include new construction, acquisition, rental assistance and rehabilitation. Oakley participates in the Contra Costa County-administered HOME Consortium, which administers HOME funds to projects in participating jurisdictions. HOME funds are typically allocated on a competitive basis.

Section 8 Housing Choice Voucher Program. The Section 8 Housing Choice Voucher Program provides monthly rental assistance payments to private landlords on behalf of low-income families who have been determined eligible by the Housing Authority of Contra Costa County. The program's objective is to assist low-income families by providing rental assistance so that families may lease safe, decent, and sanitary housing units in the private rental market. The program is designed to allow families to move without the loss of housing assistance. Moves are permissible as long as the family notifies the Housing Authority ahead of time, terminates its existing lease within the lease provisions, and finds acceptable alternate housing.

Section 8 – Project Based Assistance. The Section 8 Project-Based program is a component of the Housing Choice Voucher program. The program's objective is to induce property owners to make standard housing available to low-income families at rents within the program limits. In return, the Housing Authority or HUD enters into a contract with the owner that guarantees a certain level of rents. *Section 811/202 Program (Supportive Housing for Persons with Disabilities/Elderly)* – Non-profit and consumer cooperatives can receive no interest capital advances from HUD under the Section 202 program for the construction of Very-Low Income rental housing for seniors and persons with disabilities. These funds can be used in conjunction with Section 811, which can be used to develop group homes, independent living facilities and immediate care facilities. Eligible activities include acquisition, rehabilitation, new construction and rental assistance.

Affordable Housing Innovation Program (AHIP) – Loan and Practitioner Funds. The AHIP provides acquisition financing to developers, through a non-profit fund manager, for the development or preservation of affordable housing.

Building Equity and Growth in Neighborhoods (BEGIN). BEGIN provides grants to local jurisdictions to make deferred payment second mortgage loans to qualified first-time low- and moderate-income home buyers for the purchase of eligible newly constructed homes. No current funding is offered for this program.

California Housing Finance Agency (CalHFA) Multifamily Programs – CalHFA's Multifamily Programs provide

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permanent financing for the acquisition, rehabilitation, and preservation or new construction of rental housing that includes affordable rents for Low and Moderate Income families and individuals. One of the programs is the Preservation Acquisition Finance Program that is designed to facilitate the acquisition of at-risk affordable housing developments and provide low-cost funding to preserve affordability.

CalHOME Program. CalHome provides grants to local public agencies and non-profit developers to assist households in becoming homeowners. CalHome funds may be used for predevelopment, development, acquisition, and rehabilitation costs as well as downpayment assistance.

California Housing Finance Agency (CHFA). CHFA offers permanent financing for acquisition and rehabilitation to for-profit, non-profit, and public agency developers seeking to preserve "at-risk" housing units. In addition, CHFA offers low interest predevelopment loans to nonprofit sponsors through its acquisition/rehabilitation program.

Emergency Housing and Assistance Program (EHAP). EHAP provides funds to local government agencies and non-profit corporations for capital development activities and facility operation for emergency shelters, transitional housing and safe havens that provide shelter and supportive services for homeless individuals and families. No current funding is offered for this program.

Emergency Solutions Grant. The purpose of the Emergency Shelter Grants Program is to provide emergency shelter and related services to the County's homeless populations. Eligible activities include: the rehabilitation and conversion of buildings for use as emergency shelters; the provision of essential services to the homeless; operating support for emergency shelters; and homeless prevention/rapid rehousing activities. ESG funds administered by Contra Costa County can be used within the Urban County.

Federal Home Loan Bank System. The Federal Home Loan Bank System facilitates Affordable Housing Programs (AHP), which subsidize the interest rates for affordable housing. The San Francisco Federal Home Loan Bank District provides local service within California. Interest rate subsidies under the AHP can be used to finance the purchase, construction, and/or rehabilitation of rental housing. Very low income households must occupy at least 20 percent of the units for the useful life of the housing or the mortgage term.

Infill Infrastructure Grant Program. The program funds infrastructure improvements to facilitate new housing development with an affordable component in residential or mixed use infill projects and infill areas.

Joe Serna Jr. Farmworker Housing Grant Program (Serna). The Serna program finances the new construction, rehabilitation and acquisition of owner- and renter-occupied housing units for agricultural workers, with a priority for lower income households. No current funding is offered for this program.

Low Income Housing Tax Credits. The California Tax Credit Allocation Committee (CTCAC) administers the federal and state Low-Income Housing Tax Credit Programs. Both programs were created to encourage private investment in affordable rental housing for households meeting certain income requirements. Under these programs, housing tax credits are awarded to developers of qualified projects. Twenty percent of federal credits are reserved for rural areas, and ten percent for non-profit sponsors. To compete for the credit, rental housing developments have to reserve units at affordable rents to households at or below 46 percent of area median income. The assisted units must be reserved for the target population for 55 years. The federal tax credit provides a subsidy over ten years towards the cost of producing a unit. Developers sell these tax benefits to investors for their present market value to provide up-front capital to build the units. Credits can

be used to fund the hard and soft costs (excluding land costs) of the acquisition, rehabilitation, or new construction of rental housing. Projects not receiving other federal subsidy receive a federal credit of nine percent per year for ten years and a state credit of 30 percent over four years (high cost areas and qualified census tracts get increased federal credits). Projects with a federal subsidy receive a four percent federal credit each year for ten years and a 13 percent state credit over four years. The CTCAC also administers a Farmworker Housing Assistance Program and a Commercial Revitalization Deduction Program.

Low-Income Housing Preservation and Residential Home Ownership Act (LIHPRHA). LIHPRHA requires that all eligible HUD Section 236 and Section 221(d) projects “at-risk” of conversion to market-rate rental housing through the mortgage prepayment option be subject to LIHPRHA Incentives. The incentives to owners include HUD subsidies which guarantee owners an eight percent annual return on equity. Owners must file a Plan of Action to obtain incentives or offer the project for sale to a) non-profit organizations, b) tenants, or c) public bodies for a 12 month period followed by an additional three-month sale to other purchasers. Only then are owners eligible to prepay the subsidized mortgages.

Multifamily Housing Program (MHP). The MHP program provides low interest loans to developers of affordable rental and transitional housing projects. Funds may be used for new construction, rehabilitation, acquisition and rehabilitation, or conversion of non-residential structures.

Preservation Interim Repositioning Program (PIRP). PIRP is a short-term loan program designed to preserve housing at risk of conversion to market rates. Only non-profits, dedicated to the provision of affordable housing, may apply. Local matching funds, together with PIRP funds, may not exceed 20 percent of total costs. No current funding is offered for this program.

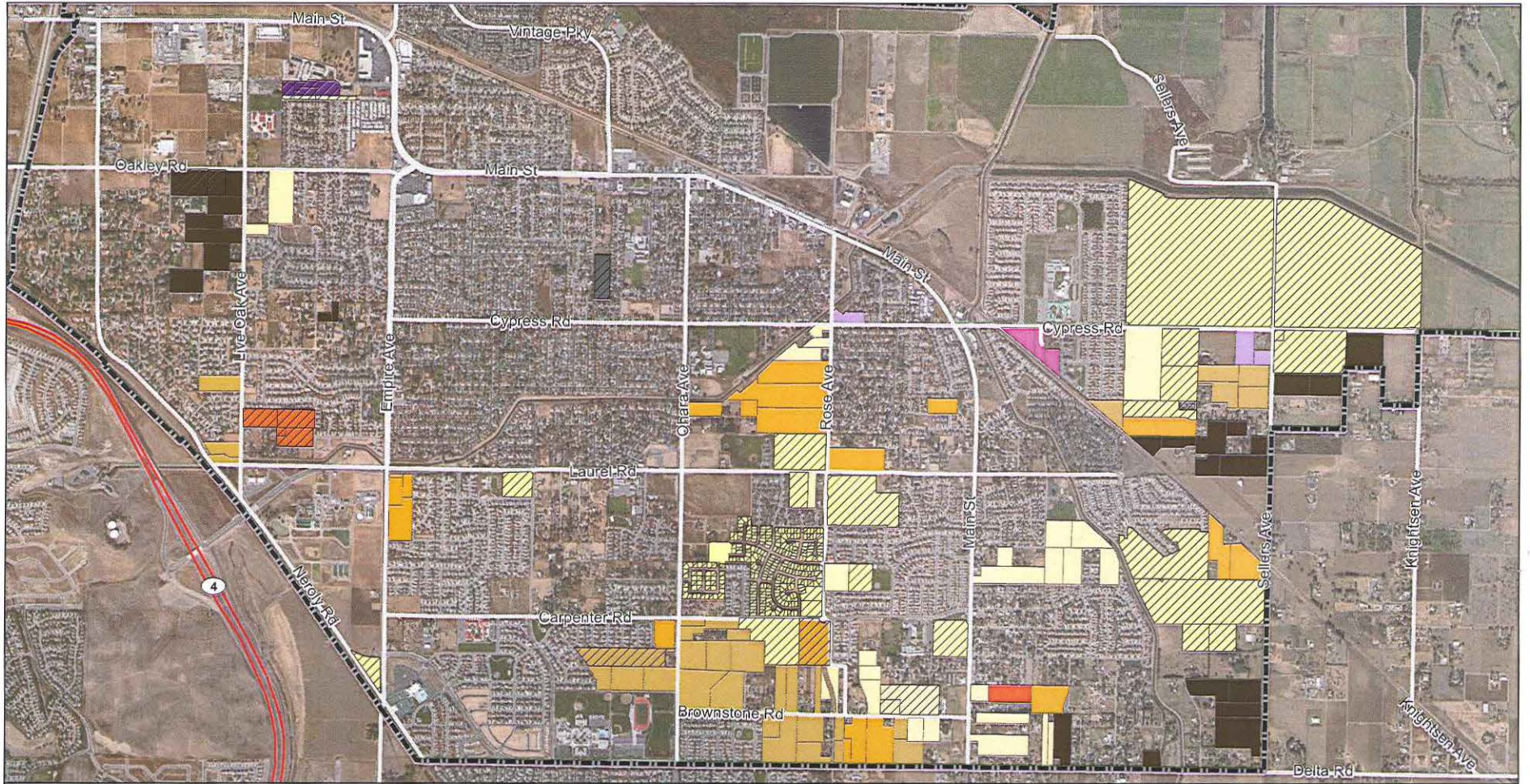
California Community Reinvestment Corporation (CCRC) – The California Community Reinvestment Corporation is a multifamily affordable housing lender whose mission is to increase the availability of affordable housing for Low Income families, seniors and residents with special needs by facilitating private capital flow from its investors for debt and equity to developers of affordable housing. Eligible activities include new construction, rehabilitation and acquisition of properties.

iii. Local Programs

With the statewide closure of redevelopment agencies, the City of Oakley no longer has a dedicated program and funding source to directly assist with the development of affordable housing. Local programs, such as the density bonus program and related incentives, are discussed in Chapter II.

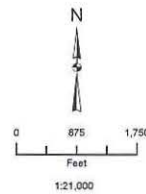
iv. Qualified Entities to Preserve At-Risk Units

24 non-profit corporations currently working in Contra Costa County and 96 entities working statewide have the experience and capacity to assist in preserving at-risk units. These organizations are tracked by HCD and up-to-date contact information for each entity can be obtained via the HCD website at: <http://www.hcd.ca.gov/hpd/hrc/tech/presrv/>.



Zoning Designations

 P-1	 M-17	 R-15	 Entitled
 P-1-NP	 R-6	 R-40	 Oakley City Boundary
 M-9	 R-10		
 M-12	 R-12		



CITY OF OAKLEY HOUSING ELEMENT

Figure HO-1: Inventory of Housing Sites

Data sources: Citra Camera Crown GIS; ESRI StreetMap North America; InGIS Online World Imagery. Map date: June 3, 2014

V. EFFECTIVENESS OF PREVIOUS HOUSING ELEMENT

Accomplishments under the 2009 Housing Element are evaluated in this chapter in order to determine the effectiveness of the previous housing element, the City's progress in implementing the 2009 Housing Element, and the appropriateness of the housing goals, objectives, and policies. This evaluation is conducted pursuant to Government Code Section 65588.

A. REVIEW OF THE PREVIOUS HOUSING ELEMENT

The 2009 Housing Element program strategy focused on the accomplishment of policies and implementation of programs to encourage the production of new housing, including affordable and special needs housing, to encourage the rehabilitation and weatherization of existing housing, revisions to the City's Zoning Ordinance to remove constraints and address requirements of State law, to provide housing opportunities for extremely low income households, the elderly, disabled persons, large families, and homeless, including at-risk, persons through provision of appropriate programs and removal of constraints to development of units appropriate for these populations, and to encourage fair housing and non-discrimination. The 2009 Housing Element identified the following goals:

- **Goal 1 Production of New Housing.** Provide adequate sites to accommodate the City's share of regional housing needs through appropriate zoning and development standards; and where appropriate, removal of identified governmental constraints to the development of housing.
- **Goal 2: Rehabilitation of Existing Housing Stock.** Conserve and improve the condition of existing housing stock for all income levels.
- **Goal 3: Preservation and Conservation of Existing Housing Resources.** Preserve existing affordable housing and maintain community character.
- **Goal 4: Increase Access to Housing Opportunities.** Promote housing opportunities for all persons, regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status or disability.

The 2009 Housing Element included policies actions to achieve the identified goals. Table 10-60 analyzes each policy action provided in the 2009 Housing Element, describing the results of the program and recommending whether each policy action should be kept, modified, or removed in this update to the Housing Element.

B. APPROPRIATENESS AND EFFECTIVENESS OF HOUSING ELEMENT

The overarching goals and policies of the 2009 Housing Element continue to be appropriate to encourage the City's housing goals and will be kept in the Housing Plan. The 2009 Housing Element included policy actions that are appropriate to meet the requirements of State law. The City has maintained consistency with the policy actions in the 2009 Housing Element and implemented many programs, as described below. The policy actions related to maintaining the housing stock, providing adequate housing sites, encouraging new housing, ensuring fair housing opportunities, and encouraging energy efficiency continue to be relevant and applicable.

As discussed in Table 10-59, the majority of housing programs have been effective or are necessary and the intent of these programs will be kept in the Housing Element, with revisions to address identified specific housing needs, constraints, or other concerns identified as part of this update.

During the 2007-2014 Housing Element period, a total of 1,609 housing units were constructed. The City was extremely proactive in ensuring the Housing Element's effectiveness through rezoning adequate sites to

10.0 – HOUSING ELEMENT

accommodate affordable housing and taking multiple steps to reduce constraints to housing development. Of the 1,609 housing units, 404 are affordable to lower income households (10 – extremely low, 214 – very low, and 180 – low) and 874 are affordable to moderate income households. Three senior affordable housing projects were developed, totaling 152 units. Large families were assisted through 105 units affordable to lower income households. The City updated its density bonus ordinance, accommodated emergency shelters, and revised the Affordable Housing Overlay designation.

The Housing Plan included in this 2014 Housing Element includes modifications to make programs more effective, clarify objectives, and ensure that the programs are implementable. See the Housing Plan for the goals and policy actions of this Housing Element.

C. SHORTCOMINGS OF THE PREVIOUS HOUSING ELEMENT

There were no significant shortcomings of the Housing Element. During a period where the housing market struggled, the City achieved substantial success in providing housing at a range of affordability levels as well as a variety of housing types to serve various populations, including families, seniors, large households, and lower income households. The full number of extremely low income units was not constructed; however, this is not due to a lack of effort but rather a lack of funding sources necessary for the deep subsidies required for extremely low income units. However, 10 extremely low income units were constructed and 3 more are under construction. Several policy actions require refining in order to fully address requirements of State law related to transitional and supportive housing as discussed in the table below.

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
<p><u>Policy Action 1.1: Provision of Adequate Sites to Meet Remaining RHNA Need.</u> To ensure the availability of adequate sites to accommodate the City's projected future construction needs by income category, the City shall review existing entitlements for the Corporation for Better Housing site(s) referred to in Appendix B: Land Resources of the 2009 Housing Element. The City shall enter into an agreement with the Corporation for Better Housing to provide 88 Extremely-Low Income units.</p>	<p>Sites for 88 extremely low income units</p>	<p>The City has worked with CBH to provide affordable units in a 17.95-acre affordable housing community and entered into an agreement with CBH to accommodate 88 extremely low income units, if adequate funding is available. To date, 404 low income units have been provided, including 10 extremely low income units. An additional 105 lower income units have been approved on the remaining 6. acres of the CBH site; 29 of these units are under construction (3 extremely low, 15 very low, 11 low, and 1 moderate) and the remaining 75 units are required to be affordable to lower income households, including extremely low. While 88 extremely low income units have not been constructed due to a lack of financial resources, this program has been very successful in ensuring that affordable housing provides an extremely low income component.</p>	<p>This program will be kept in the Housing Plan, but will be revised to ensure adequate sites for the City's RHNA for the 2014-2022 cycle.</p>
<p><u>Policy Action 1.2: Rezoning for Consistency with the General Plan</u> Upon incorporation, the City inherited the Contra Costa County General Plan and Zoning. In 2002, the City adopted its first General Plan. Thereafter, the City began a rezoning program to establish consistency between the City's General Plan land use designations and the Official Zoning Map. The City shall complete the rezoning program, including the rezoning of land to designations appropriate for residential development.</p>		<p>In 2011, the City rezoned residential properties to be consistent with the General Plan and to provide additional sites for residential development.</p>	<p>This program has been implemented and will be removed from the Housing Plan.</p>
<p><u>Policy Action 1.3: Amend Density Bonus Ordinance</u> The City's existing Density Bonus Ordinance provides for incentives, concessions, and other regulatory procedures that</p>		<p>In September 2010, the City revised the Density Bonus Ordinance to be consistent with State law. This program has been successful in encouraging affordable housing. The CBH</p>	<p>The program has been implemented and will be updated accordingly.</p>

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
<p>facilitate and encourage the development of affordable housing in the community. To further the effectiveness of the Density Bonus Ordinance, the City shall review and revise the existing Density Bonus Ordinance as required by recent legislation (AB 2280) and any future revisions to State density bonus law.</p>		<p>project has applied for and received two density bonuses, which have resulted in the approval of 510 affordable units, 404 of which have been developed, 29 are under construction, and the remaining units are anticipated to be constructed during the 2014-2022 RHNA cycle.</p>	
<p><u>Policy Action 1.4: Review and Revise Development Fees</u></p> <p>The City will monitor required development fees including in-lieu fees, development impact fees and processing fees, with the aim of reducing constraints on the development of affordable residential projects, including, but not limited to, senior housing, housing for farmworkers, emergency/transitional housing, and housing for persons with disabilities. To respond to changing local market conditions during the planning period, the City shall revise required development fees, if it is deemed appropriate.</p>		<p>Development fees were reviewed and revised as part of the Fee Schedule Update approved in August 2009. Development impact fees for multi-family units were adopted at lower rates than the development impact fees for single family units, in order to encourage multi-family development and remove constraints to housing for special needs populations. The traffic impact fee for senior residential development was reduced as well to remove constraints to senior housing. In 2011, the City adopted a Fee Reduction Incentive Program, which reduces select development impact fees in order to incentivize construction of residential development, particularly finished single family lots. In 2013, the Fee Reduction Incentive Program was extended through June 30, 2015.</p>	<p>This program will be kept in the Housing Element.</p>
<p><u>Policy Action 1.5: Promote Energy-Conserving Programs</u></p> <p>To enhance the efficient use of energy resources, the City shall develop an energy conservation strategy that includes but is not limited to programs that: 1) provide incentives for developments utilizing green building techniques and sustainable design; 2) promote programs offered by PG&E; 3) develop green building and sustainable design standards; 4) provide educational materials and technical assistance; and 5) encourage green building and energy conservation in projects</p>		<p>The City has adopted the California Energy Code and CalGreen (the California Green Building Standards Code) and performs plan review to ensure projects meet the requirements of State codes for energy use. The City supports the East Bay Energy Watch, a collaboration between PG&E and local governments that assists residents with reducing energy use through Green House Calls, SmartSolar, and</p>	<p>This program has been successful and will be updated and kept in the Housing Element.</p>

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
utilizing the City’s rehabilitation program or in other City-assisted new construction.		Energy Upgrade California programs, and provides information regarding rebates and other incentives for switching to energy-efficient appliances, roofs, windows, and fixtures.	
<p><u>Policy Action 1.6: Encourage Residential Development in Areas Served by Public Transit</u></p> <p>To encourage residential development in areas where regular transit service exists or is anticipated to serve, the City shall establish and utilize a criteria of proximity to public transit in the review of proposed residential development. The City shall continue to offer various incentives to developers for transit-serving development, including but not limited to reduced parking standards and reduced setback requirements.</p>		The City did not adopt a city-wide standard for proximity to transit as it may serve as a constraint on residential development but rather encouraged high density and mixed use residential uses in proximity to transit through the Downtown Specific Plan. In 2010, the City adopted the Downtown Specific Plan which is within ½ mile of public transit. The DSP encourages residential transit-serving development through allowing reduced parking, reduced setbacks (in comparison to other zones), and densities up to 45 dwelling units per acre. The General Plan also supports high density development near transit corridors.	This program has been successful and will be updated and kept in the Housing Element.
<p><u>Policy Action 1.7: Develop an Inventory of Available Land Resources</u></p> <p>The City shall develop an inventory that details the amount, type, and size of vacant and underutilized parcels to assist developers in identifying land suitable for residential development. The City will include the land inventory in the City’s comprehensive housing outreach strategy.</p>		The City developed a comprehensive map of vacant and underutilized parcels. The map has been updated and an inventory, including APNs, acreage, zoning, and General Plan designation, has been created to assist developers in locating housing sites.	This program will be kept in the Housing Element.
<p><u>Policy Action 1.8: Inclusionary Housing Requirements</u></p> <p>In accordance with California Community Redevelopment Law, the City’s Redevelopment Agency requires production of affordable housing units in conjunction with Agency-developed housing or in housing projects within the Redevelopment Project Areas. The City will continue to implement the provisions of the adopted Inclusionary Ordinance and monitor</p>		During the 2007-2014 planning period, 434 lower and moderate income units were constructed within the former RDA boundary. With the State-mandated closure of the RDA, the associated inclusionary housing program has ended.	While this program has been successful, it will be removed from the Housing Element as it is no longer active due to the closure of the RDA.

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
<p>the program through the annual review and reporting of the Housing Element.</p>			
<p><u>Policy Action 1.9: Encourage Infill Development</u></p> <p>The City will encourage infill development as a means to provide additional opportunities for the construction of owner and rental housing units. The City shall encourage and facilitate infill development through proactive and coordinated efforts with the Planning Department, private development and non-profit entities, and other housing related groups. Through these efforts, the City's aim is to encourage the construction of residential development affordable to Extremely-Low, Very-Low, Low and Moderate Income households through a menu of incentives, such as streamlined review, reduced development standards, land assemblage, lot consolidation, fee assistance, and other methods. The City will provide information on potential infill development areas and available incentives as part of the City's comprehensive housing outreach strategy.</p>		<p>The City encourages infill development as identified by this policy. The City's map of vacant and underdeveloped sites that was prepared under Policy Action 1.7 specifically includes infill sites in order to encourage development of these sites. The City's Downtown Specific Plan also encourages infill and mixed use residential development.</p>	<p>This program has been successful and will be kept in the Housing Element.</p>
<p><u>Policy Action 1.10: Jobs-Housing Balance Evaluation</u></p> <p>Jobs-housing balance is a measure of the harmony between employment and dwelling units in a specific area. A low jobs-housing ratio indicates a housing rich "bedroom community," while a high jobs-housing ratio indicates an employment center. In areas where jobs and housing are in balance, residents on average commute shorter distances and spend less time in cars, reducing transportation-related environmental impacts and improving quality of life. The City shall promote a jobs/housing balance in the community by analyzing the status of jobs and housing within the community and providing information to large employers of new commercial and industrial projects on housing developments within the community.</p>		<p>The City maintains a comprehensive list of approved and development subdivisions and affordable housing projects within the City. This list is available to large employers within the City. The City's Downtown Specific Plan encourages a mix of uses, including retail, office, entertainment, restaurant, civic, and residential uses, to provide more employment opportunities and improve the overall jobs/housing balance.</p>	<p>This program has been successful and will be kept in the Housing Element.</p>

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
<p><u>Policy Action 1.11: Annual Review and Reporting of Housing Element Progress</u></p> <p>As required by State law, the City will conduct an annual progress review for the 2007-2014 Housing Element. This review will include the following information: a log of new residential development permits and completion reports; inventory of units built in the Extremely-Low, Very-Low, and Low Income categories; an update or inventory of approved projects; an annual estimate of population from the State Department of Finance; and available vacant land and zoning survey. The annual review will serve as proactive tool to monitor the effectiveness of the Housing Element’s policy program and can help identify necessary changes to successfully implement the City’s housing goals and policies.</p>		<p>The City has prepared annual progress reports each year and submitted the progress reports to HCD. This program has assisted the City in implementing the Housing Element and tracking the effectiveness of the Housing Element.</p>	<p>This program has been successful and will be kept in the Housing Element.</p>
<p><u>Policy Action 1.12: Affordable Housing Overlay</u></p> <p>To encourage affordable housing development in Oakley, the City has adopted an Affordable Housing Overlay (AHO). The AHO allows higher densities for projects on sites zoned Multi-Family High and meeting state density bonus requirements. The AHO also provides development standards consistent with the higher density allowed. To ensure effectiveness in implementation, the City shall revise the AHO to clarify that 24 dwelling units per acre will be used to calculate the base density under the density bonus provisions for qualifying projects. The City shall review and revise other provisions in the AHO to ensure consistency with the permitted base density, as appropriate. In addition, the City will consider other zones to apply the AHO to ensure future opportunities for affordable housing.</p>		<p>The City revised the AHO as described in Policy Action 1.12, including revisions to specify 24 dwelling units per acre as the base density and to identify the maximum density with density bonus in order to make the AHO easier to implement. The AHO was applied to the CBH site to increase the density and encourage affordable housing.</p>	<p>This program will be kept in the Housing Element, but will be revised as described in Chapter III.</p>

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
<p><i>Policy Action 2.1: Rehabilitation of Existing Housing Units</i></p> <p>The City will continue to encourage the rehabilitation of existing housing units by providing information on programs available to assist in housing rehabilitation, such as the Contra Costa County Rental Rehabilitation Loan Program, the HUD 203(k) program, and additional programs as they become available through the City’s website, at City Hall and in conjunction with the City’s code enforcement program.</p>		<p>The City provides links to the Contra Costa County Rental Rehabilitation Loan Program and the HUD 203(k) program on the City’s website. The City does not operate a housing rehabilitation program at this time. While this program provides information for owners of rental housing that are interested in rehabilitation, it does not provide guidance to individual homeowners. A link should also be provided to the Contra Costa County Neighborhood Preservation Program (NPP), which provides housing rehabilitation assistance to jurisdictions in the Urban County CDBG program.</p>	<p>This program will be kept in the Housing Element, but will be revised to provide a link to the NPP website (www.cccounty.us/4334/Neighborhood-Preservation-Program) and to explore options to ensure dedicated housing rehabilitation funds through the Urban County CDBG program, State-administered CDBG program, and through either the County- or State-administered HOME programs.</p>
<p><i>Policy Action 2.2: Proactive Code Enforcement</i></p> <p>Within current staffing limits, the City will develop a proactive code enforcement strategy to enforce the City’s Building Code to address existing exterior and interior code violations that affect single-family and multi-family housing units. The proactive code enforcement strategy will include identifying focus areas with high concentrations of substandard housing, contacting owners of units identified as substandard, offering inspection services, and providing information on the City’s Single-Family Rehabilitation Loan and Grant Program available through the Redevelopment Agency.</p>		<p>The City has adopted and implemented a Property Maintenance Program and a Residential Rental Inspection Program in order to ensure that the condition of housing is reviewed and the housing codes are proactively enforced. The Property Maintenance Program requires residences to be maintained in habitable, safe conditions and addresses a range of potentially unsafe building conditions, including broken windows, paint deterioration, boarded up windows/doors, damaged conditions, unsafe wiring or gas connections, sanitation facilities, and yard maintenance. The Residential Rental Inspection program requires an annual inspection of rental units from the public right-of-way.</p>	<p>This program will be revised to ensure on-going implementation of the Property Maintenance Program and the Residential Rental Inspection Program as well as to change the information provided to owners of property in need of repair since the RDA housing rehabilitation program no longer exists.</p>

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
<p><u>Policy Action 2.3: Infrastructure Preservation Program</u></p> <p>The City will continue to implement the Infrastructure Preservation Program through the City’s Capital Improvement Program to ensure that infrastructure facilities are adequately maintained and do not contribute to the deterioration of neighborhoods.</p>		<p>The City updates the Capital Improvement Program annually to plan and schedule infrastructure improvements. Improvements are based on adopted priorities and funding availability. The City aggressively implements CIP projects to ensure that the City has adequate infrastructure facilities. There are currently 15 capital improvement projects in process.</p>	<p>This program has been successful and will be kept in the Housing Element.</p>
<p><u>Policy Action 3.1: Monitor Assisted Housing Units</u></p> <p>The City has not identified any assisted housing units at-risk of converting to market-rate during the Planning Period. However, the City shall continue regularly monitor assisted housing units. The City will continue to maintain a database of assisted housing units. Annual reports, which are submitted by owners and managers of affordable units, will be filed with the Redevelopment Agency to ensure that all deed restrictions and agreements are in compliance.</p>		<p>The City maintains a list of affordable housing projects. For projects that have received City/RDA assistance, the City requires fiscal year financial information and proof of certification to be reported within 90 days of the end of the fiscal year. These reports are then audited to ensure that the properties are operated in compliance with deed restrictions and agreements. The City maintains active relationships with owners and management of affordable housing. This program has been successful in monitoring the affordable housing stock.</p>	<p>This program will be kept in the Housing Element.</p>
<p><u>Policy Action 3.2: Encourage Development of New Affordable Rental Housing for Remaining RHNA Need</u></p> <p>The City understands the importance of promoting the development of new rental housing affordable to lower income households where such development will promote a balanced inventory of housing types. The City shall encourage new affordable rental housing to meet the remaining RHNA need by continuing to offer regulatory and financial incentives such as a reduction in development standards, density bonuses, expedited permit processing, fee deferrals and public works modifications</p>	<p>88 extremely low income units</p>	<p>See Policy Action 1.1. During the planning period, the City entitled the CBH site for 509 affordable units. To date, 404 units, including 10 extremely low, 214 very low, and 180 low income units) have been constructed and an additional 30 affordable units are under construction. This program has been successful.</p>	<p>This program will be kept in the Housing Element.</p>

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
to allow cost savings to developers of affordable rental housing units.			
<p><u>Policy Action 4.1: Increase Access to Homeownership</u></p> <p>To increase access to homeownership for Very-Low, Low and Moderate Income households, the City will support homeownership programs carried out by non-profit housing corporations through provision of land, financial assistance and/or technical assistance. The City will explore partnering in local first-time homebuyer programs or identify first-time homebuyer programs that can be provided by the City. The City will disseminate information about the available programs through an informational brochure that will be provided at City offices, the library and the City website.</p>		<p>The City currently does not participate in any first time homebuyers programs. The City participates in the regional HOME and CDBG programs, but neither program currently provides first time homebuyer assistance. With the closure of the redevelopment agency, the City has lost a significant source of funding for affordable housing, including potential funding for first time homebuyer programs. While this program has not resulted in any programs, this program will continue to be implemented as homebuyer assistance continues to be an important issue and is an on-going need.</p>	<p>This program will be kept in the Housing Element and will be revised to include specific actions the City will take to further explore potential homebuyer assistance opportunities.</p>
<p><u>Policy Action 4.2: Promote Fair Housing Standards</u></p> <p>The City will continue to encourage the enforcement of federal and state fair housing standards. The City will acquire and maintain fair housing materials to educate the community on a variety of fair housing issues. The City will develop information flyers and brochures in English and other languages, as appropriate, that highlight the provisions of federal and state fair housing laws. Materials will be distributed at public locations such as the library, senior center and City offices.</p> <p>The City’s Housing Analyst will continue to handle fair housing complaints and refer residents to the State Fair Employment and Housing Commission.</p>		<p>The City provides fair housing materials on the City’s website as well as through the City’s housing division and the Police Department. The City also provides a guide to tenant and landlord rights. The City refers persons with fair housing issues to the Contra Costa County Housing Services Collaborative, Housing Rights Inc., Pacific Community Services and Housing Rights, and Bay Area Legal Aid and also provides links to the California Department of Fair Housing and Employment, which provides fair housing materials in English and Spanish, and the federal Office of Fair Housing and Equal Opportunity. This program has been successful in providing information regarding fair housing to the City.</p>	<p>This program will be kept in the Housing Element.</p>

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
<p><u>Policy Action 4.3: Development of Housing for Extremely-Low Income Households</u></p> <p>The City encourages the development of housing units for households earning 30 percent or less of the median family income for Contra Costa County. Specific emphasis shall be placed on the provision of family housing and non-traditional housing types such as single-room occupancies, transitional facilities and housing units serving temporary needs. The City will encourage the development of housing for Extremely-Low Income households utilizing a variety of activities such as outreaching to housing developers through individual and group meetings, proactively seeking partnerships with housing developers, providing in-kind technical assistance, providing financial assistance or land write-downs when feasible, providing expedited processing, identifying grant and funding opportunities and providing support to developers in seeking funding, and/or offering additional incentives, such as density bonuses and parking reductions above and beyond those offered in the AHO.</p>	<p>88 extremely low income units</p>	<p>The City has worked to identify a site for extremely low income housing, approved a density bonus for the CBH project in order to accommodate and encourage lower income units, and has entered into an agreement with CBH to provide extremely low income units. To date, 10 extremely low income units have been constructed and an additional 3 are under construction. See Policy Action 1.1.</p>	<p>This program will be kept in the Housing Element and will be revised to include specific special needs groups.</p>
<p><u>Policy Action 4.4: Development of Housing for Large Families</u></p> <p>The recently adopted Zoning Ordinance encourages the development of units with three or more bedrooms to accommodate the needs of large families. The City shall encourage and support the development of rental and for-sale housing for larger families within future housing projects. The City will encourage developers to incorporate larger bedroom counts through activities and incentives such as technical assistance and flexibility in development standards.</p>		<p>The City continues to encourage housing for large families through the Zoning Ordinance. Single family subdivisions in the City typically include 3, 4, and 5 bedroom models. The City has encouraged larger units in affordable projects. To date, 105 3 affordable bedroom units have been provided on the CBH site and an additional 11 are included in the phase currently under construction.</p>	<p>This program will be kept in the Housing Element.</p>

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
<p><u>Policy Action 4.5: Reasonable Accommodation Procedures</u></p> <p>To accommodate the needs of persons with disabilities and provide a streamlined permit review process, the City will continue to implement reasonable accommodation procedures through the City’s Building Official. The City will continue to provide information on accommodation procedures and accept requests through the City’s website.</p>		<p>The City makes every effort to accommodate reasonable requests for accommodation from persons with disabilities. The City implements reasonable accommodation procedures and provides a streamlined permit review process for reasonable accommodation requests through the City’s Building Official. Requests may be submitted in person at City Hall or through the City’s website. It is difficult to determine how to submit a request through the City’s website, however. This program remains appropriate.</p>	<p>This program will be kept in the Housing Element, but will be revised to ensure that the City’s website is updated to make it more clear how to submit a request for reasonable accommodation.</p>
<p><u>Policy Action 4.6: Compliance with SB 2</u></p> <p>To comply with Senate Bill (SB) 2, the City will analyze and revise the existing Zoning Code to allow for emergency shelters, transitional housing and supportive housing to homeless individuals and families. The City will comply with the requirements of the State in the following manner:</p> <ul style="list-style-type: none"> • Provide at least one zoning category in which emergency shelters can be located without discretionary approvals. The subject zoning category(ies) shall include sites with sufficient capacity to meet the local need for emergency shelters. The City will permit emergency shelters by-right in the proposed Downtown Core Area Zone within the draft Downtown Specific Plan, or other suitable zone. . • Ensure the provisions of the Housing Accountability Act are enforced and prohibit the denial of emergency shelter/transitional/supportive housing facility via discretionary approvals if it is consistent with adopted regulatory standards. • Evaluate development standards and regulatory provisions to ensure that standards encourage rather than 		<p>The City implemented this program through updating the Zoning Code to allow for transitional and supportive housing and to identify a district to accommodate emergency shelters (Commercial Downtown District, implemented through the Downtown Specific Plan). However, transitional and supportive housing for seven or more persons requires a use permit in the residential zones. This requirement is not consistent with State law, as discussed in Chapter III. The City provided for emergency shelters, consistent with the requirements of State law, in the Downtown Specific Plan. Since adoption of the DSP, the district which allows emergency shelters has been developed. While this program was implemented, additional revisions to the City’s Zoning Code need to be made to address the requirements of State law.</p>	<p>This program will be revised to ensure that transitional and supportive housing is permitted as a residential use, subject to only those requirements of other residential uses in the same zone, consistent with State law.</p>

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
<p>discourage development.</p> <ul style="list-style-type: none"> Amend the Zoning Code to allow transitional/supportive housing as a residential use, subject only to those requirements of other residential uses in the same zone. 			
<p><u>Policy Action 4.7: Pursue Outside Funding Sources</u></p> <p>The City will continue to monitor sources of development financing through federal, state and private sources to assist affordable or special needs housing development. When available, the City will annually evaluate and pursue funds, as appropriate.</p>		<p>The City works cooperatively with affordable housing developers to explore outside funding sources. Although the City does not have available funds, staff has explored funding sources from other agencies in efforts to assist with affordable housing and special needs housing development. The City has had numerous meetings with housing developers to explore incentives and creative financing. The City supports applications for tax credits and bond financing for affordable housing.</p>	<p>This program will be kept in the Housing Element.</p>
<p><u>Policy Action 4.8: Provide Comprehensive Housing Information</u></p> <p>To ensure the Oakley community is provided the highest level of access to housing information, the City shall evaluate the effectiveness of existing outreach and community education efforts and develop a comprehensive outreach strategy. The outreach strategy will consider various methods and tools to inform and educate the community about the City’s housing programs, policies and resources, including print media, mailers, web-based information, and other methods that consider economic and cultural considerations unique to the City of Oakley.</p>		<p>The City continues to enhance its community outreach efforts, which include the use of e-mail, e-mail blasts, noticing in the local paper, encouraging articles in local publications and newspapers, posting information about upcoming events and meetings on the City’s website and at City Hall, and participation in community events. As potential outreach venues become known to the City, they are added to the community outreach strategy. This program has been successful in providing housing information through multiple venues and ensuring the community has access to housing-related meetings, documents, programs, and events.</p>	<p>This program will kept in the Housing Element.</p>

Table 10-59: 2009 HOUSING ELEMENT — PROGRAM EVALUATION MATRIX

Program	Quantified Objective	Evaluation / Results	Recommendations for the Housing Element Update
<p><u>Policy Action 4.9: Zoning to Encourage and Facilitate Single-Room Occupancy Units (SROs)</u></p> <p>The City understands the importance of single-room occupancy units to provide housing opportunities for lower-income individuals, persons with disabilities, the elderly and formerly homeless individuals. The City shall amend the Zoning Code to establish explicit definitions for and regulatory standards addressing single- room occupancy units. The Zoning Code will include development standards and permitting procedures that encourage and facilitate development of SRO housing, consistent with State law.</p>		<p>The City adopted Ordinance No. 13-10 in September 2010 to encourage and facilitate the development of SROs. Section 9.1.1218, allows SROs in the General Commercial district with a conditional use permit and identifies straight-forward standards to ensure that SROs provide adequate rooms and facilities to serve the targeted population, was added to the Zoning Code.</p>	<p>This program has been implemented and will be removed from the Housing Element.</p>

VI. HOUSING PLAN

A. GOALS AND POLICY ACTIONS

This section describes the City of Oakley’s Housing Plan for the 2014-2022 RHNA period and the 2015-2023 planning period. The Housing Plan identifies specific goals and presents specific policy actions necessary to address present and future housing needs, meet statutory requirements and consider the input by residents and stakeholders. In developing this Housing Plan, the City assessed its housing needs, evaluated the performance of existing programs, and collaborated with residents and stakeholders.

The City of Oakley has identified four broad areas of housing policy priorities:

- Production of New Housing
- Rehabilitation of Existing Housing Stock
- Preservation and Conservation of Existing Housing Resources
- Increase Access to Housing Opportunities

Goal 1: Production of New Housing

Provide adequate sites to accommodate the City’s share of regional housing needs, including housing for special needs groups, through appropriate zoning and development standards; and where appropriate, removal of identified governmental constraints to the development of housing.

Policy Action 1.1: Provision of Adequate Sites to Meet Remaining RHNA Need

To ensure the availability of adequate sites to accommodate the City’s projected future construction needs by income category, the City shall rezone adequate sites to accommodate 386 lower income units.

The sites shall be zoned to permit owner-occupied and rental multifamily residential use by right. At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed-uses are not permitted.

The City shall rezone the sites identified in Table 60 to include the Affordable Housing Overlay designation, which requires a minimum base density of 24 units per acre and allows up to 32.4 units per acre.

Table 60: Affordable Housing Overlay Designation Sites

APN	Acreage	Existing Condition	Zoning	Realistic Net Units - Existing Zoning*	Realistic Capacity - AHO
033012004 E. Cypress Rd	3.46	Undeveloped	M-12	33	90
033012005 211 E. Cypress Rd	2.39	One single family home	M-12	21	61
033012007 67 Van Pelt Lane	2.40	One single family home	M-12	22	61
033180007 6381 Sellers Ave	1.98	Two single family homes	M-9	11	48
033012009	1.11	One single family home	M-12	11	28

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43 Van Pelt Ln					
033012008					
251 E. Cypress Rd	1.12	One single family home	M-12	11	28
034030007					
1961 Carpenter Rd	3.66	One single family home	C	0	94
TOTAL	16.12	-	-	109	410

**Realistic net unit capacity under the existing zoning is based on the site developing at 80% of the maximum density less existing units on the site.*

***Minimum net capacity is based on the 80% of the maximum density allowed for the AHO.*

Objective:	Provision of Adequate Sites to accommodate remaining RHNA need of 385 extremely low, very low, and low income units
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Within two years of Housing Element adoption

Policy Action 1.3: Density Bonus Ordinance

Continue to use the Density Bonus Ordinance and associated incentives to encourage affordable housing, including housing for special needs populations. The City shall review and revise the existing Density Bonus Ordinance when required by any future revisions to State density bonus law.

Objective:	Implement Density Bonus Ordinance
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Ongoing

Policy Action 1.3: Review and Revise Development Fees

The City will continue to monitor required development fees including in-lieu fees, development impact fees, and processing fees, with the aim of reducing constraints on the development of affordable residential projects, including, but not limited to, senior housing, housing for farmworkers, emergency/transitional housing, housing for persons with disabilities (including developmental), single room occupancies, and second units. To respond to changing local market conditions during the planning period, the City shall revise required development fees, if it is deemed appropriate.

Where fees are established and administered by regional agencies, such as the Regional Transportation Development Impact Fee, Ironhouse Sanitary District Fee, and Diablo Water District Fee, the City will request the administering agency to review and reduce fees if the City has determined that the agency's fee is constraining the residential development, particularly development of affordable housing and/or housing for special needs groups.

Objective:	Review and Revise Development Fees
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Annual monitoring

Policy Action 1.4: Promote Energy-Conserving Programs

To enhance the efficient use of energy resources, the City continue to encourage energy conservation through programs that: 1) provide incentives for developments utilizing green building techniques and sustainable design; 2) promote programs offered by PG&E; 3) continue to require conformance with CalGreen; 4) provide educational materials and technical assistance; and 5) encourage green building and

energy conservation in new construction and rehabilitation projects. The City shall update the City website to describe programs offered by East Bay Energy Watch and PG&E, including Green House Calls, SmartSolar, and Energy Upgrade California.

Objective:	Efficient Use of Energy Resources
Responsible Agency:	Building
Financing Source:	General Fund
Time Frame:	Update website by June 2015; identify incentives and standards by December 2016

Policy Action 1.5: Encourage Residential Development in Areas Served by Public Transit

To encourage residential development in areas where regular transit service exists or is anticipated to serve, the City shall consider establishing criteria for proximity to public transit in the review of proposed residential development, particularly multifamily, affordable (lower income), and projects serving special needs groups (seniors, disabled, developmentally disabled, single female-headed households, and homeless). The City shall continue to offer various incentives to developers for transit-serving development, including but not limited to reduced parking standards and reduced setback requirements.

Objective:	Encourage Residential Development near Transit
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Ongoing encouragement; Consider proximity criteria by June 2016

Policy Action 1.6: Maintain an Inventory of Available Land Resources

The City shall maintain and regularly update the inventory that details the amount, type, and size of vacant and underutilized parcels to assist developers in identifying land suitable for residential development. The City will include the land inventory in the City’s comprehensive housing outreach strategy. The City shall update the inventory of sites in Appendix A and the lists of current projects (Tables 10xx and 10-xx) on a bi-annual basis.

Objective:	Inventory of Available Land Resources
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Review and update inventory by December 2016

Policy Action 1.7: Encourage Infill Development

The City will encourage infill development as a means to provide additional opportunities for the construction of owner and rental housing units. The City shall encourage and facilitate infill development through proactive and coordinated efforts with the Planning Department, private development and non-profit entities, and other housing related groups. Through these efforts, the City’s aim is to encourage the construction of residential development affordable to extremely low, very low, low, and moderate income households through a menu of incentives, such as streamlined review, reduced development standards, land assemblage, lot consolidation, fee assistance, and other methods identified in the Density Bonus Ordinance. The City will provide information on potential infill development areas, including areas appropriate for smaller projects that serve specific special needs populations, such as residential care facilities, transitional housing, and supportive housing, and available incentives as part of the City’s comprehensive housing outreach strategy.

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Objective:	Encourage Infill Development
Responsible Agency:	Planning/Redevelopment
Financing Source:	General Fund/Redevelopment Agency
Time Frame:	Develop and disseminate informational material by December 2015

Policy Action 1.8: Jobs-Housing Balance Evaluation

Jobs-housing balance is a measure of the harmony between employment and dwelling units in a specific area. A low jobs-housing ratio indicates a housing rich “bedroom community,” while a high jobs-housing ratio indicates an employment center. In areas where jobs and housing are in balance, residents on average commute shorter distances and spend less time in cars, reducing transportation-related environmental impacts and improving quality of life. The City shall promote a jobs/housing balance in the community by analyzing the status of jobs and housing within the community and providing information to large employers of new commercial and industrial projects on housing developments within the community.

Objective:	Evaluate Jobs-Housing Balance
Responsible Agency:	Planning/Redevelopment
Financing Source:	General Fund
Time Frame:	On-going

Policy Action 1.9: Annual Review and Reporting of Housing Element Progress

As required by State law, the City will conduct an annual progress review for the 2007-2014 Housing Element. This review will include the following information: a log of new residential development permits and completion reports; inventory of units built in the Extremely-Low, Very-Low, and Low Income categories; an update or inventory of approved projects; an annual estimate of population from the State Department of Finance; and available vacant land and zoning survey. The annual review will serve as proactive tool to monitor the effectiveness of the Housing Element’s policy program and can help identify necessary changes to successfully implement the City’s housing goals and policies.

Objective:	Annual Housing Element Review
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Annually to HCD

Policy Action 1.10: Affordable Housing Overlay

To encourage affordable housing development in Oakley, the City has adopted an Affordable Housing Overlay (AHO). The AHO allows higher densities for projects on sites zoned Multi-Family High and meeting state density bonus requirements. The AHO also provides development standards consistent with the higher density allowed. To ensure effectiveness in implementation, the City shall revise the AHO to clarify that the AHO is consistent with all multifamily zoning districts and with all Specific Plan districts that allow multifamily housing.

Objective:	Review and revise the Affordable Housing Overlay
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	In conjunction with Policy Action 1.1

Policy Action 1.11: Multifamily Housing Sites

To ensure that multifamily housing sites are primarily developed with multifamily uses, the City shall revise the Zoning Code to only permit development of single family units in the multifamily zones if the single family unit(s) are: 1) replacing an existing single family unit on a one for one basis, 2) on an existing lot of 8,000 square feet or less, or 3) are part of a housing development with the majority of units affordable to extremely low, very low, and/or low income households.

Objective:	Encourage multifamily and affordable residential uses on multifamily sties
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	In conjunction with Policy Action 1.1

Goal 2: Rehabilitation of Existing Housing Stock

Conserve and improve the condition of existing housing stock for all income levels.

Policy Action 2.1: Rehabilitation of Existing Housing Units

The City will continue to encourage the rehabilitation of existing housing units by providing information on programs available to assist in housing rehabilitation, including programs like the Neighborhood Preservation Program (www.cccounty.us/4334/Neighborhood-Preservation-Program) appropriate for single family homeowners and programs appropriate for multifamily housing owners, such as the Contra Costa County Rental Rehabilitation Loan Program, the HUD 203(k) program, the CDBG Urban County, Contra Costa County HOME Consortium, and additional programs as they become available through the City’s website, at City Hall and in conjunction with the City’s code enforcement program.

Objective:	Continue to provide information on housing rehabilitation assistance
Responsible Agency:	Redevelopment
Financing Source:	Redevelopment Agency/CDBG
Time Frame:	Update website by June 2015

Policy Action 2.2: Proactive Code Enforcement

Within current staffing limits, the City will continue to implement the proactive Property Maintenance Program and Residential Inspection Program to enforce the City’s Building Code to address existing exterior and interior code violations that affect single-family and multi-family housing units. The proactive code enforcement strategy will include identifying focus areas with high concentrations of substandard housing, contacting owners of units identified as substandard, offering inspection services, and providing information on the City’s Single-Family Rehabilitation Loan and Grant Program available through the Redevelopment Agency.

Objective:	Develop a Proactive Code Enforcement Strategy
Responsible Agency:	Building
Financing Source:	General Fund
Time Frame:	On-going

Policy Action 2.3: Infrastructure Preservation Program

The City will continue to implement the Infrastructure Preservation Program through the City’s Capital Improvement Program to ensure that infrastructure facilities are adequately maintained and do not contribute to the deterioration of neighborhoods.

Objective:	Provide Adequate Infrastructure
Responsible Agency:	Public Works & Engineering
Financing Source:	General Fund
Time Frame:	Ongoing

Goal 3: Preservation and Conservation of Existing Housing Resources
Preserve existing affordable housing and maintain community character.

Note: Policy Actions 2.1 through 2.3 also support Goal 3,

Policy Action 3.1: Monitor Assisted Housing Units

The City has not identified any assisted housing units at-risk of converting to market-rate during the Planning Period. However, the City shall continue regularly monitor assisted housing units. The City will continue to maintain a database of assisted housing units. Annual reports, which are submitted by owners and managers of affordable units, will be reviewed to ensure that all deed restrictions and agreements are in compliance.

Objective:	Monitor Assisted Units
Responsible Agency:	Redevelopment
Financing Source:	Redevelopment Agency
Time Frame:	Ongoing/Annual Report of Units

Policy Action 3.2: Encourage Development of New Affordable Rental Housing for Remaining RHNA Need

The City understands the importance of promoting the development of new rental housing affordable to lower income households where such development will promote a balanced inventory of housing types. The City shall encourage new affordable rental housing to meet the remaining RHNA need by continuing to offer regulatory and financial incentives such as a reduction in development standards, density bonuses, expedited permit processing, fee deferrals and public works modifications to allow cost savings to developers of affordable rental housing units. The City shall support funding requests by affordable housing developers for CDBG and/or HOME funds through the Contra Costa County CDBG Urban County and Contra Costa County HOME Consortium.

Objective:	Encourage Affordable Rental Housing Development to meet remaining RHNA need
Responsible Agency:	Community Development/Redevelopment
Financing Source:	General Fund/ Redevelopment Agency
Time Frame:	On-going

Goal 4: Increase Access to Housing Opportunities
Promote housing opportunities for all persons, regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status or disability.

Policy Action 4.1: Increase Access to Homeownership

To increase access to homeownership for Very-Low, Low and Moderate Income households, the City will support homeownership programs carried out by non-profit housing corporations through provision of land, financial assistance and/or technical assistance. The City will explore partnering in local first-time homebuyer programs or identify first-time homebuyer programs that can be provided by the City, including programs funded through the Contra Costa County CDBG Urban County and Contra Costa

County HOME Consortium (Oakley is a member of both the Urban County and HOME Consortium). The City will disseminate information about the available programs through an informational brochure that will be provided at City offices, the library and the City website.

Objective:	Increase Access to Homeownership
Responsible Agency:	Planning/Redevelopment
Financing Source:	General Fund
Time Frame:	Update program information by August 2015

Policy Action 4.2: Promote Fair Housing Standards

The City will continue to encourage the enforcement of federal and state fair housing standards. The City will acquire and maintain fair housing materials to educate the community on a variety of fair housing issues. The City will provide flyers and brochures in English and other languages that are available from the California Department of Fair Housing and Employment and the federal Office of Fair Housing and Equal Opportunity, as appropriate, that highlight the provisions of federal and state fair housing laws. Materials will be distributed at public locations such as the library, senior center and City offices and provided on the City website. The City’s Housing Analyst will continue to handle fair housing complaints and refer residents to the State Fair Employment and Housing Commission.

Objective:	Promote Fair Housing Standards
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Update website and disseminate information by August 2015

Policy Action 4.3: Development of Housing for Extremely-Low Income Households and Special Needs Groups

The City encourages the development of housing units for households earning 30 percent or less of the median family income for Contra Costa County and for households with special housing needs for disabled persons, developmentally disabled persons, farmworkers, and persons/families that are homeless or at-risk of homelessness. Specific emphasis shall be placed on the provision of family housing and non-traditional housing types such as single-room occupancies, transitional facilities, and housing units serving temporary needs. The City will encourage the development of housing for extremely low income households utilizing a variety of activities such as outreaching to housing developers through individual and group meetings, proactively seeking partnerships with housing developers, providing in-kind technical assistance, providing financial assistance or land write-downs when feasible, providing expedited processing, identifying grant and funding opportunities and providing support to developers in seeking funding, and/or offering additional incentives, such as density bonuses and parking reductions above and beyond those offered in the AHO.

Objective:	45 units of extremely low income and/or special needs housing
Responsible Agency:	Planning/Redevelopment
Financing Source:	General Fund/ Redevelopment Agency
Time Frame:	On-going, units to be provided during the 2014-2022 RHNA cycle

Policy Action 4.4: Development of Housing for Large Families

The recently adopted Zoning Ordinance encourages the development of units with three or more bedrooms to accommodate the needs of large families. The City shall encourage and support the

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development of rental and for-sale housing for larger families within future housing projects. The City will encourage developers to incorporate larger bedroom counts through activities and incentives such as technical assistance and flexibility in development standards.

Objective:	Increase Housing for Large Families
Responsible Agency:	Planning/Redevelopment
Financing Source:	General Fund/ Redevelopment Agency
Time Frame:	Ongoing

Policy Action 4.5: Reasonable Accommodation Procedures

To accommodate the needs of persons with disabilities and provide a streamlined permit review process, the City will continue to implement reasonable accommodation procedures through the City's Building Official. The City will continue to provide information on accommodation procedures and accept requests through the City's website and will update the City's website to specify the City's procedures for accommodating requests and to include a dedicated contact or application form specific to reasonable accommodation requests. The City shall review revisions to the City's Municipal Code, General Plan, and other regulatory documents to ensure that no unnecessary constraints are created for persons with a disability.

Objective:	Continue reasonable accommodation procedures
Responsible Agency:	Planning/Building
Financing Source:	General Fund
Time Frame:	Ongoing/Update City's website by December 2015

Policy Action 4.6: Compliance with SB 2

To comply with Senate Bill (SB) 2, the City will revise the Zoning Code to permit transitional housing and supportive housing as residential uses subject only to the standards applied to residential uses of the same type (e.g., a transitional or supportive development that is a single family home shall be permitted as a single family residence and a transitional or supportive multifamily project will be permitted as a multifamily project, subject only to the standards and requirements applied to a single family or multifamily project in the same zone).

Objective:	Compliance with SB 2
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Within one year of Housing Element adoption

Policy Action 4.7: Ensure Adequate Emergency Shelter Sites

Prior to issuance of any discretionary entitlements for the remaining undeveloped parcel on the Civic Center site, the City shall identify a replacement zoning district that has suitable site(s) to accommodate the City's emergency shelter need. The Zoning Code shall be updated to permit emergency shelters within the replacement zoning district consistent with the requirements of State law.

Objective:	Monitor Sources of Development Financing
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Ongoing/Annually

Policy Action 4.8: Pursue Outside Funding Sources

The City will continue to monitor sources of development financing through federal, state, and private sources to assist affordable or special needs housing development. When available, the City will annually evaluate and pursue funds, as appropriate. The City shall review funding programs made available to City residents, affordable housing developers, and special needs service providers through the CDBG Urban County and HOME Consortium administered by Contra Costa County and shall consider opting out of the County-administered CDBG and HOME programs if the City determines that the City would have better funding opportunities through competing for funds through the State-administered CDBG and HOME programs.

Objective:	Monitor Sources of Development Financing
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Ongoing/Annually

Policy Action 4.9: Provide Comprehensive Housing Information

To ensure the Oakley community is provided the highest level of access to housing information, the City shall continue to provide for comprehensive community outreach. Community outreach strategy will use various methods and tools to inform and educate the community about the City’s housing programs, policies and resources, including print media, mailers, web-based information, e-mail blasts, and other methods that consider economic and cultural considerations unique to the City of Oakley.

Objective:	Comprehensive Housing Resources
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	On-going

Policy Action 4.10 Residential Care Facilities

Revise the Zoning Code to 1) define residential care facilities (also called group homes), 2) to identify that residential care facilities serving six or fewer persons are permitted by right in all residential districts, and 3) to identify permit requirements for residential care facilities that serve seven or more persons.

Objective:	Accommodate residential care facilities/group homes
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Within one year of Housing Element adoption

Policy Action 4.11 Employee and Farmworker Housing

Revise the Zoning Code to permit employee housing and farmworker housing in accordance with Health and Safety Code Sections 17021.5 and 17021.6. The revisions will include the following:

- Permit employee housing, including mobile homes and manufactured housing, to accommodate up to six employees subject to the same standards and permit requirements as a single family residence in all zones and as a permitted use in residential zones. No discretionary actions shall be necessary, just submittal of building plans for plan check and application for building permits.
- Employee housing and farmworker housing will not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling.

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- Permit farmworker housing, including mobile homes and manufactured housing, consisting of up to 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household as a permitted use in the AL, A-4, and DR districts. No discretionary actions shall be necessary, just submittal of building plans for plan check and application for building permits.

Objective:	Accommodate farmworker and employee housing
Responsible Agency:	Planning
Financing Source:	General Fund
Time Frame:	Within one year of Housing Element adoption

B. Quantified Objectives

Table 10-61 summarizes the quantified objectives by income category for the 2015-2023 Housing Element planning period. The quantified objectives anticipate that the City or developers building in the City will receive funding assistance to subsidize the extremely low, very low, and low income units as the City does not have any funding sources for new construction or rehabilitation. The quantified objectives recognize that the City no longer has access to redevelopment agency funds and that many federal and state programs have been cut. Thus, the objectives are based on the expectation that the City and/or developers serving the City will be able to successfully compete for limited federal and state funding sources to assist in the construction and rehabilitation of extremely low, very low, and low income units.

**Table 10-61
QUANTIFIED OBJECTIVE SUMMARY
2015-2023 PLANNING PERIOD**

Income Category	New Construction	Rehabilitation	Preservation¹
Extremely-Low Income	45	2	N/A
Very-Low Income	80	6	N/A
Low Income	125	6	N/A
Moderate Income	300	25	N/A
Above-Moderate Income	800	150	N/A
Total	1,350	187	0
Notes: ¹ The City has not identified any assisted units at-risk of converting to market rate during the planning period. The City will continue to monitor assisted units.			

VII. COMMUNITY OUTREACH

A. INTRODUCTION

During 2014, the City sought input on the concerns and ideas of community members and housing stakeholder groups through community outreach activities. The City held a community workshop in February 2014, formed an Ad Hoc Citizen Advisory Committee and held four CAC meetings open to the public during the update process, and held three City Council meetings.

B. COMMUNITY WORKSHOP

A community workshop was held on February 27, 2014 to provide interested residents, businesspeople, stakeholders, and the public an opportunity to learn about the Housing Element update process and to comment on housing issues, needs, and priorities. The community workshop was noticed through multiple venues in order to reach a broad segment of the community and encourage participation in the meeting:

- Newspaper (Oakley Press)
- City website
- Chamber of Commerce
- City Reader Board

The following groups were also provided notice of the community workshop:

- Affordable housing developers
- Service providers, including senior organizations (Oakley Seniors), emergency food providers (Loaves and Fishes, Saint Anthony's Catholic Church, and Delta Family Bible Church), Contra Costa County Health Services, Contra Costa County Employment and Human Services, Oakley Union Elementary School District, Liberty Union High School District, Antioch Unified School District, and Knightsen Elementary School District.

Workshop participants were given an opportunity to comment on housing issues, including challenges, needs, and opportunities related to the provision of housing, maintenance of housing, and housing for various income levels and special needs groups. Comments received from participants are summarized below:

Challenges

- Having roads, schools, and parks in place as the houses are being built
- How to provide affordable housing without sacrificing quality of life to City residents
- Traffic patterns
- No rezoning
- Keep low density zoning next to farming
- Slum-oriented predator groups building substandard apartments while collecting high rents
- Do not change zoning

- Those who are upside down in the current home (mortgage)
- Devaluation of current housing prices
- Crime
- Integrate [housing] throughout City
- Land
- How to allocate land for low income to meet state requirements but discourage development

Priorities

- Emergency services
- Housing the people can live in happily, like Brentwood Senior Commons versus Corp for Better Housing in Oakley
- Do not touch farmland or ancient vines
- Do not be another Antioch
- Keep farming #1 priority

Opportunities

- Hiring people within our City for the jobs that come up (construction, Parks Dept., etc.)
- Local job opportunities
- Small business assistance
- Say no, none
- To create living spaces that would enhance the quality of life for affordable housing residents and Oakley

C. AD HOC CITIZEN ADVISORY GROUP

The City Council appointed an Ad Hoc Citizen Advisory Group of five members and one alternate. Meetings of the Ad Hoc Citizen Advisory Committee were noticed via the newspaper and City website.

The Ad Hoc Citizen Advisory Group met in September 2013, April 2014, August 2014, and September 2014. The group was provided with an overview of the Housing Element process and was asked to identify potential sites for multifamily housing in the event that additional sites were needed to accommodate housing needs. Two members of the public attended the meeting, but did not comment. Sites identified for further consideration by the Ad Hoc Citizen Advisory Group at its April 2014 meeting are included as Appendix C.

D. CITY COUNCIL

The City Council reviewed the Preliminary Draft Housing Element in August 2014. After receiving public comment related to the housing sites identified by Policy Action 1.1, the Council directed staff to identify additional potential sites that could be designated with the Affordable Housing Overlay zone. Staff identified additional sites and met with the Ad Hoc Citizen Advisory Group in September 2014 to receive comments. The City Council met on October 14, 2014 and received additional public comment on the Preliminary Draft Housing Element. Following public comment, the City Council directed staff to revise Policy Action 1.1 to include APNs 033012004, 033, 012005, 033012007, 033180007, 033012009, 033012008, and 03403007.

The City Council considered adoption of the Housing Element on January 27, 2015. The City Council considered public input that was received prior to adoption of the Housing Element. Following the public and HCD review period, the Housing Element was revised to address issues identified by HCD during the review period and to address comments received from the East Contra Costa County Habitat Conservancy.

In order to provide for increased outreach to the lower income groups, including family, senior, and disabled households, in response to HCD concerns raised during the City's conference call with HCD in December 2014 to review the Housing Element, notice of the meeting was posted at affordable housing developments in the City, including The Commons at Oak Grove, Summer Creek Place, Golden Oak Manor, Courtyards at Cypress Grove, Oakley Place Senior Apartments, Oak Grove Terrace, Oak Forest Senior Villas, Silver Oaks, and Oakley Summer Creek Apartments, in order to encourage participation by lower income households.

The January 27, 2015 City Council meeting was noticed through multiple venues in order to reach a broad segment of the community and encourage participation in the meeting:

- Newspaper (Oakley Press)
- City website
- Chamber of Commerce
- City Reader Board

The following groups were also provided notice of the January 27, 2015 City Council Meeting:

- Affordable housing developers
- Service providers, including senior organizations, emergency food providers, Contra Costa County Health Services, Contra Costa County Employment and Human Services, Oakley Union Elementary School District, Liberty Union High School District, Antioch Unified School District, and Knightsen Elementary School District.

The Housing Element was made available for review on the City's website and at City Hall and the Oakley Library Branch.

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APPENDIX A

INVENTORY OF RESIDENTIAL SITES

Appendix A - Vacant and Underdeveloped Residential Sites

APN	Acres	Address	Existing Land Use	General Plan	Zoning	Existing Units	Realistic Dwelling Units	Maximum Dwelling Units
032010007	7.79	6200 SELLERS AVE	Rural residence	AL	AL	1	5	6
032020014	18.72	4277 KNIGHTSEN AVE	Undeveloped, agricultural	AL	AL	0	14	18
034020007	5.11	1600 CARPENTER RD	One single family home	AL	AL	1	3	4
034020019	5.03	1520 CARPENTER RD	One single family home	AL	AL	1	3	4
032010004	10.11	6250 SELLERS AVE	Undeveloped, agricultural	AL	AL	0	8	10
033120015	2.60	10 ARMINIO LN	Single Family	SH	AL	1	1	1
033030016	2.72	209 HONEY LN	SF 1 res on 2 or more sites	SH	AL	1	1	1
033170018	1.87	6239 SELLERS AVE	Misc. improvements, no structures	SL	AL	0	1	1
041030038	0.99	LIVE OAK AVE	Undeveloped	SL	AL	0	1	0
034150002	3.92	670 BROWNSTONE RD	One single family home	SL	AL	1	2	2
033180001	9.63	821 CYPRESS E RD	Undeveloped, agricultural	SM	AL	0	7	9
033160021	6.52	4130 MACHADO LN	Two single family homes	SV	AL	2	3	4
041090016	5.50	4563 LIVE OAK AVE	One single family home	SV	AL	1	3	4
Subtotal: AL	80.52					9	52	64
034560074	0.02	3500 ROSE AVE	Undeveloped, gov't owned	SH	P-1	0	1	1
034590027	3.29	EAGLE NEST DR	Undeveloped	SM	P-1	0	11	14
Subtotal: P-1	3.31					0	12	15
035212006	14.96	ROSE AVE	Undeveloped, agricultural	SM	R-10	0	52	65
033150011	7.30	SELLERS AVE	Undeveloped	SM	R-10	0	25	31
034190002	1.50	BROWNSTONE RD	Undeveloped, gov't owned	SM	R-10	0	5	6
035220005	13.22	ROSE AVE	Undeveloped	SM	R-10	0	46	57
034010033	0.39	3980 EMPIRE AVE	Undeveloped, gov't owned	SM	R-10	0	1	1
034190003	6.40	BROWNSTONE RD	Undeveloped, gov't owned	SM	R-10	0	22	27
034190004	9.29	351 BROWNSTONE RD	Undeveloped, gov't owned	SM	R-10	0	32	40
033100005	7.05	MAIN ST	Undeveloped	SM	R-10	0	25	30
035212007	11.22	4351 ROSE AVE	Undeveloped, agricultural	SM	R-10	0	39	48
035250005	3.31	4799 MAIN ST	One single family home	SM	R-10	1	11	13
033160038	10.04	CYPRESS AVE	Undeveloped, agricultural	SM	R-10	0	35	43
035230002	9.36	422 LAUREL RD	One single family home	SM	R-10	1	32	39
034010020	2.99	3920 EMPIRE AVE	One single family home	SM	R-10	1	9	12
035220033	3.81	950 OHARA CT	One single family home	SM	R-10	1	12	15
034060014	4.29	2081 OHARA AVE	Rural, undeveloped	SM	R-10	0	15	18
035220013	2.05	800 OHARA CT	One single family home	SM	R-10	1	6	7

Appendix A - Vacant and Underdeveloped Residential Sites

APN	Acres	Address	Existing Land Use	General Plan	Zoning	Existing Units	Realistic Dwelling Units	Maximum Dwelling Units
034010034	1.65	1931 LAUREL RD	One single family home	SM	R-10	1	5	6
034010035	6.77	3800 EMPIRE AVE	Undeveloped	SM	R-10	0	24	29
033150018	7.14	5681 SELLERS AVE	One single family home	SM	R-10	1	24	30
Subtotal: R-10	122.75					7	420	517
033170021	5.06	SELLERS AVE	Undeveloped	SL	R-15	0	12	14
041021011	4.86	LIVE OAK AVE	Undeveloped	SL	R-15	0	11	14
034130004	8.10	BROWNSTONE RD	Undeveloped	SL	R-15	0	19	23
034200025	5.74	275 BROWNSTONE RD	Undeveloped, gov't owned	SL	R-15	0	13	16
034181001	5.49	BROWNSTONE RD	Undeveloped	SL	R-15	0	13	15
034200017	2.20	265 BROWNSTONE RD	Undeveloped, gov't owned	SL	R-15	0	5	6
034170007	3.07	BROWNSTONE RD	Undeveloped	SL	R-15	0	7	8
034120009	5.72	OHARA AVE	Undeveloped	SL	R-15	0	13	16
034120010	5.41	OHARA AVE	Undeveloped	SL	R-15	0	13	15
034130003	10.63	OHARA AVE	Undeveloped, agricultural	SL	R-15	0	25	30
034170006	10.00	637 BROWNSTONE RD	Undeveloped	SL	R-15	0	23	29
034110006	4.97	2080 OHARA AVE	One single family home	SL	R-15	1	11	13
041021033	3.37	4051 LIVE OAK AVE	One single family home	SL	R-15	1	7	8
034110001	1.59	977 CARPENTER RD	One single family home	SL	R-15	1	3	3
034060007	5.73	1100 VINTAGE DR	Two single family homes	SL	R-15	2	11	14
034182001	1.76	3140 ANDERSON LN	One single family home	SL	R-15	1	3	4
034220005	2.05	550 BROWNSTONE RD	One single family home	SL	R-15	1	4	4
033170022	4.78	4340 MACHADO LN	One single family home	SL	R-15	1	10	12
034150003	3.88	650 BROWNSTONE RD	One single family home	SL	R-15	1	8	10
034120011	7.65	100 KESSLER LN	Two single family homes	SL	R-15	2	16	20
034182002	1.77	3050 ANDERSON LN	One single family home	SL	R-15	1	3	4
034181008	5.08	3023 ANDERSON LN	One single family home	SL	R-15	1	11	13
033170023	4.80	6251 SELLERS AVE	One single family home	SL	R-15	1	10	12
034120008	2.00	804 SHERMAN LN	One single family home	SL	R-15	1	4	4
034150004	3.92	630 BROWNSTONE RD	Two single family homes	SL	R-15	2	7	9
034060016	3.02	76 BOTTLEBRUSH CT	One single family home	SL	R-15	1	6	7
033170024	4.82	6357 SELLERS AVE	One single family home	SL	R-15	1	10	12
034060006	5.72	1000 VINTAGE DR	One single family home	SL	R-15	1	12	15
033020011	4.00	4151 MACHADO LN	One single family home	SM	R-15	1	8	10
04102C001	1.48		Canal	W	R-15	0	0	0

Appendix A - Vacant and Underdeveloped Residential Sites

APN	Acres	Address	Existing Land Use	General Plan	Zoning	Existing Units	Realistic Dwelling Units	Maximum Dwelling Units
Subtotal: R-15	138.70					21	296	360
041110044	0.95	CYPRESS W RD	Undeveloped	SV	R-40	0	1	1
041110043	0.93	4528 HAGAR LN	Undeveloped	SV	R-40	0	1	1
033130035	2.20	185 LOZOYA WAY	One single family home	SV	R-40	1	1	1
033130056	4.96	5239 SELLERS AVE	Undeveloped	SV	R-40	0	4	5
033130055	5.41	5321 SELLERS AVE	Undeveloped	SV	R-40	0	5	5
033160028	6.07	6145 SELLERS AVE	Two single family homes	SV	R-40	2	3	4
033120012	6.61	370 DELTA RD	One single family home	SV	R-40	1	5	6
041090008	5.89	4761 LIVE OAK AVE	One single family home	SV	R-40	1	4	5
041090035	3.24	2551 OAKLEY RD	One single family home	SV	R-40	1	2	2
041090036	4.77	20 POCO LN	One single family home	SV	R-40	1	3	4
033160022	2.68	4121 MACHADO LN	One single family home	SV	R-40	1	1	1
032010010	5.78	6310 SELLERS AVE	One single family home	SV	R-40	1	4	5
033160013	2.24	6211 SELLERS AVE	One single family home	SV	R-40	1	1	1
033160023	2.66	4141 MACHADO LN	One single family home	SV	R-40	1	1	1
033160036	2.11	6185 SELLERS AVE	One single family home	SV	R-40	1	1	1
033130054	5.71	3300 CRISMORE DR	One single family home	SV	R-40	1	4	5
041090013	5.63	120 NUT TREE LN	One single family home	SV	R-40	1	4	5
033130057	11.11	5111 SELLERS AVE	Undeveloped, agricultural	SV	R-40	0	10	12
041090006	2.04	71 POCO LN	One single family home	SV	R-40	1	1	1
041090005	2.04	41 POCO LN	One single family home	SV	R-40	1	1	1
032020006	9.51	4460 FRANKLIN LN	Undeveloped, agricultural	SV	R-40	0	8	10
032010011	5.76	6300 SELLERS AVE	One single family home	SV	R-40	1	4	5
033160005	7.68	6035 SELLERS AVE	One single family home	SV	R-40	1	6	7
033160039	3.84	6057 SELLERS AVE	Two single family homes	SV	R-40	2	1	2
041090022	5.59	2806 STIRRUP DR	One single family home	SV	R-40	1	4	5
Subtotal: R-40	115.41					21	78	96
035202007	4.14	ROSE AVE	Undeveloped, miscellaneous improvements, no residences	SH	R-6	0	24	30
035202011	1.32	BIACALANA DR	Undeveloped, miscellaneous improvements, no residences	SH	R-6	0	8	9
033030032	5.60	560 HONEY LN	Undeveloped	SH	R-6	1	32	39
033030031	5.24	HONEY LN	Undeveloped	SH	R-6	0	30	38
034220039	1.33	BROWNSTONE RD	Undeveloped	SH	R-6	0	8	9

Appendix A - Vacant and Underdeveloped Residential Sites

APN	Acres	Address	Existing Land Use	General Plan	Zoning	Existing Units	Realistic Dwelling Units	Maximum Dwelling Units
033110003	8.46	MAIN ST	Undeveloped	SH	R-6	0	49	61
034250007	4.97	ALMOND AVE	Undeveloped	SH	R-6	0	29	36
034220040	2.27	BROWNSTONE RD	Undeveloped	SH	R-6	0	13	16
041100035	9.97	2371 OAKLEY RD	One single family home	SH	R-6	1	57	71
041100017	1.99	4790 LIVE OAK AVE	One single family home	SH	R-6	1	11	13
033030001	8.75	5360 MAIN ST	One single family home	SH	R-6	1	50	62
033120004	2.25	270 DELTA RD	Two single family homes	SH	R-6	2	11	14
033030028	5.02	463 HONEY LN	Single Family	SH	R-6	1	28	35
034230006	2.10	352 BOLTON W RD	One single family home	SH	R-6	1	11	14
034220032	3.95	300 BROWNSTONE RD	Two single family homes	SH	R-6	2	21	26
033030027	4.98	361 HONEY LN	One single family home	SH	R-6	1	28	35
033030030	4.95	637 HONEY LN	One single family home	SH	R-6	1	28	34
033110015	4.20	5790 MAIN ST	One single family home	SH	R-6	1	23	29
034220030	2.25	341 BOLTON W RD	One single family home	SH	R-6	1	12	15
034200028	2.85	125 BROWNSTONE RD	One single family home	SH	R-6	1	16	19
035202012	1.59	4417 ROSE AVE	One single family home	SH	R-6	2	7	9
034200027	2.78	339 BROWNSTONE RD	One single family home	SH	R-6	1	15	19
033120010	1.88	3175 OLIVE LN	One single family home	SH	R-6	1	10	12
033190001	19.67	551 CYPRESS E RD	Undeveloped, agricultural	SH	R-6	0	114	142
034290098	2.09	541 LAUREL RD	One single family home	SH	R-6	1	11	14
033030015	2.20	125 HONEY LN	One single family home	SH	R-6	1	12	14
033100004	7.65	5700 MAIN ST	Undeveloped	SL/C	R-6/C	0	44	55
Subtotal: R-6	124.45					21	701	870
033012004	3.46	CYPRESS E RD	Undeveloped	MH	M-12	0	33	41
033012005	2.39	211 CYPRESS E RD	One single family home	MH	M-12	1	21	27
033012007	2.40	67 VAN PELT LN	One single family home	MH	M-12	1	22	27
Subtotal: M-12	8.25					2	76	95
033180007	1.98	6381 SELLERS AVE	Two single family homes	ML	M-9	2	12	15
033180015	4.90	901 CYPRESS E RD	Rural residence	ML	M-9	2	33	42
035282054	2.46	440 CYPRESS W RD	One single family home, miscellaneous outbuildings	ML	M-9	1	16	21
Subtotal: M-9	9.33					5	61	78
TOTAL	602.72					86	1,696	2,095

APPENDIX B

EAST CYPRESS CORRIDOR SPECIFIC PLAN

**Land Use Table
Land Use Map
Development Standards**

Planning Area	I (Leshar / Dal Porto North)			II (Summer Lake North)			III (Dal Porto South)		IV (Bethel Island, LLC)		V (Summer Lake South)		VI			TOTALS			
	Acres	Units	Sq. Ft.	Acres	Units ³	Sq. Ft.	Acres	Units	Acres	Units	Acres	Units ³	Acres	Units	Sq. Ft.	Acres	Units	Sq. Ft.	
Agriculture - Limited <i>Max. density = 1.0 du/ac</i>	(AL)			14.8	12								257.6	243		272.4	255		
Single Family Residential - Low <i>Max. density = 2.3 du/ac</i>	(SL)						19.2	23					60.3	175		79.5	198		
Single Family Residential - Medium <i>Max. density = 3.8 du/ac</i>	(SM)	150.0	487	75.6	233		52.8	180					35.3	58		313.7	958		
Single Family Residential - High <i>Max. density = 5.5 du/ac</i>	(SH)	175.9	766	44.0	200		44.8	197	138.0	584	77.4	272	103.6	405		583.7	2,424		
Multi-Family Residential - Low <i>Max. density = 9.6 du/ac (Detached)</i>	(ML)	55.0	297	78.9	371				23.8	132	71.3	356				229.0	1,156		
Multi-Family Residential - Low <i>Max. density = 9.0 du/ac (Attached)</i>	(ML)												19.9	163		19.9	163		
Multi-Family Residential - Medium <i>Max. density = 12.0 du/ac</i>	(MM)								41.7	404						41.7	404		
Mobile Home <i>Max. density = 9.6 du/ac</i>	(MO)												4.3	33		4.3	33		
Village Center	(VC)	46.6 ¹	150 ²	435,600												46.6	150	435,600	
Commercial	(CO)					10,000							44.3	13	193,000	46.0	13	203,000	
Commercial Recreation	(CR)												37.3	5	162,500	37.3	5	162,500	
Light Industrial	(LI)															5.7			
Schools ⁴		12.4			20.0				10.0		10.0					52.4			
Community Facilities ⁵		0.9			1.8				3.5		1.0		12.1			19.3			
Community Parks	(CP)							12.2				19.8	9.3			41.3			
Neighborhood Parks	(NP)	22.4			18.2			11.0		13.5		2.7				67.8			
Beach Club	(BC)	2.6										3.0				5.6			
Lakes		30.3			70.5			10.4		22.6		24.9				158.7			
Levees		25.2			36.5			3.2		38.4		9.6	4.5			117.4			
Interim Levees					14.9							18.5				33.4			
Open Space / Easements	(OS)	55.7			6.9			22.7		44.6		13.0	20.6			163.5			
Wetlands / Dune Area	(WL)	105.2			10.4							3.6				119.2			
Gas Well Sites	(GW)	3.9			5.5			2.4		6.3		2.1				20.2			
Roads (Bethel Island, Jersey Island, Byron Highway & East Cypress)		17.7			3.6			3.8		8.6		12.1	21.6			67.4			
TOTALS:		703.8	1,700	435,600	409.0	816	10,000	182.5	400	351.0	1,120	269.0	628	630.7	1,095⁶	355,500⁷	2,546.0	5,759	801,100
Percentage Totals:		27.6%	29.5%	54.4%	16.0%	14.2%	1.2%	7.2%	6.9%	13.8%	19.4%	10.6%	10.9%	24.8%	19.1%	44.4%	100.0%	100.0%	100.0%

NOTES: 1. Commercial square footage based on approximately 40 net acres. (46 acres include Streets A, B, C and portions of slope associated with elevated intersection at East Cypress and Bethel Island Roads)
 2. Up to 150 units may replace approximately 20 acres of commercial (217,800 S.F.)
 3. Does not include 200 potential entitled second units in Planning Areas 2 & 5 combined.
 4. Schools include the following land uses: Elementary School (ES) and Middle School (MS).

5. Community facilities include the following land uses: Day Care (D); Fire Station (FS); Lift Station (L); Pump Station (PS); Water Well (WW); and Water Tank (WT).
 6. Planning A-rea 6 reflects the loss of 5 units from the original 544 existing units.
 7. Actual commercial square footage may be substantially less than 355,500 sf.
 8. All acreages are based on gross area, except as noted.

Table 1
Overall Project Summary

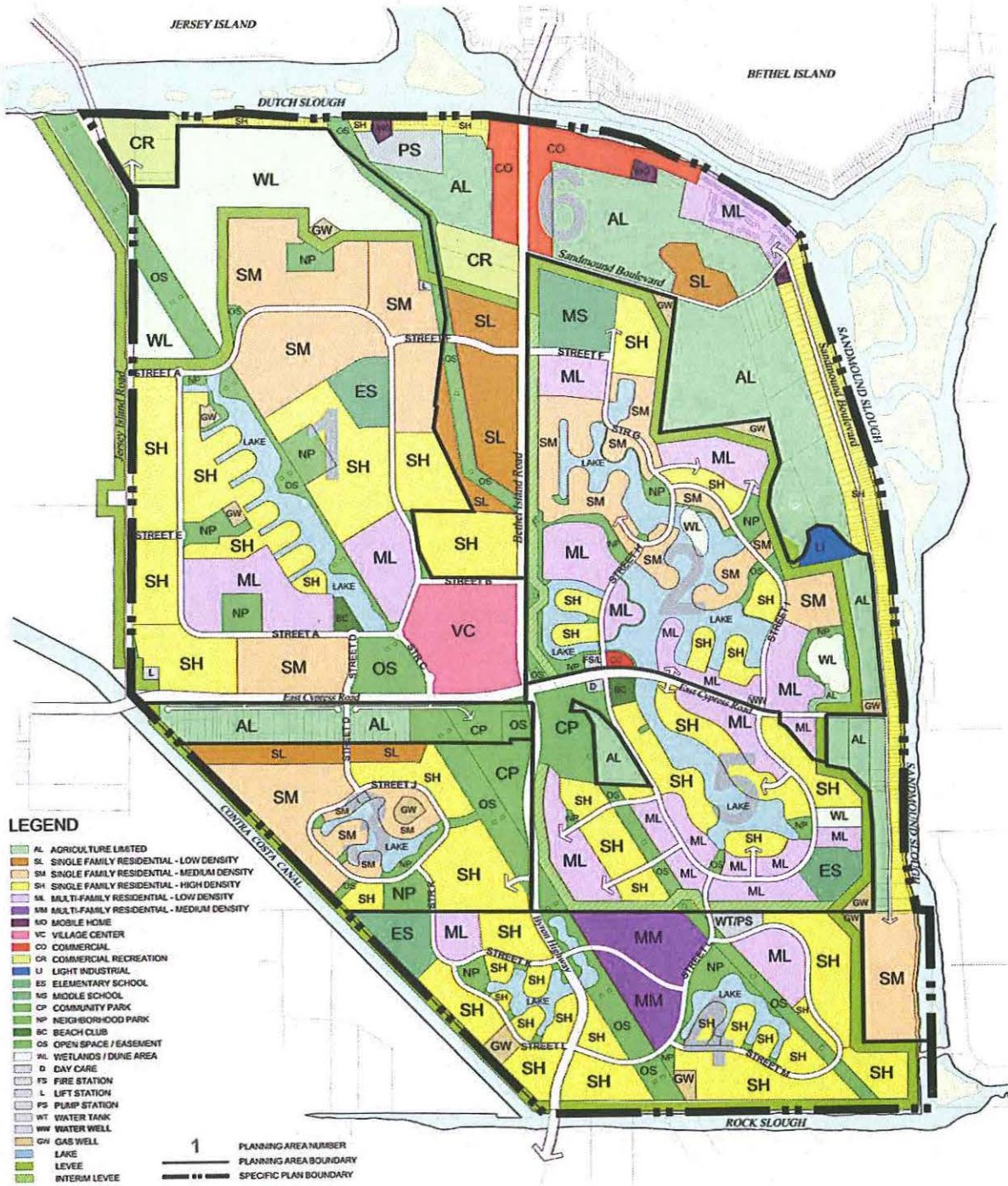


Exhibit 6
 Land Use Plan

Table 2
Single Family Detached

Land Use	LOT STANDARDS				MINIMUM BUILDING SETBACKS							ACCESSORY STRUCTURES				
	Size (S.F.)	Min. Size (S.F.)	Min. Width	Min. Depth	FRONT ^{1,2,3}	SIDE	CORNER	REAR ⁶			Building Size (S.F.)	MINIMUM BUILDING SETBACKS				
					Min.	Min./Total	Min.	Building Min.	Garage Min.	Maximum Height ^{8,9}		Front Min.	Side Min.	Rear Min.	Maximum Height	
AL	43,000 or greater	43,000	140'	140'	30'	20'/40'	25'	15'	15'	30'	1,500 ¹⁰	65'	20'	15'	15'	
SV	40,000-64,999	40,000	140'	140'	30'	20'/40'	25'	15'	15'	30'	1,500 ¹⁰	65'	20'	15'	15'	
SL	20,000-39,999	20,000	120'	120'	30'	15'/35'	25'	15'	15'	30'	600	65'	15'	15'	15'	
SL	15,000- 19,999	15,000	100'	100'	25'	10'/25'	20'	15'	10'	30'	400	65'	15'	15'	15'	
SM	12,000- 14,999	12,000	100'	100'	25'	10'/25'	20'	15'	10'	30'	300	65'	10'	10'	12'	
SM	10,000- 11,999	10,000	80'	100'	25'	10'/20'	20'	15'	10'	30'	300	50'	10'	10'	12'	
SM	8,000- 9,999	8,000	70'	90'	25'	5'/15'	20'	15'	5'	30'	200	50'	10'	10'	12'	
SH	6,000- 7,999	6,000	60'	90'	25'	5'/15'	20'	15'	5'	30'	200	50'	5'	5'	8'	
SH	6,000- 6,999	6,000	55'	90'	25'	5'/15'	20'	15'	5'	30'	200	50'	5'	5'	8'	
ML	5,000- 5,999	5,000	50'	90'	20'	5'/10'	15'	15'/7' ⁷	5' ⁷	30'	120	50'	3'	3'	8'	
ML	4,000- 4,999	4,000	40'	90'	20'	0'/10' ⁴	15'	15'/7' ⁷	5' ⁷	35'	80	50'	3'	3'	8'	
ML	2,800- 3,999	2,800	35'	80'	20'	4'/8'	15'	7' ⁷	5' ⁷	35'	N/A	N/A	N/A	N/A	N/A	
MM	2,100-2,799	2,100	30'	45'	15'	4'/8' ⁵	15'	7' ⁷	5' ⁷	35'	N/A	N/A	N/A	N/A	N/A	

- NOTES
- Minimum front setbacks for swing-in garages shall be equal to 5 feet less than the minimum front setback.
 - One-story architectural features such as front porches, entries, and bay windows may encroach a maximum of 5 feet into the front setback, or side yard adjacent to a street.
 - Front facing garages shall be a minimum of 18 feet to the property line.
 - Minimum side yard setbacks for garages on 4,000-4,999 s.f. lots shall be 0 feet, with a 10-foot minimum separation between garage and buildings on the adjacent lot.
 - Minimum side setbacks for buildings located on the perimeter of a cluster that does not face a street shall be 10 feet.
 - Minimum rear and side setbacks for detached second units over street-accessed detached garages shall be the same as garage setbacks but not less than 10 feet for rear and 5 feet for side setbacks.
 - Where garage access is from rear alleys, minimum setbacks shall be 7 feet to building and 5 feet to garage as measured from the alley. Alleys shall have a minimum width of 20 feet.
 - Maximum building height shall not exceed 35 feet or 2.5 stories.
 - Maximum building height shall not exceed 30 feet or 2 stories.
 - Accessory buildings may exceed 1,500 s.f. by the same percentage that the square footage of the lot exceeds 40,000 s.f. Maximum size for an accessory building on a lot shall be 3,000 s.f.

Table 3
Multi-Family Attached⁵

Land Use	Density Range	LOT STANDARDS			MINIMUM BUILDING SETBACKS				MINIMUM BUILDING STANDARDS				
		Min. Lot Area (S.F.)	Min. Width	Min. Depth	FRONT	SIDE ¹	REAR		BUILDING SEPARATIONS				
					Min.	Aggregate	Building Min.	Garage Min.	Front to Front	Side to Side	Bldg. to Garage	Max. Height	Max. Site Coverage ⁴
ML	6-9 DU/AC	6,000	NA	NA	25'	20'	20'	10'	30'	20'	10'	35' ²	30%
MM	9-12 DU/AC	8,000	NA	NA	25'	20'	20'	10'	30'	20'	10'	35' ³	35%
MH	12-17 DU/AC	10,000	NA	NA	25'	20'	20'	10'	35'	25'	10'	40' ³	40%
MH	17-21 DU/AC	10,000	NA	NA	25'	20'	20'	10'	35'	25'	10'	40' ³	40%

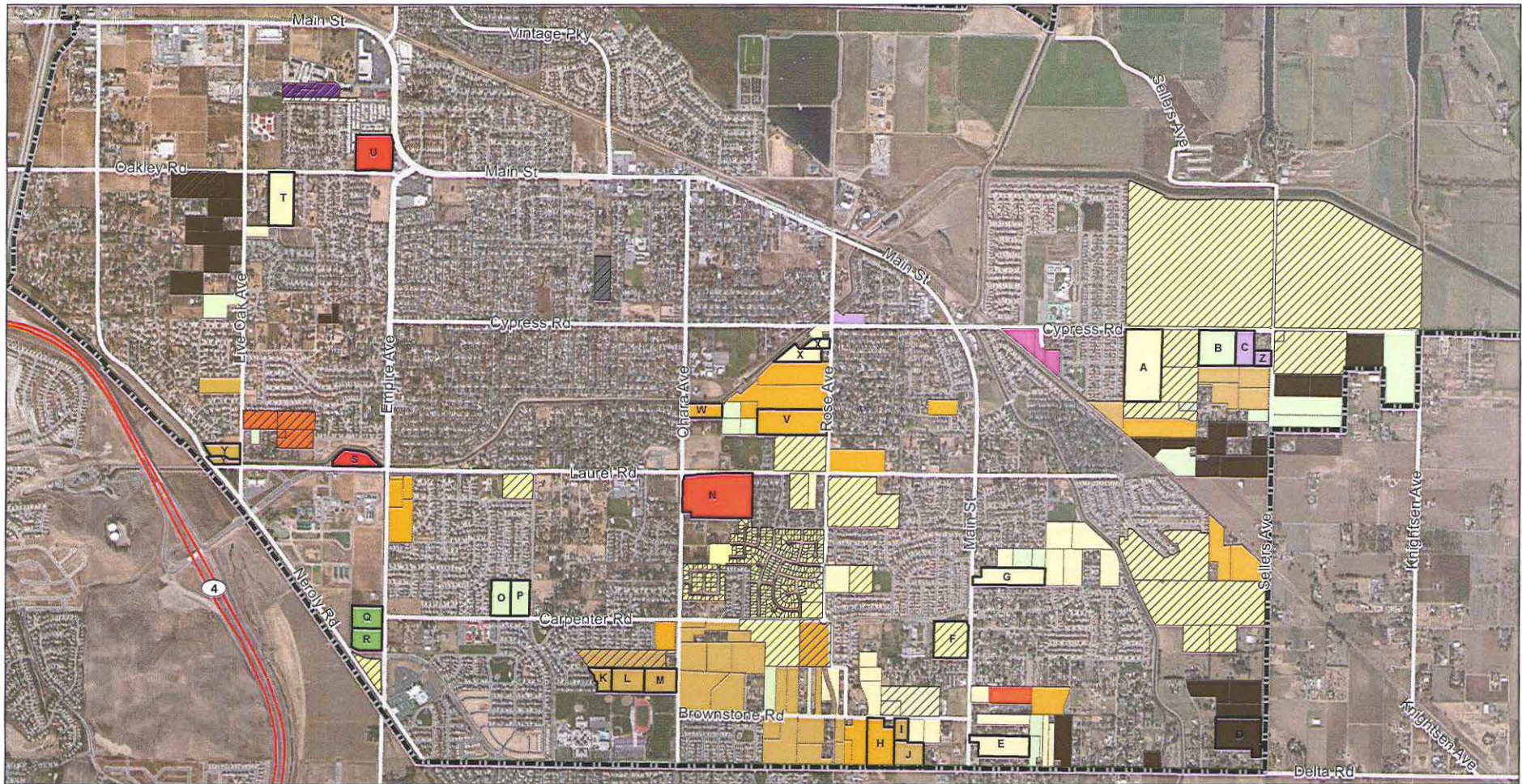
- NOTES
- Side yard setbacks along public streets shall be a minimum 15 feet.
 - Maximum building height shall not exceed 35 feet or 2.5 stories.
 - Maximum building height shall not exceed 40 feet or 3 stories.
 - Maximum site coverage is calculated using the gross acreage of the lot.
 - Development standards may be modified pursuant to City of Oakley Zoning Code, Chapter 4, Section A.5, "Affordable Housing Overlay District," and Chapter 4, Section A.6, "Residential Density Bonus and Incentives."

Tables 2 and 3
Residential Site Development Standards

APPENDIX C

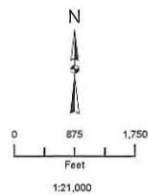
AD HOC WORKING GROUP

Potential Multifamily Sites



Zoning Designations

C	M-9	R-12	Entitled
P-1	M-12	R-15	Potential Multi-Family Sites
P-1-NP	M-17	R-40	Oakley City Boundary
AL	R-6		
A-4	R-10		



CITY OF OAKLEY HOUSING ELEMENT
Potential Affordable Housing Sites

Data sources: Contra Costa County GIS; ESRI StreetMap North; Intersect; ArcGIS Online World Imagery. Map date: June 3, 2014

ADDENDUM TO THE
OAKLEY 2020 GENERAL PLAN EIR

JANUARY 8, 2015

Prepared for:

City of Oakley
3231 Main Street
Oakley, CA 94561

Prepared by:

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D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm

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1.0 INTRODUCTION

This Addendum was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. This document has been prepared to serve as an Addendum to the previously certified EIR (State Clearinghouse Number 2002042134) for the Oakley 2020 General Plan (Original Project). The City of Oakley is the lead agency for the environmental review of the proposed project modifications (Modified Project).

This Addendum addresses the proposed modifications in relation to the previous environmental review prepared for the General Plan Update Project. CEQA Guidelines Section 15164 defines an Addendum as:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

.....A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record.

Information and technical analyses from the General Plan Update EIR are utilized throughout this Addendum. Relevant passages from the General Plan Update EIR are cited and the complete General Plan EIR, including both the General Plan Draft EIR (City of Oakley, 2002) and the General Plan Final EIR (City of Oakley, 2002), is available for review at:

City of Oakley
Planning Division
3231 Main Street, Oakley, CA
<http://ci.oakley.ca.us/subpage.cfm?id=999810>

1.1 BACKGROUND AND PURPOSE OF THE EIR ADDENDUM

The City of Oakley General Plan EIR was certified on December 16, 2002 by the Oakley City Council. The 2020 General Plan includes nine elements: Land Use, Circulation, Growth Management, Economic Development, Open Space and Conservation, Parks and Recreation, Health and Safety, Noise, and Housing. Designated land uses were identified on the Land Use Map. The General Plan Update addressed future growth and development in the City, the Expansion Area, and the Planning Area. The 2020 General Plan is referred to as the "Original Project" in this EIR Addendum. The 2020 General Plan is described in detail in Chapter 2 of the General Plan Draft EIR.

Since certification of the EIR, the City has undertaken a planning effort to update the Housing Element, as required by State law. The update to the Housing Element is the Modified Project, which is described in greater detail under Section 2.0 below.

EIR ADDENDUM – HOUSING ELEMENT UPDATE

In determining whether an Addendum is the appropriate document to analyze the proposed modifications to the project and its approval, CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states:

- a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

1.2 BASIS FOR DECISION TO PREPARE AN ADDENDUM

When an environmental impact report has been certified for a project, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164 set forth the criteria for determining whether a subsequent EIR, subsequent negative declaration, addendum, or no further documentation be prepared in support of further agency action on the project. Under these Guidelines, a subsequent EIR or negative declaration shall be prepared if any of the following criteria are met:

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the*

previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.

As demonstrated in the environmental analysis provided in Section 3.0 (Environmental Analysis) and Section 4.0 (Changes in Circumstances/New Information), the proposed changes do not meet the criteria for preparing a subsequent EIR or negative declaration. An addendum is appropriate here because, as explained in Sections 3.0 and 4.0, none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.

2.0 PROJECT DESCRIPTION

This section provides a detailed description of the proposed Modified Project. The reader is referred to Section 3.0 (Environmental Analysis) for the analysis of environmental effects of the proposed modifications in relation to the analysis contained in the previously certified General Plan EIR.

2.1. MODIFIED PROJECT PURPOSE AND GOALS

The purpose of the Modified Project is to update the City's Housing Element to address the housing needs and objectives of the City and to meet the requirements of State law. The goals of the Housing Element are:

Goal 1 - Production of New Housing: Provide adequate sites to accommodate the City's share of regional housing needs, including housing for special needs groups, through appropriate zoning and development standards; and where appropriate, removal of identified governmental constraints to the development of housing.

Goal 2 - Rehabilitation of Existing Housing Stock: Conserve and improve the condition of existing housing stock for all income levels.

Goal 3 - Preservation and Conservation of Existing Housing Resources: Preserve existing affordable housing and maintain community character.

Goal 4 - Increase Access to Housing Opportunities: Promote housing opportunities for all persons, regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status or disability.

2.2 MODIFIED PROJECT LOCATION

The Housing Element Update (Modified Project) includes text amendments to the General Plan that would be implemented City-wide. The City of Oakley is located in the eastern region of Contra Costa County and is within the nine-county San Francisco Bay Area. Oakley's west border is situated at the intersection of Highway 4 and Highway 160, which provide access to San Francisco, San Jose, Sacramento, and the Central Valley. Oakley is a Delta community along with the cities of Pittsburg, Antioch, Brentwood, and the unincorporated areas of Bay Point, Bethel Island, Byron, and Knightsen. The San Joaquin River side of the Delta borders Oakley to the north, with unincorporated County territory to the east, the City of Brentwood to the south and the City of Antioch to the west.

The proposed Housing Element Update project area is the area within the existing City boundary (Figure 1).

2.3. MODIFIED PROJECT COMPONENTS

The City of Oakley Housing Element Update would revise the City's Housing Element consistent with the requirements of State law. Government Code Section 65583 requires that the Housing Element include the following components:

- A review of the previous element's goals, policies, programs, and objectives to ascertain the effectiveness of each of these components, as well as the overall effectiveness of the Housing Element.
- An assessment of housing needs and an inventory of resources, including sites for residential development, and constraints related to the meeting of these needs.
- An analysis and program for preserving assisted housing developments.
- A statement of community goals, quantified objectives, and policies relative to the preservation, improvement, and development of housing.
- A program which sets forth a schedule of actions that the City is undertaking or intends to undertake, in implementing the policies set forth in the Housing Element. The program must do all of the following:
 - Identify actions that will be taken to make adequate sites available to accommodate the City's share of the regional housing need, if the need could not be accommodated by the existing inventory of residential sites;
 - Assist in the development of adequate housing to meet the needs of extremely low, very low, low, and moderate income households;
 - Address and, where appropriate, remove governmental constraints to the maintenance, improvement, and development of housing;
 - Conserve and improve the condition of the existing affordable housing stock;
 - Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability; and
 - Preserve assisted housing developments for lower income households.

The Housing Plan (Chapter VI) of the Housing Element Update identifies the City's commitment to specific actions in order to maintain and improve existing housing, promote development of housing affordable to all income levels and special needs populations, require non-discrimination in housing, and meet the requirements of State law related to housing elements.

Most of the goals, policies, programs, and objectives presented in the Modified Project would be carried forward from the Original Project or slightly revise existing goals,

policies, programs, and objectives from the Original Project. Specifically, the Modified Project includes the following changes to the Original Project to address housing needs:

- The time frame to address housing needs was changed to January 31, 2015 through January 31, 2023.
- Programs which had been completed were removed from the Housing Element.
- Policy Action 1.1 was updated to address the 2014-2022 Regional Housing Needs Allocation and would apply the Affordable Housing Overlay zoning designation to six existing multi-family sites and to one commercial site. It is noted that all of the designated sites currently allow multifamily uses.
- Policy Action 1.2 provides for continued monitoring of development fees and provides for coordination with regional agencies to address regional fees that may constrain residential development.
- Policy Action 1.5 was revised to specify specific types of development (multifamily, affordable, and special needs housing) to consider in establishing criteria for proximity of public transit to development projects.
- Policy Action 1.10 would revise the Affordable Housing Overlay zoning designation to clarify that the designation is consistent with all multifamily zoning districts and with all Specific Plan and other districts that allow multifamily housing.
- Policy Action 1.11 was added to discourage development of multifamily sites with single family housing.
- Policy Action 4.6 was revised to update the Zoning Code in compliance with state law that requires transitional and supportive housing be treated the same as other residential uses of the same type.
- Policy Action 4.7 was added to ensure adequate emergency shelter sites.
- Policy Action 4.10 was added to define residential care facilities, permit small residential care facilities by right in residential districts pursuant to State law, and to identify permit requirements for residential care facilities that serve seven or more persons.

The Modified Project identifies quantified objectives for housing construction, rehabilitation, and preservation based on the City's realistic expectations of development and conservation efforts that could occur with implementation of the Modified Project. Table 1, Quantified Objectives: Construction and Rehabilitation by Income Level, shows the quantified objectives by income category for the number of units to be constructed and rehabilitated over the planning period for both the Modified Project and the Original Project. The Modified Project would increase the new housing construction objective from 775 units under the Original Project to 1,350 units. The Modified Project would increase the rehabilitation objective from 29 units under the Original Project to 187 units. It is

noted that existing entitled projects are anticipated to provide the moderate and above moderate income new construction need and these units are anticipated to be developed regardless of approval of the Modified Project. . Rehabilitation of moderate and above moderate units is anticipated to occur as property owners improve and rehabilitate their homes, does not include any commitment from the City to assist with rehabilitation, and is anticipated to occur regardless of approval of the Modified Project. No assisted affordable units that are at-risk of conversion were identified by either the Original Project or Modified Project; therefore the Modified Project does not establish an objective for the preservation of assisted units.

TABLE 1: QUANTIFIED OBJECTIVES: CONSTRUCTION AND REHABILITATION BY INCOME LEVEL

Income Levels	New Construction Modified Project / Original Project	Rehabilitation Modified Project / Original Project	Preservation Modified Project / Original Project
Extremely Low	45/110	2/3	N/A/0
Very Low	80/109	6/2	N/A/0
Low	125/120	6/12	N/A/0
Moderate	300*/88	25/12	N/A/0
Above Moderate	800*/348	150/0	N/A/0
Total	1,350/775	187/29	0/0

N/A = Not Applicable

**Moderate and Above Moderate objectives are based on existing entitlements (see Public Review Draft Housing Element Tables 10-4 and 10-5)*

Source: City of Oakley, Draft 2014 Housing Element; City of Oakley, 2009 Housing Element

The new and revised programs in the Modified Project primarily provide for funding and planning for development of affordable housing and housing appropriate for special needs groups. Apart from Policy Action 1.1, the new and revised programs encourage housing to address the City’s needs, but do not specifically identify the sites where this housing would be located. With the exception of the Affordable Housing Opportunity sites identified under Policy Action 1.1, housing to accommodate the City’s needs would be located on sites that are currently designated for residential use by the General Plan (Original Project) and Zoning Code. Policy Action 1.1 would increase the allowed density on seven sites for affordable housing projects. The permitted density would be increased to 24.0 units per acre for projects providing affordable housing. Future affordable housing projects could request an additional density bonus, as provided by State law, to increase the density by up to 35%.

As shown in Table 2, the Original Project would accommodate approximately 191 units and 39,857 square feet of commercial uses on the seven sites. The Modified Project, based on base land use designations and zoning, would accommodate up to 383 units and would reduce commercial potential by up to 39,857 square feet.

TABLE 2: AFFORDABLE HOUSING OVERLAY SITES (POLICY ACTION 1.1) DEVELOPMENT POTENTIAL

SITE	APN/LOCATION	ACRE AGE	EXISTING CONDITION	ZONING	GENERAL PLAN LAND USE	ORIGINAL PROJECT CAPACITY	MODIFIED PROJECT CAPACITY – BASE AHO DENSITY
1	033012004 E. Cypress Rd	3.46	Undeveloped	M-12	MFH	57 units	83 units
2	033012005 211 E. Cypress Rd	2.39	One single family home	M-12	MFH	39 units	57 units
3	033012007 67 Van Pelt Lane	2.40	One single family home	M-12	MFH	40 units	57 units
4	033180007 6381 Sellers Ave	1.98	Two single family homes	M-9	MFL	19 units	47 units
5	033012009 43 Van Pelt Ln	1.11	One single family home	M-12	MFH	18 units	26 units
6	033012008 251 E. Cypress Rd	1.12	One single family home	M-12	MFH	18 units	26 units
7	034030007 1961 Carpenter Rd	3.66	One single family home	C	C	39,857 s.f. commercial*	87 units
TOTAL		16.12				191 units and 39,857 s.f. commercial	383 units

*Anticipates commercial development at 0.25 floor area ratio

Government Code Section 65915(f)(5) states: “All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.” The granting of the density bonus that would allow for the production of units in excess of the base zoning must not be interpreted to require any discretionary approval, as established by State law. Any project that requests a density bonus to receive more than the base units allowed under the Affordable Housing Overlay must request a density bonus and the associated increase in units is not subject to any discretionary approval. Therefore, this Addendum evaluates potential impacts associated with the base allowed density under the Affordable Housing Overlay that could occur with implementation of Policy Action 1.1. Any increase of units over the base allowed density would be pursuant to a density bonus request that would be required to be consistent with State law and with the City’s municipal code. As previously stated, that increase in units would not be a discretionary action and is not subject to further CEQA review. Table 3 identifies the development if density bonuses were requested on all AHO sites for the

Original Project versus the Modified Project. Under this scenario, the Original Project would accommodate 266 multifamily residential units and 39,857 square feet of commercial uses. The Modified Project would accommodate 526 units and no commercial uses.

TABLE 3: AFFORDABLE HOUSING OVERLAY SITES (POLICY ACTION 1.1) DEVELOPMENT POTENTIAL WITH DENSITY BONUS

SITE	APN/LOCATION	ACRE AGE	EXISTING CONDITION	ZONING	GENERAL PLAN LAND USE	ORIGINAL PROJECT CAPACITY WITH DENSITY BONUS	MODIFIED PROJECT CAPACITY – BASE AHO WITH DENSITY BONUS
1	033012004 E. Cypress Rd	3.46	Undeveloped	M-12	MFH	79 units	113 units
2	033012005 211 E. Cypress Rd	2.39	One single family home	M-12	MFH	54 units	78 units
3	033012007 67 Van Pelt Lane	2.40	One single family home	M-12	MFH	55 units	78 units
4	033180007 6381 Sellers Ave	1.98	Two single family homes	M-9	MFH	26 units	65 units
5	033012009 43 Van Pelt Ln	1.11	One single family home	M-12	MFH	26 units	36 units
6	033012008 251 E. Cypress Rd	1.12	One single family home	M-12	MFH	26 units	37 units
7	034030007 1961 Carpenter Rd	3.66	One single family home	C	C	39,857 s.f. commercial*	119 units
TOTAL		16.12				266 units and 39,857 s.f. commercial	526 units

*Anticipates commercial development at 0.25 floor area ratio

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Legend

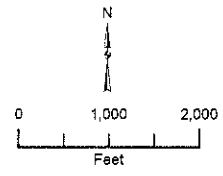
Oakley City Boundary

Sites by Zoning Designation

C

M-9

M-12



Source: Google Earth; City of Oakley; Aerial Online World Imagery Map Service; Map Date: December 9, 2014.

CITY OF OAKLEY, CALIFORNIA

Figure 1: Affordable Housing Overlay Sites

3.0 ENVIRONMENTAL ANALYSIS

This section of the Addendum provides analysis and cites substantial evidence that supports the City's determination that the proposed modifications to the General Plan and Zoning Code proposed by the Housing Element Update (Modified Project) do not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162.

As addressed in the analysis below, the proposed modifications associated with the Modified Project are not substantial changes to the adopted project. The proposed modifications would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the Final EIR (CEQA Guidelines Section 15162[a][1]) that would require major revisions to the EIR. All impacts would be nearly equivalent to or reduced from the impacts previously analyzed in the Final EIR. Accordingly, the proposed modifications associated with the Housing Element Update are not inconsistent with the General Plan, Zoning Ordinance, or adopted Mitigation Measures for this project.

The proposed changes do not cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no significant changes in the environmental conditions not contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts.

There is no new information of substantial importance (which was not known or could not have been known at the time of the application (see Section 4.0), that identifies: a new significant impact (condition "A" under CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition "B" CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the EIR which would substantially reduce one or more significant effects on the environment (conditions "C" and "D" CEQA Guidelines Section 15162[a][3]). The reader is referred to City Resolution No. 2436 regarding findings on the feasibility of mitigation measures and alternatives evaluated in the EIR. None of the "new information" conditions listed in the CEQA Guidelines Section 15162[a][3] are present here to trigger the need for a Subsequent or Supplemental EIR.

CEQA Guidelines Section 15164 states that "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." An addendum is appropriate here because, as explained above, none of the conditions calling for preparation of a subsequent EIR have occurred.

The following includes a detailed discussion of applicable impacts identified under the EIR in relation to the Modified Project . All impacts identified under the EIR for the Original Project have been determined to be less than significant, less than significant with mitigation, or significant and unavoidable. As described in Table 4, the Modified Project would not result in the increase in significance of environmental impacts or in new significant environmental impacts.

Table 4 identifies the environmental topics addressed in the EIR, provides a summary of impacts associated with the Original Project, as described in the EIR, and includes an analysis of the potential impacts associated with the Modified Project when compared to the Original Project.

4.0 CHANGES IN CIRCUMSTANCES/NEW INFORMATION

In addition to the effects of the Project changes discussed in Section 3.0 and Table 4 of this Addendum, Section 15162 of the CEQA Guidelines states that a subsequent EIR would be required if substantial changes occur with respect to the circumstances under which the project is undertaken which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

To address the potential for other changed circumstances that may result in new or substantially more severe cumulative impacts, a review was completed of plans, policies, and regulations that would apply to the Modified Project. No new plans, policies, or regulations that would result in new significant environmental impacts or an increase in the severity of environmental impacts were identified. There have been no significant changes in circumstances that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Since the certification of the General Plan EIR and adoption of the Original Project, the City has not reached the residential build-out potential identified in the General Plan. The General Plan anticipated new residential development of 7,132 units in the City, 4,053 in the expansion area, and 10,885 in the Planning Area. A review of Department of Finance E-5 reports indicates that housing units in the City have increased from 8,275 in 2002 to 12,082 in 2014, an increase of 3,807 units. This increase in units is well under the residential development of 7,132 units anticipated in the City by the General Plan. The growth trend in the City and region suggests that the build-out scenario envisioned for the Original Project will likely occur at a much slower pace and impacts associated with future growth in 2020 and beyond will occur at a slower and reduced rate.

Overall, the changes in circumstances that have occurred since preparation of the General Plan EIR would not result in new significant impacts or substantial increases in the severity of previously identified significant impacts in association with the Modified Project. No other additional information of substantial importance, which would require major revisions to earlier analyses that would warrant preparation of a subsequent EIR pursuant to Section 15162 of the CEQA Guidelines, has been identified or received. Therefore, pursuant to Section 15164 of the CEQA Guidelines, an Addendum to the General Plan EIR provides the appropriate level of environmental review for the Modified Project.

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
<p><u>Aesthetics</u> <i>a through d) Would the project result in substantial adverse effects regarding a scenic vista, scenic resources, visual character, and light or glare?</i></p>	<p>The General Plan EIR identified that future development associated with the Original Project may impact scenic vistas and visual natural resources within the Planning Area. The General Plan EIR identified that the goals, policies, and implementation measures included in the General Plan would provide for the protection of scenic qualities of visual resources and that the General Plan’s goals, policies, and programs would mitigate any potential impacts on aesthetic qualities inherent in the Planning Area (Impact 3.2-A, General Plan Draft EIR pp. 3-22 - 3-24). No mitigation was required.</p> <p>The General Plan EIR identified that the Original Project would have a potentially significant impact associated with alteration of the visual character or quality and urban design of the Planning Area. The General Plan EIR concluded that the policies and programs presented in the General Plan would preserve the community character and scenic qualities of Oakley, mitigating any potential impacts on visual character and quality (Impacts 3.2-B and 3.2-C, General Plan Draft EIR pp. 3-24 – 3-26). No mitigation was required.</p>	<p>The General Plan EIR found that the Original Project would result in less than significant impacts to visual scenic resources and visual character with implementation of General Plan policies and programs.</p> <p>The Modified Project would allow for an increase in density on the AHO sites, which could result in a larger development footprint, including increased building sizes and heights. Future development under Modified Project would be subject to the policies and actions of the General Plan identified to reduce potential impacts associated with visual character, scenic resources and vistas, and light and glare. As discussed under Impacts 3.2-A, 3.2-B, and 3.2-C in the General Plan EIR (see General Plan Draft EIR pp. 3-22 through 3-26), these policies and programs include measures to protect natural and scenic views, require new development to be generally consistent with Oakley’s character, and ensure infill development is consistent with the architectural characteristics of the neighborhood. Future development will also be required to comply with Zoning Code provisions, including design criteria that address visual impacts and exterior lighting.</p> <p>As with the Original Project, compliance with the policies and programs in the General Plan and applicable regulations would ensure the Modified Project’s potential to degrade existing visual character, impact scenic resources and vistas, and cause light and glare impacts would be reduced to less than significant. There would be no new significant impacts or increase in the significance of impacts associated with aesthetic</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
<p><u>Agricultural and Forest Resources</u> <i>a through e) Would the project convert Farmland (Prime Farmland, Unique Farmland, or Farmland of Statewide Importance) to non-agricultural use, conflict with existing agricultural zoning or Williamson Act contracts, involve other changes that could convert Farmland, or involve changes that could convert forest and timber resources to non-residential uses?</i></p>	<p>The General Plan EIR identified that the Original Project may convert agricultural resources, including Farmland, or conflict with existing zoning for agricultural use or a Williamson Act within the Planning Area. The General Plan includes policies and programs aimed to preserve the agricultural heritage and reduce impacts associated with conversion of or conflicts with agricultural lands. Implementation of the General Plan would reduce the impact to less than significant and no mitigation was required (Impact 3.5-C, General Plan Draft EIR pp. 3-75 - 3-77).</p>	<p>resources.</p> <p>The Modified Project would not identify any new sites for urbanization or development that were not anticipated for development in the General Plan EIR. The Modified Project would increase the potential density of sites identified for development by the Original Project. The General Plan EIR identified General Plan policies and programs that would reduce potential impacts to agricultural resources to less than significant (see Impact 3.5-C, General Plan Draft EIR pp. 3-75 - 3-77). Therefore, the Modified Project would have no change to the significance of impacts associated with agricultural zoning, uses, or resources in comparison to the Original Project.</p> <p>There are no designated forest and timber resources in the City. Therefore, the Modified Project would not have a significant impact on forest and timber resources.</p>
<p><u>Air Quality</u> <i>a through e) Would the project conflict with or obstruct implementation of the applicable air quality plan, violate or contribute to violation of an air quality standard, result in a cumulatively considerable net increase of a non-attainment</i></p>	<p>The Original Project was determined to have a potentially significant impact associated with mobile and stationary source emissions of reactive organic gases, nitrous oxides, and particulate matter. The General Plan EIR concluded that the policies and programs in the General Plan would mitigate emissions to a less than significant level and no mitigation was required (Impact 3.4-A, General Plan Draft EIR pp. 3-54 - 3-57).</p> <p>The Original Project was determined to have a</p>	<p>The Original Project was determined to have less than significant air quality impacts associated with construction-related emissions, operational emissions, toxic air emissions, and odorous emissions with implementation of the General Plan. No mitigation was required for these impacts.</p> <p>Impacts associated with new stationary and mobile sources of air pollutants discussed under Impact 3.4-A of the General Plan EIR were primarily associated with new motor vehicle trips and operation of other stationary sources. The Modified Project would</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
<p><i>criteria pollutant, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors affecting a substantial number of people?</i></p>	<p>potentially significant impact associated with emissions from construction activities that may substantially contribute to existing air quality violations or expose sensitive receptors to substantial pollutant concentrations. The General Plan EIR concluded that the policies and programs in the General Plan would reduce the impact to less than significant and no mitigation was required (Impact 3.4-B, General Plan Draft EIR pp. 3-57 and 3-58).</p> <p>The General Plan EIR indicated that the population projections associated with the Original Project may be inconsistent with the Clean Air Plan. The General Plan EIR concluded that the policies and programs in the General Plan would include all feasible transportation control measures and would reduce the impact to less than significant. No mitigation was required (Impact 3.4-C, General Plan Draft EIR p. 3-58 – 3-60).</p> <p>The Original Project was determined to have a less than significant impact associated with increased localized carbon monoxide concentrations at congested intersections. No mitigation was required (Impact 3.4-D, General Plan Draft EIR pp. 3-60 – 3-61).</p> <p>The Original Project was determined to have a potentially significant impact associated with placement of sensitive land uses near potential</p>	<p>increase the potential number of dwelling units constructed while decreasing commercial development. Development without a density bonus would result in a decrease in vehicle trips as shown in Appendix A, Table A-1. Development with a density bonus would result in a slight increase in vehicle trips (27 additional trips) as shown in Appendix A, Table A-2. The General Plan EIR anticipated approximately 577,000 vehicle trips would be generated by the Original Project. The increase in trips by 27 would not result in a significant change in air quality. The policies and programs that address air pollutant emissions for vehicle traffic and stationary sources, identified under Impact 3.4-A of the General Plan Draft EIR, would apply to development under the Modified Project and would continue to ensure that impacts remain less than significant (see Impact 3.4-A, General Plan Draft EIR pp. 3-54 – 3-57).</p> <p>Impacts associated with construction emissions are anticipated to be comparable under the Modified Project and the Original Project. The sites anticipated for development under the Modified Project were considered for development under the Original Project. There could be an increase in development density and intensity, however, the policies and programs identified in the General Plan EIR to address potential impacts associated with construction activities would apply to development under the Modified Project (see Impact 3.4-B, General Plan Draft EIR pp. 3-57 and 3-58). Implementation of the General Plan, including policies and programs that address air quality, would ensure that impacts remain less than significant.</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	<p>sources of objectionable odors, dust, or toxic air contaminants. The General Plan EIR concluded that the policies and programs included in the General Plan would reduce impacts associated with exposure to odors and toxics to a less than significant level (Impact 3.4-E, General Plan Draft EIR pp. 3-61 – 3-63).</p> <p>The General Plan EIR identified that the Original Project would a potentially significant impact associated with cumulative emissions of reactive organic gases, nitrous oxides, and particulate matter from new stationary and mobile sources of air pollutants. The General Plan included policies and programs to address air pollution and implementation of the General Plan would reduce the impact to less than significant (Impact 3.4-F, General Plan Draft EIR p. 3-63).</p>	<p>Future development under the Modified Project would be subject to the policies and programs associated with the General Plan, including all feasible Transportation Control Measures. This would ensure that the Modified Project would remain consistent with the Clean Air Plan and that impacts would be less than significant.</p> <p>As described previously, the Modified Project would result in a slight increase in trip generation. However, the Modified Project is not anticipated to have a significant change in intersection levels of service and therefore result in carbon monoxide hot spots. Policies and programs that address traffic congestion and ensure acceptable operations of roadways and intersections are described under Impact 3.3-A (see General Plan Draft EIR pp. 3-36 and 3-37). These policies and programs would apply to development under the Modified Project. Potential impacts associated with carbon monoxide emissions would remain less than significant.</p> <p>The Modified Project would place development on sites intended for development under the Original Project. As such, no change in potential impacts related to exposure to odors or toxic air contaminants would occur. General Plan policies and programs related to odorous emissions and toxic air contaminants, as described under Impact 3.4-E of the General Plan EIR, would continue to apply to development under the Modified Project.</p> <p>As previously described, the Modified Project would result in a potential increase in residential development</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
		<p>and decrease in commercial development that could result in a small increase in vehicle trips. The Modified Project would continue to be subject to General Plan policies and regulations related to air quality and the cumulative impact associated with air quality would remain less than significant, as described under Impact 3.4-F of the General Plan Draft EIR (see General Plan Draft EIR p. 3-63).</p> <p>As described above, air quality impacts associated with the Modified Project would remain less than significant with implementation of applicable General Plan policies and programs. There would be no new impacts or increase in significance of identified impacts.</p>
<p><u>Biological Resources</u> <i>a through f) Would the project cause a substantial adverse effect on special-status species, sensitive habitat, federally protected wetlands, wildlife movement corridors, local policies and ordinances adopted to protect biological resources, and adopted habitat or conservation plan?</i></p>	<p>The General Plan EIR identified that the Original Project would have a potentially significant impact related to the reduction or destruction of habitat of sensitive species and loss of plant and wildlife habitat within the Planning Area. The Original Project also has the potential to adversely affect wildlife movement and wildlife migration corridors. The General Plan included policies and programs to address impacts to biological resources and implementation of the General Plan would reduce the potential impact to less than significant. No mitigation was required (Impacts 3.9-A, 3.9-B, and 3.9-C, General Plan Draft EIR pp. 3-134 – 3-140).</p> <p>The Original Project has the potential to result in the introduction and spread of non-native invasive plant species. This impact would be</p>	<p>The Modified Project would not identify any new sites for urbanization or development that were not anticipated for development in the General Plan EIR. The Modified Project would increase the potential density of sites identified for development by the Original Project. Potential impacts to biological resources in the vicinity of these sites would remain consistent with those identified for the Original Project. The policies and programs identified in the General Plan EIR would apply to the Modified Project and would reduce potential impacts to biological resources as described under Impacts 3.9-A through 3.9-F in the General Plan EIR and would reduce potential impacts to less than significant as described in the General Plan EIR (see General Plan Draft EIR pp. 3-134 through 3-142). Therefore, the Modified Project would not result in any new impacts to biological resources and would not increase the significance of impacts to biological</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	<p>reduced to less than significant with implementation of the proposed General plan and no mitigation measures are required (Impact 3.9-E, General Plan Draft EIR p. 3-141).</p> <p>The General Plan EIR identified that development associated with the General Plan may lead to the cumulative conversion and loss of plant and animal habitat. This impact was determined to be less than significant with implementation of the proposed General Plan. No mitigation was required (Impact 3.9-F, General Plan Draft EIR p. 3-142).</p>	<p>resources in comparison to the Original Project.</p>
<p><u>Cultural Resources</u> <i>a through d) Would the project cause a substantial adverse change in the significance of a historical, archaeological, paleontological, or geologic resource or disturb human remains?</i></p>	<p>The General Plan EIR identified that future development associated with the Original Project could disturb or destroy cultural resources. The General Plan includes policies and programs to preserve and protect cultural, historic, prehistoric, and archaeological resources. With implementation of the General Plan, impacts would be less than significant and no mitigation was required (Impacts 3.10-A and 3.10-B, General Plan Draft EIR pp. 3-148 - 3-151).</p> <p>The General Plan EIR identified that development associated with the Original Project could result in a potentially significant cumulative loss to cultural resources. The General Plan EIR concluded that implementation of the General Plan along with</p>	<p>The Modified Project would not identify any new sites for urbanization or development that were not anticipated for development in the General Plan EIR. The Modified Project would increase the potential density of sites identified for development by the Original Project. Potential impacts to cultural resources associated with these sites would remain consistent with those identified for the Original Project. The policies and programs identified in the General Plan EIR would apply to the Modified Project and would reduce potential impacts to cultural resources to less than significant as described under Impacts 3.10-A through 3.10-C in the General Plan EIR (see General Plan Draft EIR pp. 3-134 through 3-142). Therefore, the Modified Project would not result in any new impacts to cultural resources and would not increase the significance of impacts to cultural resources in comparison to the</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	<p>other existing General Plans and design guidelines in the area would reduce the impact to less than significant. No mitigation was required (Impact 3.10-C, General Plan Draft EIR p. 3-151).</p>	<p>Original Project.</p>
<p><u>Geology and Soils</u> <i>a through e) Would the project expose people or structures to potential substantial adverse effects associated with seismicity, geologic or soil instability, expansive soil, result in substantial soil erosion or loss, or have soils incapable of supporting septic or alternative wastewater disposal systems?</i></p>	<p>The Original Project would have a less than significant impact associated with seismic events, related ground shaking, and expansive soils with implementation of General Plan policies and programs that address seismic and geologic hazards. No mitigation was required (Impact 3.12-A, General Plan Draft EIR pp. 3-166 – 3-168).</p> <p>The Original Project would have a less than significant impact associated with liquefaction, tsunami, and other seismic hazards with implementation of General Plan policies and programs. No mitigation was required (Impacts 3.12-B and 3.12-C, General Plan Draft EIR p. 3-168 – 3-169).</p>	<p>The Modified Project would not identify any new sites for urbanization or development that were not anticipated for development in the General Plan EIR. The Modified Project would increase the potential density of sites identified for development by the Original Project. Potential impacts associated with geology and soils on these sites would remain consistent with those identified for the Original Project. The policies and programs identified in the General Plan EIR would apply to development under the Modified Project and would reduce potential impacts associated with geology and soils to less than significant as described under Impacts 3.12-A through 3.12-C in the General Plan EIR (see General Plan Draft EIR pp. 3-166 through 3-169). Therefore, the Modified Project would not result in any new impacts associated with geology and soils and would not increase the significance of impacts related to geology and soils in comparison to the Original Project.</p>
<p><u>Greenhouse Gases</u> <i>a and b) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the</i></p>	<p>The General Plan EIR did not address greenhouse gas emissions.</p>	<p>Greenhouse gas emissions associated with residential uses primarily occur as a result of transportation (vehicle trips) and energy usage (electricity and natural gas). The Modified Project has been prepared to accommodate Oakley’s fair share of residential units as allocated by the Association of Bay Area Governments</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
<p><i>environment or conflict with a plan, policy or regulation reducing greenhouse gas emission?</i></p>		<p>and is consistent with the regional planning documents prepared by ABAG to address greenhouse gas emissions. The Modified Project would not have a significant impact related to conflicts with plans, policies, or regulations adopted to reduce greenhouse gas emissions. At the local level, the Modified Project would not result in a significant increase in greenhouse gas emissions. As demonstrated in Appendix A, development under the Modified Project could result in a decrease in daily vehicle trips and would not result in an increase of more than 27 daily vehicle trips. Development associated with the Modified Project would be subject to energy efficiency measures, including CalGreen standards as well as the policies and programs established by the General Plan to reduce energy usage (see Impact 3.11-B, General Plan Draft EIR pp. 3-158 and 3-159). The Modified Project would not result in an increase in greenhouse gas emissions that would have a significant impact on the environment, as development under the Modified Project would not result in a significant increase in vehicle trips and potential energy usage would be reduced as described under Impact 3.11-B of the General Plan Draft EIR.</p>
<p><u>Hazards and Hazardous Materials</u> <i>a through h) Would the project create a significant hazard to the public or the environment through potential exposure to hazardous materials,</i></p>	<p>The General Plan EIR identified that new development associated with the Original Project would have a potentially significant impact related to increased fire hazards. New development would be guided by the policies and programs contained in the General Plan, including requirements related to fire risk, that would reduce potential impacts to less than</p>	<p>As previously discussed, the Modified Project would allow for an increase in density on sites that are currently designated in the General Plan to allow for multi-family residential development or multi-family residential development as part of a mixed use project. The General Plan policies and programs identified in the Draft EIR under Impacts 3.7-B, 3.7-C, 3.7-D, and 3.7-E would apply to any development under the AHO. These</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
<p><i>wildland fires, or incidents associated with airplane facilities and uses, or conflict with implementation of plan adopted to address emergencies?</i></p>	<p>significant. No mitigation was required (Impact 3.7-B, General Plan Draft EIR pp. 3-109 – 3-112).</p> <p>The General Plan EIR identified that Original Project would have a less than significant impact associated with emergency preparedness with implementation of the General Plan policies and programs. No mitigation was required (Impact 3.7-C, General Plan Draft EIR pp. 3-112 – 3-114).</p> <p>The General Plan EIR identified that new development associated with the Original Project would have a potentially significant impact related to use of hazardous materials and wastes close to existing or proposed sensitive receptors. New development would be guided by the policies and programs contained in the General Plan, including requirements related to hazardous materials and waste, that would reduce potential impacts to less than significant. No mitigation was required (Impact 3.7-D, General Plan Draft EIR pp. 3-114 – 3-116).</p> <p>The Original Project would have the potential to lead to potential cumulative impacts to health and safety. Implementation of the General Plan, including policies and programs discussed under Impacts 3.7-A through 3.7-D would reduce the impact to less than significant.</p>	<p>policies and programs address potential exposure to hazardous materials and conditions and would continue to ensure that potential impacts associated with hazards and hazardous materials remain at a less than significant level under the Modified Project. The Modified Project is not anticipated to introduce any new impacts associated with hazards and hazardous materials.</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	(Impact 3.7-E, General Plan Draft EIR p. 3-116).	
<p><u>Hydrology and Water Quality</u> <i>a through j) Would the project result in adverse environmental effects associated with water quality, waste discharge, drainage patterns, groundwater supplies, runoff, flood hazards, or other hydrological hazards?</i></p>	<p>The Original Project could result in changes in absorption rates, drainage patterns, and surface runoff rates and amounts that could result in water related hazards, including flooding. This impact would be reduced to less than significant as future development would be required to comply with General Plan policies which address flooding and stormwater management. No mitigation was required (Impact 3.7-A, General Plan Draft EIR pp. 3-105 - 3-109).</p> <p>The General Plan EIR identified that impacts associated with violation of water quality standards or waste discharge requirements associated with future development would be reduced to less than significant with implementation of relevant General Plan policies and programs. No mitigation was required (Impact 3.8-A, General Plan Final EIR pp. 3-122 - 3-125).</p> <p>The Original Project may result in a potentially significant impact associated with the potential to increase construction-related erosion and sedimentation into surface waters. The General Plan policies and programs that address drainage and construction-related water contamination would reduce the impact to less than significant. No mitigation was required (Impact 3.8- B, General Plan Final EIR pp. 3-125</p>	<p>The EIR found that the approved project would result in less than significant impacts associated with hydrology and water quality. No mitigation measures were required.</p> <p>The Modified Project would not identify any new areas for development in comparison to the Original Project. While densities would increase on the AHO sites, the Original Project anticipated disturbance of the sites related to multifamily and commercial development. The Modified Project would result in comparable effects associated with water quality, waste discharge, drainage patterns, runoff, flood hazards, and other hydrological hazards. The Modified Project would not result in an increase in groundwater usage, as the City's water supply comes from surface sources (see Utilities discussion below). The Modified Project would be subject to the General Plan policies and programs described under Impacts 3.7-A, 3.8-A, 3.8-B, and 3.8-C of the General Plan Draft EIR. Implementation of the General Plan would ensure that potential hydrology and water quality impacts remain less than significant and no new or increased impacts would occur.</p>

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Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	<p>- 3-127).</p> <p>The General Plan EIR identified that wastewater generated by new development associated with the Original Project could have a potentially significant impact associated with the collection and treatment capacity of the wastewater treatment plant. The General Plan includes policies and programs to address wastewater and implementation of the General Plan would reduce the impact to less than significant. No mitigation was required (Impact 3.8-C, General Plan Final EIR pp. 3-127 – 3-129).</p>	
<p><u>Land Use and Planning</u> <i>a through c) Would the project physically divide an established community or conflict with any applicable land use plan, policy or regulation adopted for purpose of avoiding or mitigating an environmental effect?</i></p>	<p>The General Plan EIR identified the Original Project would have a less than significant impact associated with physical division of an established community with implementation of policies included in the General Plan (Impact 3.1-A, General Plan Draft EIR pp. 3-12 – 3-14). No mitigation was required.</p> <p>The General Plan EIR identified that future development associated with the Original Project has the potential to induce growth and increase the number of housing units and jobs in the Planning Area. New development would be required to be consistent with the City’s performance standards and the General Plan provides for treatment of growth management issues. The General Plan EIR concluded that implementation of General Plan policies would</p>	<p>The EIR found that the Original Project would result in less than significant impacts associated with land use and planning and no mitigation measures were required.</p> <p>The Modified Project would increase the potential density on the proposed AHO sites. The Modified Project would not physically divide an established community, as it would not create any new roads or barriers within existing communities and potential impacts to established communities would be reduced as the Modified Project would be required to comply with the General Plan policies discussed under Impact 3.1-A in the General Plan Draft EIR.</p> <p>The Modified Project includes modifications to the General Plan and Zoning Code that would ensure the Modified Project is consistent with adopted regulations. Development associated with the Modified Project</p>

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Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	<p>reduce the impact to a less than significant level (Impact 3.1-B, General Plan Draft EIR pp. 3-14 – 3-16).</p> <p>The Original Project has the potential to result in land use conflicts and incompatibility between existing and proposed land uses. The General Plan EIR identified that the policies and programs presented in the General Plan provided methods to prevent conflicts from occurring and that implementation of the General Plan policies would reduce the impact to a less than significant level (Impact 3.1-C, General Plan EIR pp. 3-16 – 3-18). No mitigation was required.</p> <p>The General Plan EIR concluded that impacts to Downtown Oakley, as a focal point and destination, would be reduced to less than significant through implementation of policies and programs to support the preservation of Downtown Oakley as the center of the City (Impact 3.1-D, General Plan EIR pp. 3-18 – 3-20). No mitigation was required.</p> <p>The General Plan EIR identified that the Original Project may result in a cumulative impact on land use and development, regional population growth, and jobs/housing balance. The General Plan EIR concluded that the short-term (20-year) and long-term (buildout conditions) were mitigated by the General Plan’s goals, policies,</p>	<p>would be required to comply with applicable local, state, and federal regulations that have been adopted to avoid or mitigate an environmental effect. Compliance with the General Plan policies and programs would ensure that potential impacts remain less than significant. The Modified Project would not result in a significant increase in any environmental impacts associated with land use and planning and would not result in any new impacts.</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	and programs (Impact 3.1E, General Plan EIR pp. 3-20 – 3-21). No mitigation was required	
<u>Mineral Resources</u> <i>a and b) Would the project result in the loss of availability of a known mineral resource or recovery site?</i>	The General Plan EIR identified that impacts associated with mineral resources would not be significant (General Plan Draft EIR pp. 5-13 – 5-14).	The Modified Project does not identify any new locations for development in comparison to the Original Project. There would be no change to potential impacts to mineral resources.
<u>Noise</u> <i>a through f) Would the project result in noise levels in excess of standards, a substantial temporary, periodic, or permanent increase in ambient noise levels, or exposure to excessive noise associated with an airport or airstrip?</i>	<p>The Original Project would result in increased traffic levels, resulting in exposure to increased roadside noise levels. Future development projects would be required to comply with the General Plan policies and programs designed to maintain or reduce exposure to excessive noise levels; implementation of the General Plan would reduce potential impacts to a less than significant level. No mitigation was required (Impact 3.13-A, General Plan Draft EIR pp. 3-175 and 3.177).</p> <p>The Original Project would have a less than significant impact associated with exposure of noise-sensitive land uses to a substantial temporary, periodic, or permanent increase in ambient noise levels, including construction-related noise. Future development projects would be subject to the General Plan policies and programs that address potential increases in noise levels. No mitigation was required (Impact 3.13-B, General Plan Draft EIR pp. 3-</p>	<p>The EIR found that the Original Project would result in less than significant noise impacts and no mitigation measures were required.</p> <p>As previously described, the Modified Project would result in minimal changes to traffic levels (see Appendix A). Future development accommodated by the Modified Project would be required to comply with the General Plan policies and programs that address exposure to excessive noise levels, as described under Impact 3.13-A in the General Plan Draft EIR. Compliance with these policies and programs would continue to ensure that potential exposure to excessive noise levels remains less than significant.</p> <p>Potential impacts associated with construction activities and substantial temporary, periodic, or permanent increase in ambient noise levels are anticipated to be comparable under the Modified Project to the Original Project as the AHO sites were designated for urban development with residential and/or commercial uses by the Original Project. Future development under the Modified Project would be</p>

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Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	<p>177 – 3-179).</p> <p>The Original Project would have the potential to locate noise-generating, non-traffic noise sources close to sensitive land uses. The policies and programs included in the General Plan would avoid development that results in land use incompatibility and ensure that adequate measures are implemented to reduce potential noise impacts (Impact 3.13-C, General Plan Draft EIR p. 3-179 – 3-181).</p>	<p>required to comply with the General Plan policies and programs that address potential increase in noise levels, as described under Impact 3.13-B of the General Plan EIR. The impact would remain less than significant.</p> <p>The Modified Project would accommodate residential development on sites designated for multifamily residential and/or commercial development by the Original Project. No change in potential exposure to noise-generating, non-traffic noise sources is expected with adherence to the General Plan policies and programs identified under Impact 3.13-C of the General Plan Draft EIR.</p> <p>The Modified Project would not result in any changes in noise exposure relative to airstrips or airports, so there would be no new impacts or increase in significance of impacts in relation to this topic.</p>
<p><u>Population/Housing</u> <i>a through c) Would the project induce substantial population growth or displace substantial numbers of housing or people?</i></p>	<p>The General Plan EIR identified that the Original Project may result in a cumulative impact on land use and development, regional population growth, and jobs/housing balance. The General Plan EIR concluded that the short-term (20-year) and long-term (buildout conditions) were mitigated by the General Plan's goals, policies, and programs (Impact 3.1E, General Plan EIR pp. 3-20 – 3-21). No mitigation was required</p> <p>Impacts associated with displacement of existing housing and people were determined to be less than significant and no mitigation was required (General Plan Draft EIR, pp. 5-13 – 5-</p>	<p>The Original Project would result in less than significant impacts associated with population growth and related growth inducement, with adherence to General Plan policies and programs.</p> <p>The Modified Project would accommodate an increase in residential dwelling units as described in Section 2, Project Description. This increase in growth is consistent with the state housing allocations made by the State Department of Housing and Community Development and ABAG. The Modified Project would accommodate planned growth for the region and is consistent with population forecasts. Long-term growth would continue to be mitigated by the General</p>

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Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	14).	<p>Plan policies and programs described under Impact 3.1E of the General Plan Draft EIR (see General Plan Draft EIR, pp. 3.20 – 3-21). The Modified Project would not result in any increase in significance or new impacts related to population/housing.</p> <p>Impacts associated with potential displacement of existing housing and people would remain less than significant; the Modified Project would have no effect on the significance of this impact.</p>
<p><u>Public Services</u> <i>a through e) Would the project have an effect upon, or generate a need for fire protection, police services, parks, schools, or other public facilities?</i></p>	<p>The General Plan EIR determined that potential impacts associated with government services would be reduced to less than significant with implementation of General Plan policies and programs. No mitigation was required (Impact 3.6-A, General Plan Draft EIR pp. 3-81 – 3-89).</p> <p>The General Plan EIR determined that potential impacts associated with fire protection and emergency services, including demand for expanded services and facilities, would be reduced to less than significant with implementation of General Plan policies and programs. No mitigation was required (Impact 3.6-B, General Plan Draft EIR pp. 3-89 – 3-91).</p> <p>The General Plan EIR determined that potential impacts associated with law enforcement, including demand for expanded services and facilities, would be reduced to less than significant with implementation of General Plan policies and programs. No mitigation was</p>	<p>The General Plan EIR determined that the Original Project would have a less than significant impact on fire protection and emergency services, law enforcement, schools, and government services and facilities and that no mitigation was necessary.</p> <p>The Modified Project would result in an increase in demand for public services associated with the potential increase in residential units. As described under Impacts 3.6-A, 3.6-B, 3.6-C, 3.6-D, and 3.6-E of the General Plan Draft EIR, the General Plan includes policies and programs to ensure that environmental impacts associated with the demand for increased governmental services, fire protection and emergency services, law enforcement, and schools, including the demand for expanded facilities, would be reduced to less than significant. The General Plan policies and programs also ensure that cumulative environmental impacts associated with provision of public services would be reduced to less than significant, as described under Impact 3.6-F of the General Plan Draft EIR. Development accommodated by the Modified Project</p>

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Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	<p>required (Impact 3.6-C, General Plan Draft EIR pp. 3-91 – 3-93).</p> <p>The General Plan EIR determined that potential impacts associated with schools, including demand for expanded services and facilities, would be reduced to less than significant with implementation of General Plan policies and programs. No mitigation was required (Impact 3.6-D, General Plan Draft EIR pp. 3-93– 3-96).</p> <p>The General Plan EIR identified that new urban development associated with the Original Project may result in a cumulative effect on public services. This impact was determined to be less than significant with implementation of the General Plan, including policies and programs discussed under Impacts 3.6-A through 3.6-E (Impact 3.6-F, General Plan Draft EIR pp. 3-97).</p>	<p>would be required to comply with General Plan policies and programs related to the provisions of public services and facilities as well as payment of all applicable impact fees for public services and facilities, as described in the General Plan Draft EIR (General Plan Draft EIR pp. 3-81 - 3-97). The Modified Project would not result in an increase in the significance or any new environmental impacts associated with the provision of public services.</p>
<p><u>Recreation</u> <i>a and b) Would the project result in substantial physical deterioration of recreational facilities or require construction or expansion of recreational facilities that may have an adverse physical effect on the environment?</i></p>	<p>The General Plan EIR determined that with the implementation of the General Plan, including the Parks and Recreation Element, the Original Project would have a less than significant impact on parks and recreation facilities resulting from increased population and use of facilities and no mitigation was necessary (Impact 5-A, General Plan Draft EIR pp. 3-70 - 71).</p>	<p>The Original Project was determined to have a less than significant impact associated with use of and provision of parks and recreation facilities and no mitigation measures were required.</p> <p>The Modified Project would result in an increase in residential development. Future development would be required to comply with policies and programs related to the provision of parks and recreation facilities. There would be no new impact or increase in the significance of an impact associated with the provision or use of</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
<p><i>Transportation/Traffic a through g) Would the project conflict with a plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, conflict with an applicable congestion management program, result in a change in air traffic patterns, increase roadway hazards, result in inadequate emergency access,, or conflict with adopted policies or programs supporting alternative transportation?</i></p>	<p>The Original Project may increase traffic volumes and level of service (LOS) standards for roadway segments and signalized intersections. General Plan policies will ensure that necessary improvements are planned and that the City coordinates with appropriate agencies. This impact is less than significant and no mitigation was required (Impact 3.3-A, General Plan Draft EIR pp. 3-36 – 3-37).</p> <p>New urban development and intensification of uses in developed areas associated with the Original Project may result in a potentially significant impact associated with increased needs for transit services. General Plan policies and programs would address the need for increased transit services. The impact was determined to be less than significant and no mitigation was required (Impact 3.3-B, General Plan Draft EIR pp. 3-38 - 3-39).</p> <p>New urban development associated with the Original Project may result in a potentially significant impact associated with demand for pedestrian and bicycle facilities. General Plan policies and programs would address the pedestrian and bicycle improvement standards and address needed facilities. The impact was determined to be less than significant and no mitigation was required (Impact 3.3-C, General</p>	<p>parks and recreational facilities.</p> <p>The Original Project would result in less than significant impacts associated transportation and traffic. No mitigation was required.</p> <p>As shown in Appendix B, development under the Modified Project under base density conditions would result in a decrease in vehicle trips (Table A-1). Under density bonus conditions (Table A-2), the Modified Project could result in an increase in up to 27 daily vehicle trips. While this would not have a significant impact on regional traffic generation or vehicle miles travelled, the Modified Project would result in a localized increase in traffic in the vicinity of AHO sites 1 through 6, which could affect roadway and intersection LOS. The General Plan includes policies and programs to ensure that the acceptable roadway LOS is maintained throughout the City under General Plan buildout conditions. No significant reduction in future LOS is anticipated with continued implementation of General Plan policies and programs. Future development under the Modified Project would be required to comply with General Plan policies and programs that require development projects to identify potential traffic impacts and to pay their fair-share of improvements necessary to address traffic. General Plan policies would continue to ensure that necessary improvements are addressed by new development providing necessary improvements or addressing traffic impacts through an appropriate funding mechanism and by regular review of intersection LOS and implementation of circulation improvements necessary</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	<p>Plan Draft EIR pp. 3-39 and 3-42).</p> <p>Under cumulative conditions, the Original Project could result in a cumulative effect on traffic, transit, or pedestrian and bicycle facilities. General Plan policies and programs to address these issues would reduce the impact to less than significant. Therefore, no mitigation was required (Impact 3.3-D, General Plan Draft EIR pp. 3-42 - 3-43).</p>	<p>to mitigate effects of growth. Continued implementation of General Plan policies and programs would ensure that the Modified Project continues to be consistent with adopted plans, regulations, and policies associated with the performance of the circulation system, as described under Impact 3.3-A of the Draft EIR, and does not result in any new impacts or the increase in significance of impacts relative to this topic.</p> <p>The Modified Project would result in an increase in demand for transit, bicycle, and pedestrian facilities associated with population growth. However, future development associated with the Modified Project would be required to comply with applicable adopted policies and programs supporting alternative transportation as described under Impacts 3.3-B and 3.3-C of the General Plan Draft EIR, which would ensure that impacts remain less than significant. The Modified Project would not result in any new or increased impacts associated with alternative transportation.</p> <p>The Modified Project would result in a decrease in potential development and does not include any plans that would introduce roadway or other transportation hazards. There would be no impact associated with roadway or transportation hazards.</p> <p>The Modified Project would reduce the potential overall footprint and extent of new development and would continue to focus development within the existing City and Proposed Modified SOI. There would be no change in the potential for changes in air traffic patterns or air traffic hazards.</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
<p><u>Utilities/Service Systems</u> <i>a through g) Would the project exceed wastewater treatment requirements or capacity, require the construction or expansion of utility facilities that would result in a significant environmental effects, be served by a landfill with sufficient capacity, and comply with applicable statutes and regulations related to solid waste?</i></p>	<p>The Original Project would result in increased demand for water supplies, distribution, and treatment facilities. The General Plan includes policies and programs to address water demand through build out. Implementation of the General Plan would reduce the impact to less than significant and no mitigation was required (Impact 3.11-A, General Plan Draft EIR pp. 3-154 – 3-157).</p> <p>The General Plan EIR identified that wastewater generated by new development associated with the Original Project could have a potentially significant impact associated with the collection and treatment capacity of the wastewater treatment plant. The General Plan includes policies and programs to address wastewater and implementation of the General Plan would reduce the impact to less than significant. No mitigation was required (Impact 3.8-C, General Plan Final EIR pp. 3-127 – 3-129).</p> <p>The General Plan EIR determined that potential impacts associated with solid waste and recycling services, including demand for expanded services and facilities, would be reduced to less than significant with implementation of General Plan policies and programs. No mitigation was required (Impact 3.6-E, General Plan Draft EIR pp. 3-96 – 3-98).</p> <p>The Original Project would result in a</p>	<p>The Original Project would result in less than significant impacts associated with wastewater treatment and conveyance facilities, storm drainage facilities, solid waste disposal, and water supply and treatment facilities. No mitigation was necessary to address these impacts.</p> <p>While the Modified Project would result in an increase in residential development, there would be a decrease in commercial development as shown in Tables 2 and 3. The Modified Project could result in a slight increase in demand, compared with buildout conditions of the General Plan, for wastewater, stormwater, solid waste, water supply, and energy utilities. The General Plan Draft EIR identified that under buildout conditions, the demand for services would exceed existing facilities and supply and that improvements and expansion to service infrastructure, facilities, and supply would be needed to address buildout conditions for water, wastewater, solid waste, and other utilities. As discussed under Impacts 3.11-A, 3.8-C, 3.6-E, and 3.11-B of the General Plan Draft EIR, implementation of General Plan policies and programs would address potential impacts to utility services and would reduce potential impacts to less than significant. Future development accommodated by the Modified Project would continue to be subject to General Plan policies, development impact fees, ordinances, and requirements identified in the General Plan EIR to reduce potential impacts associated with an increased demand for wastewater, stormwater, solid waste, and water supply services and facilities to a less than significant level, consistent with</p>

TABLE 4: COMPARISON OF ORIGINAL PROJECT IMPACTS AND MODIFIED PROJECT IMPACTS

Environmental Issues	Adopted General Plan (Original Project)	Housing Element Update (Modified Project)
	<p>potentially significant impact associated with exceeding utility service capabilities, including electric and natural gas, during peak periods. The General Plan includes policies and programs to address utility systems and energy use. Implementation of the General Plan would reduce the impact to less than significant and no mitigation was required (Impact 3.11-B, General Plan Draft EIR pp. 3-157 – 3-159).</p>	<p>the discussion provided for Impacts 3.11-A, 3.8-C, 3.6-E, and 3.11-B in the General Plan Draft EIR.. There would be no increase in the severity of impacts and there would be no new impacts associated with utilities and service systems.</p>

REFERENCES

City of Oakley, 2002. Oakley 2020 General Plan Update Draft Environmental Impact Report. Prepared by Quad Knopf for the City of Oakley. September 2002.

City of Oakley, 2002. Oakley 2020 General Plan Update Final Environmental Impact Report SCH #2002042134. Prepared by Quad Knopf for the City of Oakley. November 2002.

City of Oakley, 2010. City of Oakley General Plan 2020. Adopted December 16, 2002, amended January 26, 2010.

City of Oakley, 2014. Public Review Draft Housing Element. Prepared by De Novo Planning Group for the City of Oakley. October 2014.

City of Oakley, 2014. Oakley Municipal Code, Title 4 – Chapter 2, Title 7 – Chapters 1 and 2, and Title 9, Chapters 1 – 4. Current through Ordinance 16-14 passed October 14, 2014.

TABLE A-1: COMPARISON OF TRIP GENERATION – ORIGINAL PROJECT V. MODIFIED PROJECT

Type of Use	Trip Generation Rate	Existing Project		Modified Project		Difference
		Units	Trips	Units	Trips	
Multifamily Apartments (Dwelling Units)	6.65 trips/unit (ITE 220)	191	1,270	383	2,547	1,277
Shopping Center (1,000 s.f.)	42.70 trips/1,000 s.f. (ITE 820)	39,857	1,702	0	0	(1,702)
TOTAL			2,972	2,547	58,080	(425)

Source: Trip Generation Rates, 9th Edition

TABLE A-2: COMPARISON OF TRIP GENERATION – ORIGINAL PROJECT WITH DENSITY BONUS v. MODIFIED PROJECT WITH DENSITY BONUS

Type of Use	Trip Generation Rate	Existing Project		Modified Project		Difference
		Units	Trips	Units	Trips	
Multifamily Apartments (Dwelling Units)	6.65 trips/unit (ITE 220)	266	1,769	526	3,498	1,729
Shopping Center (1,000 s.f.)	42.70 trips/1,000 s.f. (ITE 820)	39,857	1,702	-	-	(1,702)
TOTAL			3,471		3,498	27

Source: Trip Generation Rates, 9th Edition

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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December 16, 2014

Mr. Joshua Murray, Senior Planner
Planning Division
City of Oakley
3231 Main Street
Oakley, CA 94561

Dear Mr. Murray:

RE: City of Oakley's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the City of Oakley's draft housing element received for review on October 21, 2014, along with additional revisions received on December 11, 2014. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a conversation on December 9, 2014 with you and Beth Thompson, the City's Consultant.

The draft housing element addresses most of the statutory requirements. However, the following is still necessary to comply with State housing element law (GC, Article 10.6):

Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (GC Section 65583(c)(7)).

While the element includes a general summary of the public participation process (beginning on page 10.VII -1), the element should be revised to specifically describe the City's efforts to circulate the housing element among lower-income households and organizations that represent them and to involve such groups and persons in the development of the element. During the period between this draft element and the adoption of the final housing element, the City should continue efforts to achieve public participation including low and moderate income households.

Once the element has been revised to address the requirement described above, it will comply with State housing element law.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of January 31, 2015 for Association of Bay Area Governments localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For information on element adoption requirements, visit our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

The Department appreciates the hard work and dedication of Ms. Thompson during the course of our review. We are committed to assist Oakley in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Hilda Sousa, of our staff, at (916) 263-1784.

Sincerely,



Glen A. Campora
Assistant Deputy Director

Agenda Date: 09/09/2014Agenda Item: 7.1

STAFF REPORT


Date: Tuesday, September 9, 2014

To: Bryan H. Montgomery, City Manager

From: Joshua McMurray, Senior Planner

Subject: **Work Session Regarding the State-Mandated Housing Element Update**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary

The City has initiated a State Mandated Housing Element update required by Government Code Section 65583. The new Housing Element must be updated to comply with the 2014-2022 Regional Housing Needs Allocation (RHNA), as determined by the Bay Area Association of Governments (ABAG), and new statutory requirements. The final RHNA was adopted by ABAG on July 18, 2013. The Housing Element update will provide the capacity for the City's fair share of affordable housing for the next eight years. The City's Housing Element needs to be adopted by the City Council by January 31, 2015.

Background

The City adopted the Oakley General Plan in 2002, and in 2006, the State Department of Housing and Community Development (HCD) certified Oakley's first Housing Element, and in 2009, HCD certified the current 2007-2014 Housing Element. In August of 2013 the City Council approved an agreement for consulting services with De Novo Planning to facilitate the Housing Element Update. Within the Housing Element, the City must demonstrate it has capacity or adequate sites to accommodate the projected RHNA need through the 2014-2022 planning period.

The Bay Area Association of Governments, the Council of Governments (COG) representing the region, in cooperation with local jurisdictions, is responsible for allocating the region's projected new housing demand in each jurisdiction. This process is known as the RHNA and the goals are referred to as the RHNA goals or the "regional share" goals for new housing construction. The allocation takes into account factors such as employment opportunities, market demand for housing, availability of suitable sites and public facilities, community patterns, types and tenure of housing needs and others. The allocation is divided into five income categories: In determining a jurisdiction's share of new housing needs by income category, the allocation is adjusted to avoid an over-concentration of lower-income households in one jurisdiction. The RHNA prepared by

ABAG for the planning period of January 2015 through January 2023, identifies Oakley's projected regional share need as 1,168 new housing units.

To assist and provide recommendations to the City Council in the update process, a five member 2014-2022 Housing Element Update Citizen Advisory Committee (HECAC) was appointed in August of 2013. Since the committee was formed; a total of three meeting have been held in addition to one public workshop where the committee and community stakeholders were invited to share their thoughts on the housing element update. The last meeting held was on August 18, 2013 where the focus centered on the sites needed to accommodate the RHNA allocation.

Work Session Focus

The City will have to accommodate sites to meet the RHNA need in all income categories. The City has sufficient entitled land through the East Cypress Corridor as well as other entitled residential projects throughout the City to accommodate the need for the Moderate and Above –Moderate units. The focus of this work session centers on the 489 Low, Very-Low, or Extremely-Low income units. The first table below (City of Oakley 2014-2022RHNA Allocations) shows the RHNA allocation to Oakley of 1,168 total units, with the breakdown of the 489 low income units. The table also shows the five income categories as well as the income ranges for each of the categories.

City of Oakley 2014-2022 RHNA Allocations

Income Category	Annual Income Range	Oakley Regional Share (units)
<i>Extremely-Low¹</i>	<i><30% MFI</i>	<i>158</i>
Very-Low	0%- 50% MFI	157
Low	31%- 80% MFI	174
Moderate	81%- 120% MFI	175
Above-Moderate	>120% MFI	502
Total		1,168

¹ Regional share of extremely low-income units is assumed to be 50% of the very low-income units.

The second table (Adjusted RHNA Need) details Oakley's RHNA minus the units either under construction or that have been constructed since January 1, 2014, that can be used to count towards the RHNA total. Based on the RHNA assigned by ABAG, the total number of affordable units allocated to Oakley was 489. The Corporation for Better Housing site had 29 units under construction and there is additional capacity of 75 units on the CBH site. Those units can be used to reduce the 489 affordable units. There is a remaining need of approximately 386 affordable units (defined by either being Low, Very-

Low, or Extremely-Low income). This means the City will need to identify sites able to accommodate the need, not necessarily meaning those units will be constructed.

Adjusted RHNA Need

Income Category	RHNA Allocation RHNA Need	Dwelling Units		Remaining RHNA Need
		Units Constructed	Units Under Construction	
Extremely-Low ¹	158	0	3 ²	155
Very-Low	157	0	15 ²	142
Low	174	0	11 ²	163
Moderate	175	29	4	142
Above-Moderate	502	41	15	446
Total	1,168	70	48	1,048

¹ Regional share of extremely low-income units is assumed to be 50% of the Very Low-income Units.
² CBH Project – Carol Lane

The City's Housing Consultant in conjunction with input and direction received by both the Housing Element Update Citizen Advisory Committee and Staff, have outlined a plan to satisfy the sites needed to accommodate the remaining RHNA need within the Preliminary Draft Housing Element as follows:

- Page 10.VI-1 of the Preliminary Draft Housing Element contains Policy Action 1.1. This action requires the City to identify sites used to accommodate the remaining adjusted RHNA allocation of 386 units. The proposal includes 6 parcels where the existing zoning is M-9 or M-12 (already a multi-family zone) and proposes to apply the Affordable Housing Overlay (AHO) on the parcels. The AHO is an overlay district already contained within Oakley Municipal Code section 9.1.410. This overlay brings the minimum density on these parcels to 24 dwelling units per acre, and with a State mandated Density Bonus applied, the effective density goes up to 32.4 dwelling units per acre. The proposal does not include a plan to rezone a parcel to change the underlying zone (which could mean taking a R-6 single family parcel allowing a maximum of 5.5 dwelling units per acre and rezoning the site to allow 30+ dwelling units per acre). Applying the AHO to these six sites would allow for up to 419 units, which slightly exceeds the 386 needed to comply with State requirements.

Conclusion

Staff recommends the City Council review the information provided, through the Staff Report and Power Point presentation, and provide Staff with direction on determining where the remaining RHNA need can be accommodated. Thereafter, Staff and De Novo Planning will finalize a Draft Housing Element that will be submitted to HCD, and released

Subject: Housing Element Work Session

Date: September 9, 2014

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for formal public review. It typically takes HCD sixty (60) days to respond to the City on the Draft Housing Element. Staff plans to bring a Final Housing Element back to the City Council, for adoption by resolution, by January 2015.



Agenda Date: 10/14/2014
 Agenda Item: 7.1

STAFF REPORT

Date: Tuesday, October 14, 2014
To: Bryan H. Montgomery, City Manager
From: Joshua McMurray, Senior Planner
Subject: **Work Session Regarding the State-Mandated Housing Element Update**

Approved and Forwarded to City Council:


 Bryan H. Montgomery, City Manager

Summary

At the September 9, 2014 City Council work session Staff presented the City Council with six sites to satisfy the Regional Housing Needs Allocation (RHNA) for the Housing Element update. The City Council expressed a desire to have more sites analyzed at a future work session. Staff held a public meeting with the Housing Element Update Citizen Advisory Committee (CAC) on September 22, 2014. A variety of sites were discussed using the direction received from the City Council. Staff along with the City's CAC and the Housing Element Consultant has come up with twelve additional sites for the City Council to consider. In total, Staff is presenting seventeen sites, which includes five of the six sites presented at the last work session. Based on the feedback from the City Council, the site at 901 E. Cypress Road has been removed from the list of eligible sites. The Staff report containing the background and technical information related to the Housing Element update has been attached for reference.

Two of the twelve additionally proposed sites are zoned M-12 (Multi-Family Residential), one of the sites is zoned R-B (Retail Business), and nine of the sites are zoned C (General Commercial). In total, the City needs to identify sites that total be at least 14.85-acres. This acreage anticipates that the remaining 386 units are accommodated by the Affordable Housing Overlay (AHO) designation which allows a range from the minimum 24 to the maximum 32.4 dwelling units per acre and is based on a realistic capacity of 80% of the maximum density. Another point to keep in mind is that at least half of the City's very-low and -low income sites need to be limited to residential only (no mixed use). That means the City cannot choose all commercial sites or other sites that allow a mix of uses for application of the AHO. It should also be noted that the AHO allows a property owner or developer an option to either build at the density allowed by the underlying zoning or build at a higher density for a qualifying affordable project, but in no case can the densities from both the underlying zone and the AHO be combined.

An option to consider in looking at grouping appropriate sites together is grouping several of the properties proposed along East Cypress Road. The City Council previously looked at three sites in this area identified as sites 1, 2 and 3 on the attached map. At the last work session the property owner at 67 Van Pelt Lane expressed interest in having his property included in the Housing Element as an adequate site, and has since contacted

Subject: Housing Element Work Session

Date: October 14, 2014

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three of the other four property owners (indicated on the attached map as Sites 1, 2, 3, 6, and 7) who appear to have the same interests. If combined, the total combined acreage for the five parcels would be 10.47-acres. If the City Council chooses to include these five parcels as adequate sites, then approximately 4.5-acres of additional land would be needed. As mentioned above, the City needs to provide no less than 50% of the acreage needed to accommodate the RHNA on sites with only a residential zoning. That means the remaining 4.5-acres could be accommodated using commercially zoned land. There are several sites along Main Street, north of Delta Road, zoned commercial. In particular, sites 13 and 14 would most likely meet the requirements of HCD as well as fill the need for the remaining 4.5-acres as discussed above. Staff has provided a table to visually show how the RHNA can be accommodate using the sites mentioned above.

APN	Zoning	Map #	Acreage	Current Use	Potential AHO Units	Maximum AHO Units
033-012-004	M-12	1	3.46	Vacant	90	112
033-012-005	M-12	2	2.39	1 single family residence	61	76
033-012-007	M-12	3	2.40	1 single family residence	61	77
033-012-009	M-12	6	1.11	1 single family residence	28	35
033-012-008	M-12	7	1.12	1 single family residence	28	35
034-200-023	C	13	2.33	1 single family residence	59	74
034-200-024	C	14	2.33	1 single family residence	59	74
Totals			15.03		386	483

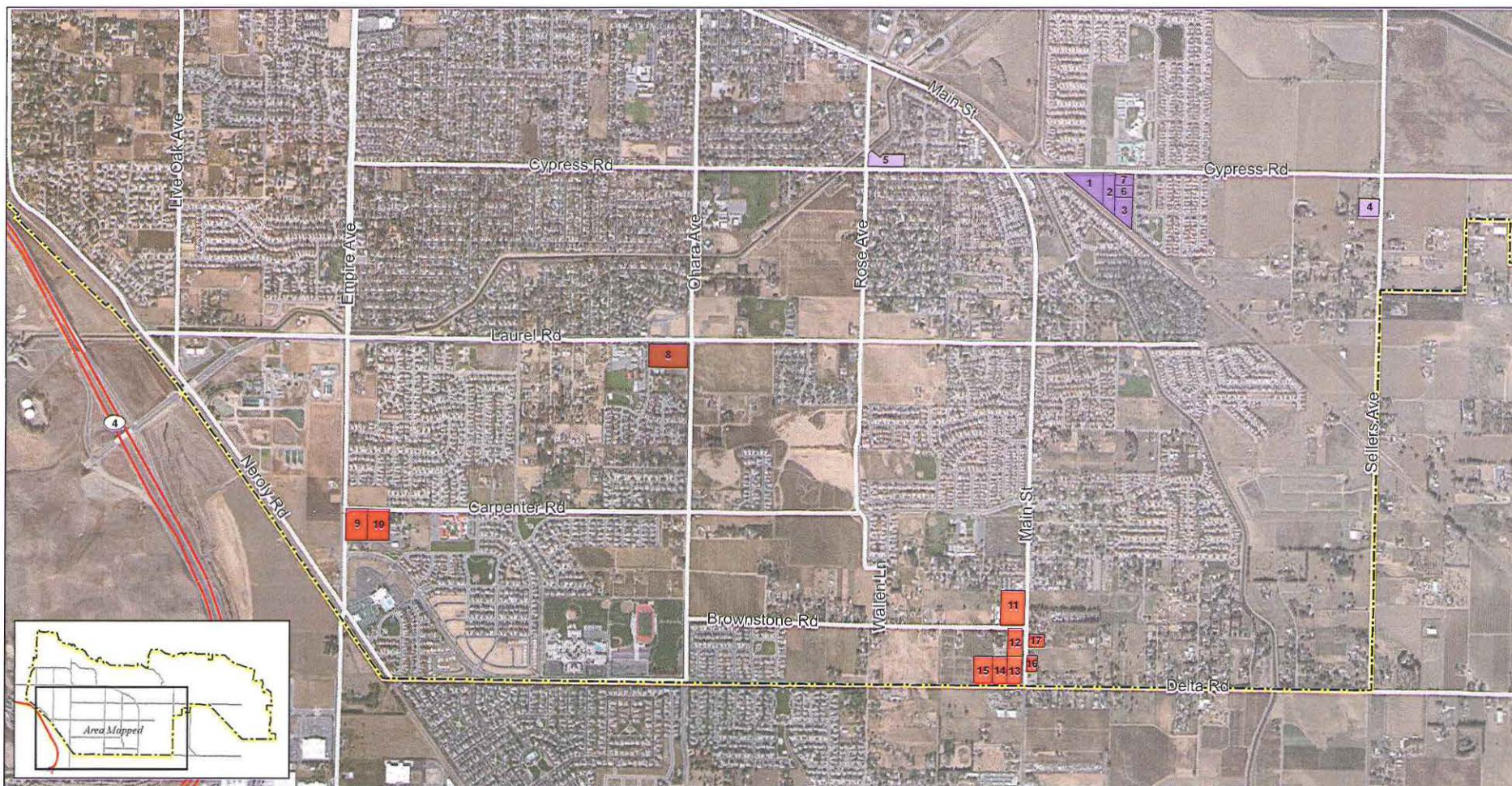
It should also be noted that although sites 16 and 17 are up for consideration it is unlikely that HCD would consider these sites suitable for the AHO as they are both just slightly over an acre and both have existing single family units on them.

Conclusion

Staff recommends the City Council review the information provided, through the Staff Report and Power Point presentation, and provide Staff with direction on determining where the remaining RHNA need can be accommodated.

Attachments

1. September 9, 2014 Work Session Staff Report
2. Vacant and Underdeveloped Property Map
3. Housing Element Site Table



-  Oakley City Boundary
- Sites by Zoning Designation
-  R-B
-  C
-  M-9
-  M-12I



CITY OF OAKLEY, CALIFORNIA
 Potential Affordable Housing Overlay Sites

De Novo Planning Group
 A Land Use Planning, Design, and Environmental Firm

Sources: Contra Costa County, City of Oakley, and GIS Online World Imagery Map Service. Map Date: September 29, 2014.

Attachment 3

APN	Zoning	Map #	Acreage	Current Use	Notes	Potential AHO Units	Maximum AHO Units
033-012-004	M-12	1	3.46	Vacant		90	112
033-012-005	M-12	2	2.39	1 single family residence		61	76
033-012-007	M-12	3	2.40	1 single family residence		61	77
033-180-007	M-9	4	1.98	3 single family residences		48	61
035-282-054	M-9	5	2.46	Miscellaneous improvements, no structures		64	80
033-012-009	M-12	6	1.11	1 single family residence		28	35
033-012-008	M-12	7	1.12	1 single family residence		28	35
034-080-031	R-B	8	5.71	1 single family residence		147	184
034-030-007	C	9	3.66	1 single family residence		94	118
034-030-008	C	10	3.66	Vacant		95	119
034-210-006	C	11	4.56	Miscellaneous improvements, no structures		118	148
034-200-022	C	12	2.22	Vacant		58	72
034-200-023	C	13	2.33	1 single family residence		59	74
034-200-024	C	14	2.33	1 single family residence		59	74
034-200-026	C	15	2.97	1 single family residence		76	95
033-110-004	C	16	1.07	1 single family residence		27	34
033-110-017	C	17	1.08	1 single family residence		27	34



Agenda Date: 01/27/2015

Agenda Item: 5.1

STAFF REPORT

Date: Tuesday, January 27, 2015

To: Bryan Montgomery, City Manager

From: Kevin Rohani, Public Works Director/City Engineer

Subject: Downtown Main Street "Visioning" Project, CIP Project Number 162

Approved and Forwarded to City Council:

Bryan H. Montgomery, City Manager

Background and Analysis

The City's Capital Improvement Program for the 2014/2015 Fiscal Year includes a project to develop and create a concept plan for the future development of Downtown and Main Street that will complement the successful work that has been underway for the past 3 years with the reconstruction of Main Street by the Civic Center Plaza.

The development of the Downtown is a priority for the City of Oakley and its commercial development; and this cannot be attained without a vision and plan for Main Street.

In January of 2014, the consulting team of BKF Engineers Inc. and Gates Urban Design Architects were hired to start the development of the Main Street Vision in Downtown Oakley. This design team is the premiere consultant in the Bay Area and has successfully worked on similar projects for our neighboring municipalities of: Walnut Creek, Dublin, Pleasanton, and Livermore.

A sub-committee of the City Council was formed to work with the staff and the consultant team in developing the Main Street and downtown vision, which has been underway for the past 9 months.

The team reviewed the previous work that had been done in downtown Oakley, held public meetings with downtown merchants, stakeholders, and started forming the outlines of a vision for downtown Oakley that would be in alignment with the General Plan, Downtown Specific Plan, and also the reality of current economic times.

The results of the collaboration amongst the team was a vision for downtown that promotes a vibrant and active downtown that is pedestrian and bicycle friendly, and provides connection and synergy between the Civic Center Park and Amphitheater to the current and future commercial centers along Main Street. A layout and alignment for Main Street has been developed that can be used in the future development and construction of Main Street from Norcross Lane to Rose Avenue,

including streetscape, curb, sidewalk, parking, lighting and traffic circulation components. An architectural rendering will be a part of this project, which will be used for the marketing and promoting of the Downtown.

The design team will present this Downtown and Main Street Vision for the City Council at this meeting.

Fiscal Impact

There is no fiscal impact related to the presentation at this time. Upon approval of the Downtown Vision, in the coming years as projects are selected for improvements, they would be programmed in the CIP and funding allocations will be discussed at that time.

Staff Recommendation

Staff recommends that the City Council review the Downtown Main Street "Visioning" project and its presentation and provide direction on the next steps in the development of downtown Oakley.

Attachments

None