

AGENDA

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

Tuesday, June 9, 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 in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road; agendas are also posted on the City's Internet Website www.ci.oakley.ca.us.

A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley 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.

Agendas may be picked up at the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561 for no charge. To request information regarding placement on the City's agenda e-mail distribution list, contact the Receptionist at (925) 625-7000.

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

(Please keep cell phones/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 and Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency
- 1.2 Pledge of Allegiance to the Flag
- 1.3 Proclamation Recognizing June 2015 as California Safe Digging Month in Oakley (Tom Guarino, PG&E)
- 1.4 Proclamations Recognizing Members of the Oakley Youth Advisory Council: Ivan Chavez, Xochitl Fernandez, Derek Furr, Morgan Henderson, Elias Juarez, Joe Lagano, Hannah McCartney, Simon Mendez, Dalton Puckett, Julissa Ramirez, Jazzlynn Riddle, Bianca Tapia and Tiana Weeks (Lindsey Bruno, Recreation Manager)

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 Meeting held May 26, 2015 (Libby Vreonis, City Clerk)

Oakley City Council

- 3.2 Approve the Minutes of the Special Meeting of the Oakley City Council held May 19, 2015 (Libby Vreonis, City Clerk)**
- 3.3 Report Out of Closed Session from May 26, 2015 (William Galstan, Special Counsel)**
- 3.4 Award of Construction Contract to Wayne E. Swisher Cement Contractor Inc. for the Curb, Gutter and Sidewalk Repair and Reconstruction Project-Capital Improvement Project 153 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.5 Adopt a Resolution Acknowledging the Retirement of K-9 Oleg and Approving a Conveyance Agreement with David Riddle (Dan Gomez, Chief of Police)**

4.0 PUBLIC HEARINGS

Oakley City Council

- 4.1 4700 Main Street Retail and Self-Storage- Conditional Use Permit (CUP 01-15) and Design Review (DR 02-15) for the Construction of a New Retail and Self-Storage Project on a Site Located at 4700 Main Street. APN: 033-240-004 (Joshua McMurray, Planning Manager)**

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

- 4.2 3920 and 3980 Empire Avenue Preliminary General Plan Amendment (PA 01-15) (Joshua McMurray, Planning Manager)**

This is a work session on a request by Roy and Erica Pantle (c/o Todd Fujinaga) ("Applicant") to discuss the merits of a potential project regarding amending the General Plan land use designation from "Single-Family Residential, Medium Density" (3.8 dwelling units per acre maximum density) to "Commercial" (to allow for commercial land uses) for the purposes of rezoning the property from the Single-Family Residential (R-10) District to the General Commercial (C) District. In addition to the General Plan Amendment and Rezone, the applicants would propose, in partnership with 7-11 Inc., a new gas station and convenience store which would also require a Conditional Use Permit and Design Review.

Staff recommendation:

- Open the Public Hearing
- Receive the Staff Report
- Receive Public Testimony
- Close the Public Hearing
- Deliberate
- Summarize the Deliberation
- Provide Feedback to the Applicant

5.0 REGULAR CALENDAR-None

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 SESSION

Oakley City Council

8.1 PUBLIC EMPLOYMENT (Pursuant to Government Code Section 54957(b)(1))

TITLE: CHIEF OF POLICE

8.2 Reporting Out of Closed Session (William Galstan, Special Counsel)

9.0 ADJOURN

June 2015
California Safe Digging Month

WHEREAS, excavators, homeowners, and professional contractors can save time and money while making Oakley a safer place to live and work by dialing 811 in advance of all digging projects; and

WHEREAS, the 811 "Call Before You Dig" program is a vital public education and awareness program dealing with the safety of subsurface excavation, and education is the key to promoting safe digging practices; and

WHEREAS, the five steps to a safe excavation are: survey and mark, call before you dig, wait the required time, respect the marks, and dig with care; and

WHEREAS, utility lines are often buried only a few inches underground, making them easy to strike and cause damage and harm even during shallow excavation projects; and

WHEREAS, more than 170,000 underground utility lines are struck each year in the United States and approximately 33 percent of all digging damages in the United States result from not calling 811 before digging; and

WHEREAS, undesired consequences, such as service interruption, outages, damage to public and private infrastructure and property, damage to the environment, personal injury, and death, are risked by failing to call 811 before digging or safely marking utility lines; and

WHEREAS, calling 811 to be connected to a "One Call Center" before digging, respecting the color-coded lines that demarcate underground utilities, and digging with care around the marked lines will help keep Oakley's citizens safe and prevent damages and destruction; and

WHEREAS, as California's economy recovers from the recent recession and the state's economic recovery stimulates new construction, new construction requires supporting infrastructure, and California's underground utility infrastructure is jeopardized by unintentional damage caused by those who fail to call before digging; and

WHEREAS, underground Service Alert of Northern California and Nevada, in cooperation with California's public and private utilities, provide an effective damage prevention service that protects California's citizens, communities, public services, environment, and underground facilities at no cost to the caller; and

WHEREAS, the free notification service provided by Underground Service Alert of Northern California and Nevada has dramatically reduced the number of accidents causing property damage, personal injury, and interruption of vital services; and

WHEREAS, Oakley already enforces California Government Code 4216 regarding safe excavation practices, permitting and civil penalties on public projects.

NOW THEREFORE BE IT RESOLVED THAT, I, Doug Hardcastle, Mayor of the City of Oakley, along with my fellow Councilmembers, do hereby declare June 2015 as California Safe Digging Month and encourage all excavators, homeowners, and professional contractors to call 811 in advance of all digging projects.

Doug Hardcastle, Mayor

Proclamation
Honoring the Oakley
Youth Advisory Council
Ivan Chavez

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

*Proclamation
Honoring the Oakley
Youth Advisory Council
Xochitl Fernandez*

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

Proclamation
Honoring the Oakley
Youth Advisory Council
Derek Furr

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

Proclamation
Honoring the Oakley
Youth Advisory Council
Morgan Henderson

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

*Proclamation
Honoring the Oakley
Youth Advisory Council
Elias Juarez*

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

Proclamation
Honoring the Oakley
Youth Advisory Council
Joe Laganò

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley, on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

Proclamation
Honoring the Oakley
Youth Advisory Council
Hannah McCartney

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley, on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

Proclamation
Honoring the Oakley
Youth Advisory Council
Simon Mendez

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

*Proclamation
Honoring the Oakley
Youth Advisory Council
Dalton Puckett*

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

Proclamation
Honoring the Oakley
Youth Advisory Council
Julissa Ramirez

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley, on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

Proclamation
Honoring the Oakley
Youth Advisory Council
Jazzlynn Riddle

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

Proclamation
Honoring the Oakley
Youth Advisory Council
Bianca Tapia

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

Proclamation
Honoring the Oakley
Youth Advisory Council
Tiana Weeks

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, takes pride in its sense of community and youth involvement; and

WHEREAS, the Oakley Youth Advisory Council was established in 2004 to provide youth increased opportunities; and

WHEREAS, the vision of the Oakley Youth Advisory Council is to create programs and partnerships that build character and integrity; and

WHEREAS, the Youth Council has participated in city events including the Heart of Oakley, Harvest Festival, Christmas Tree Lighting, Science Week and Movies in the Plaza; and

WHEREAS, the Youth Council established new programs including the Youth Employment Workshop, Outstanding Youth Volunteer Award and the Yoga in the Park Series; and

WHEREAS, the Youth Council provided over 100 hours of community service this year; and

WHEREAS, the Youth Council demonstrated hard work, commitment and innovation in their endeavors.

NOW, THEREFORE, BE IT RESOLVED that I, Doug Hardcastle, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Youth Advisory Council for service to the City of Oakley.

Dated: June 9, 2015

Doug Hardcastle, Mayor

**Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council acting as the Successor Agency to the Oakley Redevelopment Agency
May 26, 2015**

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

Mayor Hardcastle called the meeting to order at 6:32pm in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Doug Hardcastle, Kevin Romick, Randy Pope, Sue Higgins and Vanessa Perry were present.

1.2 Pledge of Allegiance to the Flag

Vice Mayor Romick led the Pledge of Allegiance to the Flag.

1.3 Proclamations Recognizing Paola Berumen, Alexis Murillo and Paulette Quiba for the 2015 Oakley Youth Advisory Council Outstanding Youth Volunteer Awards

Mayor Hardcastle presented the proclamations to Ms. Murillo and Ms. Quiba. Ms. Berumen was not in attendance, but was recognized. The Oakley Youth Advisory Council also recognized the award recipients with proclamations.

2.0 PUBLIC COMMENTS

Online Comment Forms

No online comment forms were submitted for Public Comments.

Public Comment Cards

No public comment cards were submitted for Public Comments.

3.0 WORK SESSIONS

Oakley City Council

3.1 Downtown Oakley Priority Development Area (PDA) Market Study Work Session (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report and introduced Dennis Dornan and Brian Chambers with Perkins & Will and Katherine Tellez with Fehr & Peers

whom performed a study and provided information to the City Council regarding three platform locations (Option "A"-Transit Village, Option "B"-Civic Heart and Option "C"-Main Street Gateway) for a potential San Joaquin JPA station and/or a Tri Delta Transit park and ride lot in Oakley. The study was funded through grant funds awarded by the Contra Costa Transit Authority. The group explained that it is possible to pursue one location or up to three locations in a phased approach and their desire would be to obtain feedback from the City Council and evaluate the next phase.

The consensus of the City Council was that Option "C", the Main Street Gateway, is the optimal location for the platform as it is the most visible and at least risk for traffic congestion.

Councilmember Pope added that he would like to see elements of Option "B" included in Option "C" (i.e., greenway paths connecting parks and people), but not more roads.

Councilmember Higgins added that she would like to see the parking ramp in Option "A" included in Option "C".

Online Comment Forms

No online comment forms were submitted for Item 3.1.

Public Comment Card

No public comment cards were submitted for Item 3.1.

Mayor Hardcastle announced item 5.1 would be considered next. Items 5.1 through 6.2 were considered (supra). Item 3.2 was then considered followed by Items 7.1 through 8.2 before adjournment of the meeting.

3.2 City Budget and Capital Improvement Program Work Session (Bryan Montgomery, City Manager, Paul Abelson, Finance Director and Kevin Rohani, Public Works Director/City Engineer)

City Manager Bryan Montgomery commented that revenue is slowly increasing and staff proposes to restore some recurring capital funds. He indicated consideration of the final adoption of the budget will occur in June.

Finance Director Paul Abelson presented the staff report.

Councilmember Perry requested clarification on unfunded liabilities for CalPERS non-departmental costs, the economic development fund program, and the decrease in Recreation expenditures which Mr. Abelson provided.

Councilmember Higgins requested clarification regarding the General Fund revenue and expenditure amounts. She commented that the City may wish to consider its own license plate program as a revenue source. She requested more money be spent on social media outreach to provide more information more quickly to residents.

City Manager Bryan Montgomery responded that Oakley is providing more social media outreach than neighboring cities and staff would have to weigh the potential revenue of the license plates with consideration of the cost of staff time to manage the program.

Councilmember Pope inquired what results have been obtained with regard to consulting services for grant funding.

Mr. Abelson responded that four grants have been received through the consultants and two additional grants were applied for, but not awarded.

Public Works Director / City Engineer Kevin Rohani presented information regarding the Capital Improvement Program budget.

Vice Mayor Romick inquired when the construction of Main Street between Norcross and 2nd Street will begin in which Mr. Rohani indicated it will begin in the summer, 2016.

Vice Mayor Romick and Councilmember Perry thanked staff for their work.

Councilmember Higgins requested asphalt on Laurel Road near Rose Avenue to safely accommodate bicyclists.

Mr. Montgomery responded that the City does not own the property north of Laurel Avenue to expand the road, but staff can look into options.

Mr. Rohani added that the intersection of Laurel Road and Rose Avenue will be widened and have a traffic signal in the future and staff is actively exploring grant funding for such improvements.

Councilmember Pope commented that traffic impact fees can be distributed throughout the City to mitigate traffic concerns.

Online Comment Forms

No online comment forms were submitted for Item 3.2.

Public Comment Card

No public comment cards were submitted for Item 3.2.

4.0 CONSENT CALENDAR

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

4.1 Approve the Minutes of the Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Meeting held May 12, 2015 (Libby Vreonis, City Clerk)

Oakley City Council

- 4.2 Report Out of Closed Session (William Galstan, Special Counsel)**
- 4.3 Adopt a Resolution Approving a Reimbursement Agreement with Ironhouse Sanitary District for Sanitary Sewer Line Construction Related to Capital Improvement Project Number 164-Main Street Rehabilitation and Resurfacing Project (Bridgehead Road to Big Break Road)(Kevin Rohani, Public Works Director/City Engineer)**
- 4.4 Adopt Resolutions Approving the Subdivision Improvement Agreement and the Subdivision Annexation and Assessment Authorization Deferral Agreement with Prescott Parc, LLC, and Final Map for Subdivision 9080 located between Picasso Drive and Frank Hengel Way, south of Escher Circle (Kevin Rohani, Public Works Director/City Engineer)**
- 4.5 Adopt Resolutions Approving the Subdivision Improvement Agreement with Brookfield Emerson Land, LLC, and Final Map for Subdivision 9349 Emerson Ranch Neighborhood 3 located at the northwest corner, Cypress Road and Sellers Avenue (Kevin Rohani, Public Works Director/City Engineer)**
- 4.6 Adopt Resolutions Approving the Subdivision Improvement Agreement and the Subdivision Annexation and Assessment Authorization Deferral Agreement with Prescott Parc, LLC, and Final Map for Subdivision 9391 located between Picasso Drive and Frank Hengel Way, south of Escher Circle (Kevin Rohani, Public Works Director/City Engineer)**
- 4.7 Adopt a Resolution Approving Amendment Number 1 to the Agreement with Damon Pombo Livestock for On-Call Maintenance Grazing Services (Kevin Rohani, Public Works Director/City Engineer)**

Online Comment Forms

Alphonso Thompson requested the City Council consider not making Escher Circle a primary street for new development in proposed subdivision 9391 for traffic and safety reasons.

Public Comment Card

No public comment cards were submitted for the Consent Calendar.

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

5.0 PUBLIC HEARINGS

Oakley City Council

5.1 East Bay Work Wear Design Review (DR 02-15) –Design Review for the Construction of a 6,035 square foot commercial building located at 1530 Neroly Road; APN 034-040-016 (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report.

Applicants Glenn and Robin Moffatt were present to answer any questions of the City Council.

Vice Mayor Romick commented he was glad that the west view from Empire Avenue was addressed and he thanked the Moffatt's for bringing their business to Oakley.

Councilmember Perry commented she is excited to have the business in Oakley.

Online Comment Forms

No online comment forms were submitted for Item 5.1.

Public Comment Card

No public comment cards were submitted for Item 5.1.

It was moved by Councilmember Pope and seconded by Vice Mayor Romick to adopt the resolution. Motion was unanimous and so ordered. (5-0)

5.2 Prescott at Cypress Grove Design Review (DR 03-15) (Ken Strelo, Senior Planner)

Request for Design Review approval of house plans and architecture, and a development plan (neighborhood plotting plan) for 40 entitled lots located within the Cypress Grove subdivision, specifically subdivisions 9080 and 9391, north of Ironhouse Elementary School and Delta Vista Middle School (4901 Frank Hengel Way) off of East Cypress Road and Frank Hengel Way. Portion of APN 037-192-024.

Senior Planner Ken Strelo presented the staff report.

The City Council requested condition #10 be modified to provide that the applicant shall replace one of the three two-story corner lots with a one-story home to provide at least 50% of the corner lots with one-story homes.

Online Comment Forms

No online comment forms were submitted for Item 5.2.

Public Comment Card

Mike Stewart thanked the City Council for addressing his concerns provided at a prior meeting and for making changes to allow for a pedestrian access rather than a roadway within the development.

It was moved by Councilmember Pope and seconded by Councilmember Higgins to adopt the resolution. Motion was unanimous and so ordered. (5-0)

6.0 REGULAR CALENDAR

Oakley City Council

6.1 Adopt a Resolution Appointing a Representative to the Contra Costa County Library Commission for a Two-Year Term (July 1, 2015 through June 30, 2017) (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis presented the staff report. She explained there are two applicants, Arthur Mijares and Arnold Fitzpatrick, Jr. and that due to a conflict in Mr. Mijares' schedule, he would not be in attendance this evening.

Mr. Fitzpatrick was present and provided information to the City Council regarding his qualifications.

Online Comment Forms

No online comment forms were submitted for Item 6.1.

Public Comment Card

No public comment cards were submitted for Item 6.1.

It was moved by Councilmember Perry and seconded by Councilmember Pope to adopt a resolution appointing Arnold Fitzpatrick, Jr. to the Contra Costa County Library Commission. Motion was unanimous and so ordered. (5-0)

6.2 City Development Fee Incentive Program (Paul Abelson, Finance Director)

Finance Director Paul Abelson presented the staff report.

Online Comment Forms

No online comment forms were submitted for Item 6.2.

Public Comment Card

Lisa Vorderbrueggen spoke on behalf of BIA Bay Area. She requested the City Council consider a phased in approach to the fees starting in January 2016, explaining the market is not robust enough to warrant the fees at this time.

Dave Sanson with DeNova Homes and Chairman of BIA also requested the City Council consider a phased in approach to the fees, explaining the fees will be significant and he wants projects to move forward.

City Manager Bryan Montgomery clarified that the fees are not being increased; they are simply being restored to the original fees that were in abeyance for the past four years during which time allowed for building and development to continue during the economic downturn.

Vice Mayor Romick suggested the City Council could review a more gradual phased in approach.

Councilmember Perry suggested if a phased in approach will be considered, perhaps half of the fees could become due July 1 and the other half would be due in one year.

Special Counsel William Galstan explained that if the phased in approach is desired, he would recommend it be brought back to the City Council at a future meeting as it is not properly agendaized for this meeting and it could be subject to CEQA review to determine how effective the City's mitigation program is if fees are continually waived.

Councilmember Pope explained that the intent of the City Council in adopting the fee incentive program was for it to be a temporary program to allow for continued development and if it continues to be extended, it becomes more permanent than temporary. He disagreed with extending the program longer for residential fees.

Mayor Hardcastle expressed he is not willing to phase in traffic impact fees.

It was moved by Councilmember Pope to adopt the resolution without amendment. The motion died for lack of a second.

It was moved by Councilmember Higgins and seconded by Mayor Hardcastle to adopt the resolution as amended, providing residential development fees and the Fire Facilities Fee shall expire September 30, 2015 and commercial and light industrial development shall expire June 30, 2017. AYES: Hardcastle, Higgins, Perry. NOES: Pope. ABSTENTIONS: Romick.

7.0 REPORTS

7.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery announced a free Spring Concert provided by Oakley students at Civic Center Park Thursday, May 28 at 7pm. He also announced the Taste of Oakley event will be held Saturday, May 30, 6pm-8pm, followed by the movie *Ratatouille* at Civic Center Park.

7.2 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 Perry announced she met the new Superintendent, Pamela Conklin, of Oakley Union Elementary School District; she attended Relay for Life; she also attended a water safety training where Officer Ditto provided a K-9 presentation, and she introduced her parents to the Oakley Seniors group. She mentioned You, Me, We = Oakley! and the Contra Costa Crisis Center will host Safekeeper training for suicide prevention awareness Saturday, May 30.

Councilmember Pope announced Saturday, May 30 will be full of events, including the Oakley Community Garden Open House, Safekeeper training and Taste of Oakley. He added that the East Contra Costa Fire Protection Board meeting will be held Monday, June 1 at Oakley City Hall beginning at 6:30pm and welcomed everyone to attend. He mentioned he volunteered at the last swim meet hosted by Diamond Hills Sports Club in which neighborhood residents had access and all seemed to go well.

Councilmember Higgins thanked City staff for their work in organizing the Memorial Day event which she attended. She announced she also attended the water conservation workshop hosted by the City of Oakley and Diablo Water District, Relay for Life and Operation Access events. She thanked Planning Manager Joshua McMurray for his assistance with a citizen group meeting regarding overlay zoning.

Mayor Hardcastle announced he attended the last swim meet at Diamond Hills and everything went well. He also announced he attended the Memorial Day event and a Mayors meeting in which he mentioned the County should take over fire services to budget.

(b) Mayor's Designation of Ad Hoc Subcommittee for Chief of Police Interviews

Mayor Hardcastle designated Vice Mayor Romick and Councilmember Pope (and himself as an alternate) to the Ad Hoc Subcommittee for Chief of Police interviews.

(c) Requests for Future Agendas

There were no requests for future agendas.

8.0 CLOSED SESSION

Oakley City Council

8.1 CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6

City Designated Representative: Bryan Montgomery, City Manager

UNREPRESENTED EMPLOYEES: RECORDS MANAGEMENT CLERK, RECEPTIONISTS (3), PARALEGAL/CITY CLERK, PROGRAM COORDINATOR/HUMAN RESOURCES ASSISTANT, HUMAN RESOURCES MANAGER/ASSISTANT TO THE CITY MANAGER, CITY MANAGER, FACILITIES MAINTENANCE/CODE ENFORCEMENT TECHNICIAN, FINANCE DIRECTOR, SENIOR ACCOUNTANT, SENIOR ACCOUNTING TECHNICIAN, ACCOUNTING ASSISTANT, PERMIT TECHNICIAN, BUILDING INSPECTOR II, CODE ENFORCEMENT MANAGER, CODE ENFORCEMENT/BUILDING INSPECTOR II, CHIEF OF POLICE, ADMINISTRATIVE ASSISTANTS (3), POLICE SERVICES ASSISTANT, ASSISTANT TO THE CHIEF, POLICE SERVICES ASSISTANT/CODE ENFORCEMENT TECHNICIAN, ECONOMIC DEVELOPMENT MANAGER, PLANNING MANAGER, SENIOR PLANNER, PUBLIC WORKS DIRECTOR/CITY ENGINEER, SENIOR ENGINEER, ASSOCIATE ENGINEER, ASSISTANT ENGINEER, PUBLIC WORKS ADMINISTRATIVE SPECIALIST, PUBLIC WORKS INSPECTOR II, PUBLIC WORKS MAINTENANCE WORKER, PUBLIC WORKS MAINTENANCE LABORER, RECREATION MANAGER/ WEBSITE COORDINATOR, RECREATION & EVENTS COORDINATOR, SENIOR RECREATION LEADER, RECREATION LEADERS (3), RECREATION AIDES (2), FACILITIES MAINTENANCE, PARKS & LANDSCAPE MAINTENANCE DIVISION MANAGER, MAINTENANCE FOREMAN, PUBLIC WORKS LABORER II, TREE MAINTENANCE LABORER, SEASONAL PARKS AND MAINTENANCE LABORERS (3), SPORTS FIELD MAINTENANCE LABORER, PARK MONITOR

8.2 Reporting Out of Closed Session (William Galstan, Special Counsel)

Special Counsel William Galstan reported that there was no reportable action and direction was provided to staff.

9.0 ADJOURN

There being no further business, the meeting was adjourned at 9:30p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk

**Minutes of the Special Meeting of the Oakley City Council
Tuesday, May 19, 2015
5:00 PM – 6:30 PM
Merlot Conference Room
3231 Main Street
Oakley, California 94561**

AGENDA

1. Welcome

Mayor Doug Hardcastle called the special meeting of the Oakley City Council to order at 5:14p.m in the Merlot Conference Room located at 3231 Main Street, Oakley, California.

Attendees included Mayor Doug Hardcastle, Vice Mayor Kevin Romick, Councilmembers Sue Higgins and Vanessa Perry, Libby Vreonis, City Clerk, and Markus Vogt, President of Provox Systems, Inc. Councilmember Pope was absent due to a conflict of timing with his work schedule.

2. Public Comments

No public comment cards and no online comment forms were submitted for the meeting. Mayor Hardcastle inquired if anyone would like to comment and there were no affirmative replies.

3. Training for Oakley City Council for City's Electronic Agenda Management Program

Markus Vogt, President of Provox Systems, Inc., provided training for the Oakley City Council with regard to the City's electronic agenda management program.

4. Closing Discussion & Comments

None.

5. Adjournment

There being no further business, the meeting was adjourned at 6:02 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk



MEMORANDUM

Office of the City Attorney

Date: May 27, 2015
To: Mayor and Members of City Council
Cc: Bryan Montgomery, City Manager; Derek P. Cole, City Attorney
From: William R. Galstan, Special Counsel *William R. Galstan*
Subject: Closed Session; Report-Out Memo

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF JUNE 9, 2015

Background and Analysis

The City Council held a closed session at its meeting of May 26, 2015, for purposes of discussing unrepresented employees, including:

UNREPRESENTED EMPLOYEES: RECORDS MANAGEMENT CLERK, RECEPTIONISTS (3), PARALEGAL/CITY CLERK, PROGRAM COORDINATOR/HUMAN RESOURCES ASSISTANT, HUMAN RESOURCES MANAGER/ASSISTANT TO THE CITY MANAGER, CITY MANAGER, FACILITIES MAINTENANCE/CODE ENFORCEMENT TECHNICIAN, FINANCE DIRECTOR, SENIOR ACCOUNTANT, SENIOR ACCOUNTING TECHNICIAN, ACCOUNTING ASSISTANT, PERMIT TECHNICIAN, BUILDING INSPECTOR II, CODE ENFORCEMENT MANAGER, CODE ENFORCEMENT/BUILDING INSPECTOR II, CHIEF OF POLICE, ADMINISTRATIVE ASSISTANTS (3), POLICE SERVICES ASSISTANT, ASSISTANT TO THE CHIEF, POLICE SERVICES ASSISTANT/CODE ENFORCEMENT TECHNICIAN, ECONOMIC DEVELOPMENT MANAGER, PLANNING MANAGER, SENIOR PLANNER, PUBLIC WORKS DIRECTOR/CITY ENGINEER, SENIOR ENGINEER, ASSOCIATE ENGINEER, ASSISTANT ENGINEER, PUBLIC WORKS ADMINISTRATIVE SPECIALIST, PUBLIC WORKS INSPECTOR II, PUBLIC WORKS MAINTENANCE WORKER, PUBLIC WORKS MAINTENANCE LABORER, RECREATION MANAGER/ WEBSITE COORDINATOR, RECREATION & EVENTS COORDINATOR, SENIOR RECREATION LEADER, RECREATION LEADERS (3), RECREATION AIDES (2), FACILITIES MAINTENANCE, PARKS & LANDSCAPE MAINTENANCE DIVISION MANAGER, MAINTENANCE FOREMAN, PUBLIC WORKS LABORER II, TREE

MAINTENANCE LABORER, SEASONAL PARKS AND MAINTENANCE LABORERS (3),
SPORTS FIELD MAINTENANCE LABORER, PARK MONITOR.

No reportable action was taken. Direction was provided to staff.

Fiscal Impact

None.

Recommendation:

Receive and file this report.

Attachments:

None.



STAFF REPORT

Date: Tuesday, June 9, 2015
To: Bryan H. Montgomery, City Manager
From: Kevin Rohani, P.E. Public Works Director/ City Engineer

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

SUBJECT: Award of Construction Contract to Wayne E. Swisher Cement Contractor Inc., for the Curb, Gutter, & Sidewalk Repair & Reconstruction Project – CIP 153

Background and Analysis

The City's adopted FY 2014/15 Capital Improvement Program (CIP) Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

Capital Improvement Project No. 153 includes the repair and replacement of damaged/uplifted sidewalks or curb and gutters throughout the City of Oakley to eliminate trip and fall hazards and to provide safe streets and sidewalks for pedestrians in the community. Tree roots are a major cause of sidewalk uplifts and this project is targeting some of the worst areas in the City where the tree roots have damaged the concrete beyond any temporary repair. Tree removal and replacement and stump grinding are also included with this project as well.

Additionally, this project will work in coordination with the adopted 50-50 Cost Share Program that helps the property owners in dealing with concrete curb, gutter, and sidewalk related problems, such as uplifts from tree root overgrowth. The 50-50 Cost Share Program also provides the City assistance in managing the repair and replacement contract as well as sharing the cost with the property owners. This is the first year of this program; and with the large volume of damaged concrete curbs and sidewalks, it is anticipated to be an annual project for future years. This project will help in providing safe pedestrian facilities and reduce liability and claims for trip and fall accidents.

During the bidding process the City was awarded a grant from the Municipal Pooling Authority (MPA) in the amount of \$15,000. The grant can be used for sidewalk repair and replacement projects. There are more areas in Oakley that need curb and gutter or sidewalks to be replaced than what is covered with the current project budget. In order to take advantage of the favorable bid prices, staff recommends using the

remaining budget and the grant funds to expand the scope of the project to include additional areas for repair or replacement.

Wayne E. Swisher Cement Contractors was the lowest bidder for the project at a cost of \$80,884.52. Staff is proposing an appropriated contingency of \$44,000 for a total project cost of \$124,884.52. Any remaining budget will be used to capture more curb, gutter, and sidewalk areas in the City.

Fiscal Impact

The current FY 2014/15 budget for this project is \$110,000 in General Capital and Gas Tax funds, plus an additional \$15,000 MPA Grant. The total funding for the Curb, Gutter, & Sidewalk Repair and Reconstruction Project will come from the following:

Fund	Amount	Account Number
General Capital Projects	\$ 70,000	201-75-153-0001
Gas Tax	\$ 40,000	140-75-153-0001
MPA Grant	\$ 15,000	201-75-153-0001
Total Recommended	\$ 125,000	

Staff Recommendation

On May 28, 2015, four (4) bids were received for this project. Staff reviewed the bids and determined that Wayne E. Swisher Cement Contractors Inc. was the lowest responsible entity and is most responsive to the City's formal bid process.

Staff recommends that the City Council adopt the resolution approving the construction agreement with Wayne E. Swisher Cement Contractors Inc., for an amount not to exceed \$80,884.52, and authorizing the City Manager to execute said agreement.

Due to variables associated with construction projects, and to address unforeseen circumstances during the course of construction; staff further recommends that the City Council authorize staff to execute future change orders to the construction contract as necessary in an amount not to exceed \$44,000 for work beyond what is defined in the base project bid.

Attachments

- 1) Resolution
- 2) Bid Summary

RESOLUTION NO. __-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING AN AGREEMENT WITH WAYNE E. SWISHER CEMENT
CONTRACTORS INC., FOR THE CONSTRUCTION OF THE CURB, GUTTER,
& SIDEWALK REPAIR AND RECONSTRUCTION PROJECT – CIP 153**

WHEREAS, City Staff prepared the plans, specifications, and estimates for the construction of the Curb, Gutter, & Sidewalk Repair and Reconstruction Project which includes sidewalk repairs, grinding, tree removal and replacement, stump removal, stamped concrete, and other related work; and

WHEREAS, the plans, specifications and special provisions were publicly advertised for bidding, with the bid period closing at 2:00 P.M. on Thursday, May 28, 2015; and

WHEREAS, four (4) bids were received prior to the close of the bidding process; and

WHEREAS, Wayne E. Swisher Cement Contractors Inc., submitted the lowest responsible bid for a total cost of \$80,884.52 for the work; and

WHEREAS, the FY 14/15 budget included \$110,000 for the project in the General Capital Projects and Gas Tax Funds; and

WHEREAS, the City was awarded a grant from the Municipal Pooling Authority in the amount of \$15,000; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Agreement with Wayne E. Swisher Cement Contractors Inc., for the construction of the Curb, Gutter, & Sidewalk Repair and Reconstruction Project - CIP 153, for an amount not to exceed \$80,884.52 is approved, and the City Manager is authorized to execute said Agreement and change orders in an amount not to exceed \$44,000 as necessary.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 9th of June, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

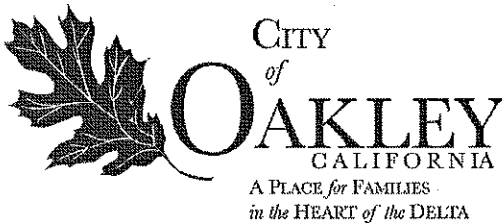
Date

*City of Oakley Public Works Department
 FY 2014-15 Annual Curb, Gutter, Sidewalk Replacement Project #153
 Certified Bid Tabulation Bid opening: May 28, 2015 at 2:00 P.M. at the Civic Center*


Item No.	Description	Quantity	Unit	Engineers Estimate		Wayne E. Swisher 2620 E. 18th Street Antioch, CA 94509		Breneman Inc 2000 Norris Rd Walnut Creek, CA 94596		American Asphalt 24200 Clawiter Rd. Hayward, CA 94545		FBD Vanguard Construction 651 Enterprise Ct Livermore, CA 94550	
				Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost	Unit Price	Item Cost
1	Sidewalk Grind	82	LF	20.00	1,640.00	22.87	1,875.34	40.00	3,280.00	32.00	2,624.00	38.00	3,116.00
2	R&R Sidewalk	1,225	SF	25.00	30,625.00	18.56	22,736.00	15.00	18,375.00	17.00	20,825.00	32.00	39,200.00
3	R&R Curb & Gutter	61	LF	50.00	3,050.00	74.32	4,533.52	50.00	3,050.00	25.00	1,525.00	120.00	7,320.00
4	Root Prune	13	EA	50.00	650.00	173.00	2,249.00	200.00	2,600.00	150.00	1,950.00	180.00	2,340.00
5	Grind Stump	6	EA	350.00	2,100.00	175.00	1,050.00	400.00	2,400.00	500.00	3,000.00	165.00	990.00
6	Root Barrier	180	LF	25.00	4,500.00	18.67	3,360.60	15.00	2,700.00	30.00	5,400.00	22.00	3,960.00
7	Remove Tree	9	EA	500.00	4,500.00	533.34	4,800.06	500.00	4,500.00	750.00	6,750.00	675.00	6,075.00
8	Replace Tree	8	EA	350.00	2,800.00	787.50	6,300.00	1,000.00	8,000.00	1,000.00	8,000.00	960.00	7,680.00
9	Stamped Concrete	2,000	SF	30.00	60,000.00	16.99	33,980.00	22.50	45,000.00	29.00	58,000.00	25.00	50,000.00
TOTAL					109,865.00		80,884.52		89,905.00		108,074.00		120,681.00

This certifies that all bids were received and opened on May 28, 2015, and that this is a copy of the bid tabulation with bids corrected for errors in addition and multiplication. By:





STAFF REPORT

Date: May 21, 2015
To: Bryan Montgomery, City Manager 
From: Dan Gomez, Chief of Police
SUBJECT: Resolution Acknowledging the Retirement of K-9 Oleg and approving conveyance agreement with David Riddle.

Background and Analysis

Our K-9 service dog, "Oleg," has served the residents of Oakley well over the past several years. Oleg is now seven years old and suffers from seizures for which he is taking medication. Oleg's handler has been Officer David Riddle who will be leaving the Contra Costa Sheriff's Office to take a position with the City of Vacaville.

While Oleg may have another year of service life remaining, provided his seizures remain under control with continued regular medication, there is currently no experienced officer on staff who would be able to assume the necessary care and control of Oleg. Oleg's age and medical condition have precluded interest from outside police agencies from considering the purchase of Oleg. The totality of the circumstance is such that this seems like a good time to announce Oleg's retirement and to enter into an agreement with David Riddle to provide a good home and continued medical care as Oleg lives out his retirement years. The attached agreement would memorialize this conveyance and is presented to you for your consideration.

The City does not currently have another police service dog. There are plans to bring another police service dog on board after the Police Department transition has taken place.

Fiscal Impact

The proposed agreement conveys all financial responsibility and liability to David Riddle. There is an anticipated cost savings of \$12,000 during the course of the transition to an independent Police Department when another K-9 dog can be acquired and officer trained.

Recommendation

Adopt a resolution approving agreement to convey K-9 Service Dog Oleg to David Riddle.

Attachments

1. Resolution
2. Conveyance Agreement

RESOLUTION NO. _____

RESOLUTION APPROVING AN AGREEMENT WITH DAVID RIDDLE FOR THE CONVEYANCE OF K-9 SERVICE DOG SHADOW TO DAVID RIDDLE

WHEREAS, canine "Oleg" has been with the Oakley Police Department since August of 2011 and has served the City for approximately 4 years; and,

WHEREAS, "Oleg" has reached an age and medical condition where his performance will decline, and his ability to do police work at an acceptable level can no longer be certain, and the Police Chief has recommended that he be retired from police service; and,

WHEREAS, Officer David Riddle was "Oleg's" assigned canine handler and now wishes to assume responsibility for the ownership and care of "Oleg", and the City wishes to transfer ownership of "Oleg" to Officer Riddle on the terms and conditions set forth in the Oakley Police Department Canine Transfer Agreement, a copy of which is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oakley that the attached Oakley Police Department Canine Transfer Agreement between David Riddle and the City of Oakley is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Oakley held on the 9th day of June, 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:
- ABSTENTIONS:
- ABSENT:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

**Agreement for Sale of City of Oakley
K9 Service Dog - Oleg**

THIS AGREEMENT for Sale of Service Dog (the "Agreement") is entered into as of the 31st of May, 2015, by and between the City of Oakley ("CITY") and David Riddle, an individual "RIDDLE."

RECITALS

WHEREAS, the K-9 Service Dog "Oleg," having served the people of the City of Oakley, is nearing retirement; and

WHEREAS, the CITY seeks to find a good home for the care of Oleg in his senior years; and

WHEREAS, David Riddle, in his individual capacity, has agreed to purchase Oleg and to keep and care for Oleg as a pet;

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. CONSIDERATION. In consideration of the sum of one dollar (\$1.00), receipt and sufficiency of which is hereby acknowledged, CITY sells, conveys and transfers the City of Oakley K-9 Service Dog "Oleg," more specifically described as:

Dog's Name: Oleg	
Breed of Dog: Belgian Malinois	Color of Dog: Black/Brown
Dog's Date of Birth: 10/22/08	Sex of Dog: X Male 0 Female
Registration# (if applicable): N/A	
Sire Name: Unknown	Registration# (if applicable):
Dam Name: Unknown	Registration# (if applicable):

2. REGISTRATION AND OWNERSHIP TRANSFERS: Upon payment in full as set forth above, CITY shall promptly transfer ownership and registration, if applicable, of Oleg to RIDDLE.

3. CITY'S REPRESENTATIONS: CITY warrants to RIDDLE that CITY is the legal and true owner of Oleg and that CITY has the unqualified right to sell Oleg. Furthermore, CITY warrants that Oleg is sold free and clear of any lien, security interest, or other encumbrance.

4. RIDDLE'S REPRESENTATIONS AND DUTIES. From and after the transfer of Oleg to RIDDLE, RIDDLE shall humanely care for Oleg, and provide adequate nutritional food, exercise, love, veterinary care, and companionship to Oleg. RIDDLE makes this Agreement in his individual capacity, and his employment relationship with Contra Costa County (who provides contract police services to CITY) is in no manner related to his role as a party to this Agreement. In the event of any future disagreement, claim, dispute, or lawsuit between the parties with respect to this Agreement or to Oleg, RIDDLE will not assert that his employment relationship with County in any manner enhances his position over that of an unrelated third party buyer. RIDDLE is aware that Oleg was trained as, and served as a K-9 Service Dog. In such capacity, Oleg was taught to attack persons on command, and that Oleg on many occasions has attacked persons resulting in personal injury to them. RIDDLE understands that such training cannot be unlearned. Accordingly, RIDDLE agrees to take all necessary and reasonable precautions to assure that Oleg does not wrongfully attack any persons.

5. WARRANTIES: Oleg is sold with no express or implied warranties or representations having been made by CITY to RIDDLE other than those expressly stated above.

6. INDEMNIFICATION. RIDDLE hereby agrees to indemnify and hold harmless the City of Oakley, and its employees (specifically including any and all employees who have trained or handled Oleg), officers and agents, against any and all claims, actions, demands, liabilities, losses, damages, judgments, settlements, costs and expenses (including reasonable attorneys' fees) (any or all of the foregoing hereinafter referred to as "Losses") for any injuries or death caused to any persons and for any damage to any property, caused by Oleg subsequent to the transfer of his ownership to RIDDLE.

7. DAMAGES. IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER FOR ANY SPECIAL, INCIDENTAL, CONSEQUENTIAL OR PUNITIVE DAMAGES ARISING OUT OF THIS AGREEMENT OR FROM ANY SUBSEQUENT ACTION OR OMISSION ON THE PART OF THE DOG "OLEG," WHETHER LIABILITY IS ASSERTED IN CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE AND IRRESPECTIVE OF WHETHER SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF ANY SUCH LOSS OR DAMAGE.

8. ENTIRE AGREEMENT. This Agreement is the complete and exclusive agreement between the parties with respect to the subject matter hereof, superseding any prior agreements and communications (both written and oral) regarding such subject matter. This Agreement may only be modified, or any rights under it waived, by a written document executed by both parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed and delivered as of the day and year first above written.

CITY OF OAKLEY

DAVID RIDDLE

By: _____
Bryan H. Montgomery, City Manager

David Riddle, Individually

Approved as to Form:

By: _____
William R. Galstan, Special Counsel

Attest:

By: _____
Libby Vreonis, City Clerk



STAFF REPORT

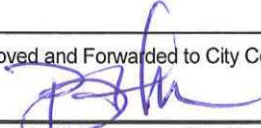
Date: Tuesday, June 9, 2015

To: Bryan H. Montgomery, City Manager

From: Joshua McMurray, Planning Manager

Subject: **4700 Main Street Retail and Self-Storage - Conditional Use Permit (CUP 01-15) and Design Review (DR 02-15) for the construction of a new retail and self-storage project on a site located at 4700 Main Street. APN: 033-240-004**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary

The applicant, Claremont Homes, INC, is requesting approval a Conditional Use Permit and Design Review for a new retail and self-storage project. The retail component of the project is 5,120 square feet and the self-storage component is 95,112 square feet with an additional 1,897 square feet of office space, 1,200 square feet for a caretaker's apartment unit located on the second floor above the office, and a 500 square foot garage. The project site is designated Commercial in the General Plan and is zoned General Commercial (C) District. The 2.9-acre site is located at 4700 Main Street. APN: 033-240-004

Staff recommends the City Council adopt the Resolution approving Conditional Use Permit (CUP 01-15) to establish and Design Review (DR 02-15) for the construction of a new retail and self-storage project on a site located at 4700 Main Street, at APN 033-240-004, as conditioned.

Background

The applicant submitted an Unclassified Use request on July 26, 2014. The request was to allow a new use, "self-storage/mini storage with a retail/office: use, to be allowed in the General Commercial (C) District. It is recognized that in the development of a comprehensive zoning ordinance not all uses of land can be listed nor can all future uses be anticipated, or a use may have been omitted from the list of those specified as permissible in the various zones listed within this chapter, or ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this title. It is through this process the City analyzed the request and ultimately approved the new "self-storage/mini storage with a retail/office" use in the C District. The August 5, 2014 approval letter has been attached for reference.

On March 2, 2015 the applicant submitted an application for a Conditional Use Permit (CUP 01-15) and Design Review (DR 02-15) to construct a new retail and self-storage project located at 4700 Main Street. The City worked with the applicant to refine the site plan and architecture through the application completeness review. On May 4, 2015, the

Subject: 4700 Main Street Retail and Self-Storage - Conditional Use Permit (CUP 01-15) and Design Review (DR 02-15)

Date: June 9, 2015

Page 2

applicant submitted a revised plan set and on May 13, 2015 the application was deemed complete and scheduled for a public hearing.

The review and analysis of this Conditional Use Permit, and Design Review application for the proposed project has been based upon the Oakley 2020 General Plan, the applicable development standards of the Zoning Ordinance and the Commercial and Industrial Design Guidelines.

General Plan/Zoning Compliance

In 2002 the site was designated "Commercial" in the Oakley 2020 General Plan. The "Commercial" designation allows for a broad range of commercial uses. The project site was rezoned to the General Commercial (C) District in May 2009 as part of the Citywide Rezone project. The C District is compatible with the "Commercial" General Plan Land Use designation. The proposed use is defined as "Retail and Self-Storage", which is allowed in the General Commercial District with the approval of a Conditional Use Permit.

Project Description

The property is approximately 2.9-acres in size. The site is currently undeveloped, relatively flat and of a mostly rectangular shape. The project site fronts on Main Street across from Almondtree Lane.

The project consists of two different components as follows:

Conditional Use Permit

The proposed use is defined as "Retail and Self-Storage", which is allowed in the General Commercial District with the approval of a Conditional Use Permit. The purpose of a Conditional Use Permit is to allow for uses that are not allowed by right, and to ensure, through conditions, that the proposed land use is compatible with the surrounding land uses in the neighborhood.

Design Review

The Design Review Ordinance has different levels of Design Review procedures for review and approval of a Design Review Permit. Oakley Municipal Code section 9.1.1604(c)(2)(i) requires that any new commercial structure be heard and approved by the Planning Commission¹. The proposed new development fits the criteria above and requires Design Review.

Analysis

Land Use Compatibility

Surrounding uses include the Pompei Nursery, across Main Street, to the west of the site, non-conforming single family residences to the north, a vacant and undeveloped parcel to the south, and Marsh Creek to the east. The surrounding properties are all zoned either C (General Commercial) or P-1 (Planned Development) District which allow for

¹ City Council acts as the Planning Commission per Ordinance No. 06-09

commercial uses as described above. The boundary of an existing single-family residential subdivision is located east of Marsh Creek, approximately 115 feet from the project sites east property line.

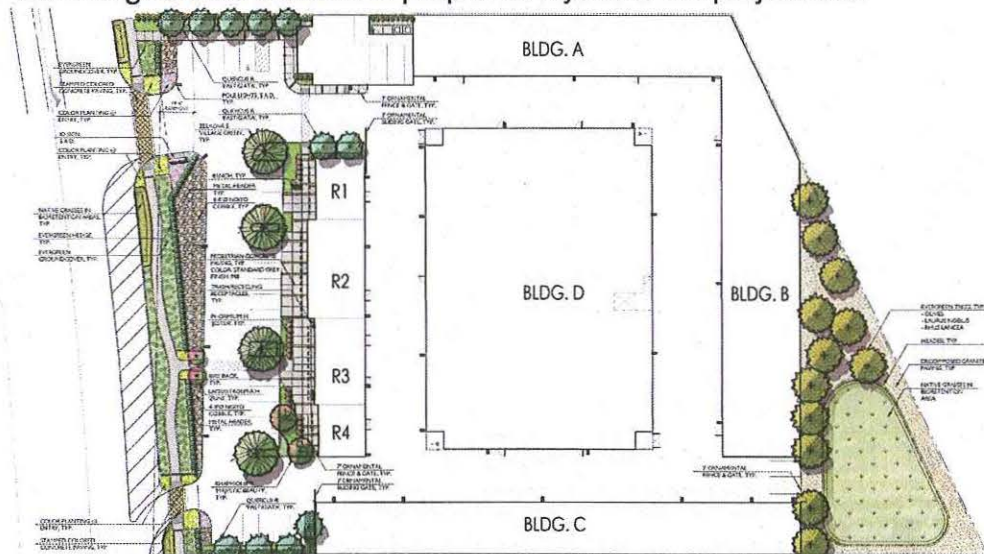
The proposed project site is located towards the center of the City, south of the Main Street and East Cypress Road intersection. The proposed retail and self-storage project is consistent and compatible with the other existing uses in the vicinity (mainly existing or planned commercial land uses). Furthermore the entire site will be developed. The project would also bring an added benefit and amenity to the City of Oakley by means of new self-storage project, frontage improvements, additional new retail tenant locations, job creation and property taxes.

Circulation/Parking

The proposed project will be accessed off Main Street, using two proposed driveways. The first driveway, located towards the southern property line, will be a restricted right in only off Main Street. The second driveway is towards the northern property line of the site off Main Street. This driveway will be used as the primary ingress and egress to and from the site. The applicant has designed the driveway entrances and onsite drive aisles with adequate widths in order to accommodate larger moving vans typically used in conjunction with these types of projects. The project is proposing to construct a total of 30 parking-spaces, including 2 van accessible spaces. The project meets the requirement for parking spaces which breaks down as follows:

- Retail – 5,120 square feet of building @ 1 parking space per 250 square feet of floor area totals 20 parking spaces
- Self-Storage- 2 covered spaces near the residential unit and 5 uncovered near the office

The propose project meets all of the code requirements in terms of parking and circulation. The image below shows the proposed layout of the project site.



Building/Site Design

The project can be separated into two components. The front portion of the site features the frontage improvements consisting of curb, gutter and a meandering sidewalk. The parking areas (with the exception of two spaces located towards the southeast portion of the site and the two garage parking spaces for the on-site apartment) are located just east of the frontage improvements. It should be noted that the final design does not include parking spaces that would have cars pointed towards Main Street when parked. The applicant has proposed a design where a majority of the parking spaces are at least 46 feet from the proposed face of curb. This is a result of the limited number of parking spaces required for a self-storage use. The one-story, 5,120 square foot retail building (R1 through R4 as shown on the attached site plan) is located in the center of the projects frontage, with the self-storage office and second story apartment and the single story self-storage building flanking each side. As designed, both the self-storage office and second story apartment and the single story self-storage building along the frontage blend seamlessly and appear to function as one.

The remainder of the site is used for self-storage Buildings A, B, C and D which total approximately 95,112 square feet. Buildings A, B and C are designed as one-story buildings, while Building D (in the center of the project site) is designed as a three-story building. The design incorporates the same curved roof lines from the front elevation into the other buildings. Staff had concerns over the height of Building D in relation to what would be visible from Main Street and the architect prepared Site Section study (included in the attached plan set) that shows what portions of Building D would be visible from the proposed sidewalk and further across Main Street to the west. The study shows that some sections of the upper portion of the building and roof line will be visible. Staff and the applicant worked together to provide additional articulation in the roof line of Building D to soften the overall look and provide a more aesthetically pleasing facade.

A self-storage project typically lends itself to large stretches of blank building walls. The applicant has paid careful attention to this aspect and provided additional articulation, material changes, horizontal offsets and additional roof elements. Although both properties to the south and north of the project site are undeveloped at this time, the General Plan anticipates these properties to be developed with commercial land uses. Eventually when those properties are developed the wall areas will be less visible. The additional architectural enhancements to the south and north elevations will bridge the gap between now and when those properties develop to provide for a better design. Staff was also concerned about the east elevation of Building B that backs up to the Marsh Creek trail. A portion of rear of the property will be used for an onsite bio-retention area. Staff worked with the applicant to provide for a mix of evergreen trees in this area to enhance the overall look of the project and to screen a majority of the rear elevation of Building B.

The project uses multiple materials and roof lines to create a unique architectural style. The storefronts will utilize a combination of stucco, metal canopy's and curved metal roofs. The use of these materials creates an elevation that has articulation and relief in order to create architectural interest. The design lends itself to both a commercial storefront and a self-storage project. The varying roof lines and height of the retail

Subject: 4700 Main Street Retail and Self-Storage - Conditional Use Permit (CUP 01-15) and Design Review (DR 02-15)
Date: June 9, 2015
Page 5

storefronts also help reduce the massing of the larger, central self-storage building. A rendering of west elevation (view from Main Street) for the project is as depicted below:



There are several conditions placed within the resolution that require further information to be submitted like detailed landscape plans, and information about the trash enclosures and other site improvements prior to them being constructed. The building and site improvements have been reviewed and they do comply with both the development regulations and the spirit and intent of the Commercial Design Guidelines. Staff has worked with the applicant to ensure that an adequate amount of landscaping, both bushes and plantings, are used along the project frontage to further enhance the overall look of the project frontage.

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – In-Fill Development Projects. No further environmental review is required for this project.

Findings

Draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt the Resolution approving Conditional Use Permit (CUP 01-15) to establish and Design Review (DR 02-15) for the construction of a new retail and self-storage project on a site located at 4700 Main Street, at APN 033-240-004, as conditioned.

Attachments

1. Vicinity Map
2. Project Plan Set
3. August 5, 2014 Unclassified Use Approval Letter
4. Proposed City Council Resolution

4700 Main Street Retail and Self-Storage
Conditional Use Permit (CUP 01-15)
Design Review (DR 02-15)
APN: 033-240-004





MAIN STREET ELEVATION

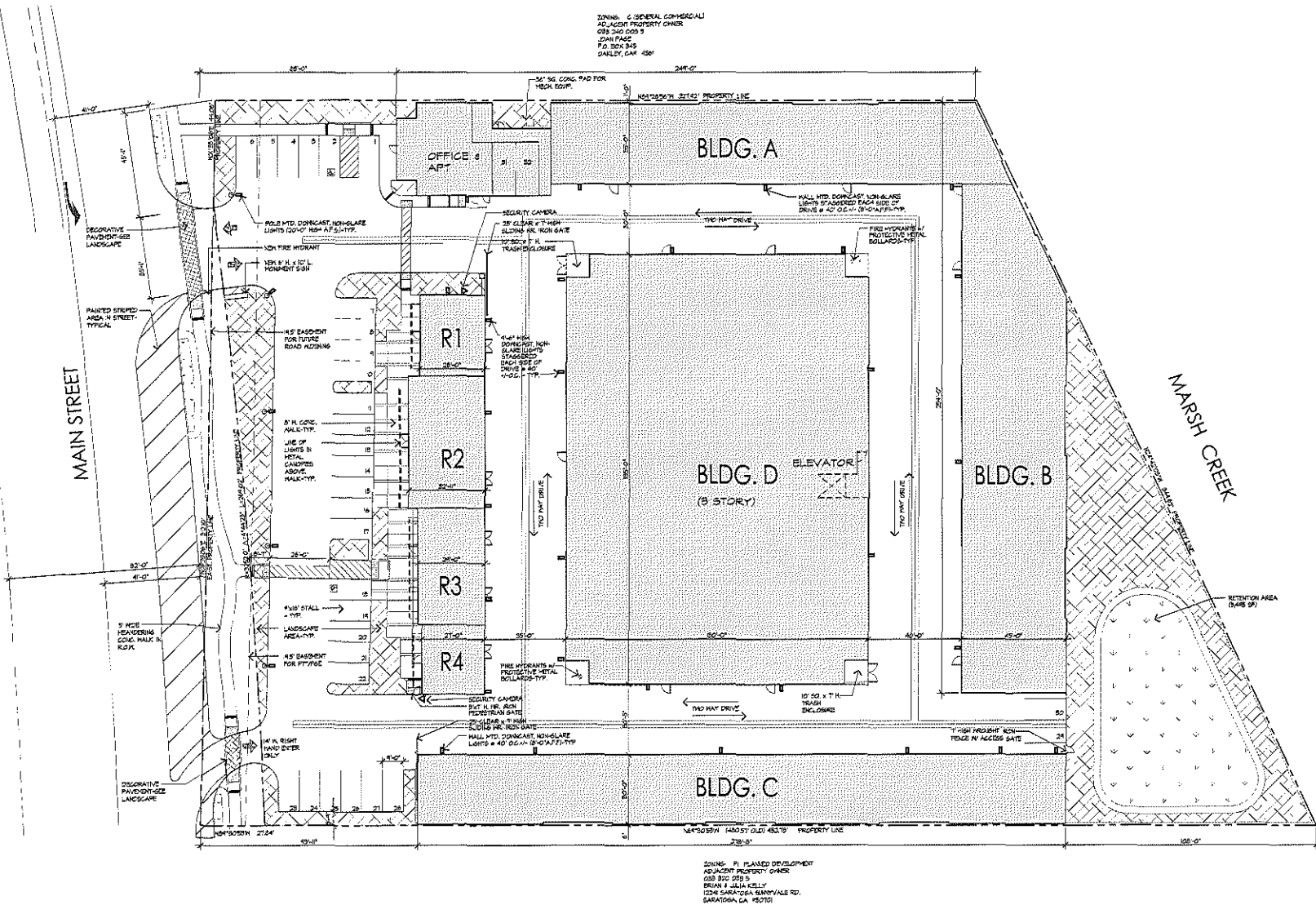
4700 MAIN STREET RETAIL / STORAGE
OAKLEY, CA

MAIN STREET ELEVATION

02-04-15
14-390

0 5 10
SCALE: 1" = 10'-0"

VALLI
ARCHITECTURAL
GROUP
12, CURNEY, SUITE 210
ALBUQUERQUE, NM 87106
PH: 505.349.1777
ava@valliarch.com



OWNER/DEVELOPER:
MICHAEL W. CONLEY
CLAREMONT HOMES, INC.
380 CIVIC DRIVE STE 200-C
PLEASANT HILL, CA 94523
PHONE: 910-821-0112
E-MAIL: mconley@claremonthomes.net

ARCHITECT:
ARIEL L. VALLI
VALLI ARCHITECTURAL GROUP
12 JOURNEY SUITE 270
ALSO VIEJO, CA 92656
PHONE: 949-349-1777
E-MAIL: ariel@valliar.com

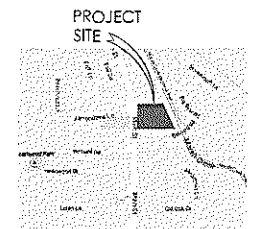
PROJECT DATA:

ZONING	C- GEN. COMMERCIAL
SEE AREA	121,972 SQ. FT. (2.90 AC.)
F.A.R.	0.85 MAX.
BUILDING COVERAGE	55,419 SQ. FT. (45.43%)
DRIVEWAYS & WALKS	48,804 SQ. FT. (40.01%)
LANDSCAPE	12,254 SQ. FT. (10.05%)
RETENTION AREA	5,495 SQ. FT. (4.51%)

BUILDING A	6,620 SQ. FT.
BUILDING B	9,242 SQ. FT.
BUILDING C	8,300 SQ. FT.
BUILDING D	70,950 SQ. FT.
STORAGE	95,112 SQ. FT.
OFFICE	1,897 SQ. FT.
A/P	1,200 SQ. FT.
GARAGE	500 SQ. FT.
SUBTOTAL A	98,709 SQ. FT.
RETAIL 1	980 SQ. FT.
RETAIL 2	1,880 SQ. FT.
RETAIL 3	1,450 SQ. FT.
RETAIL 4	810 SQ. FT.
SUBTOTAL B	5,120 SQ. FT.
PROJECT TOTAL	105,829 SQ. FT.

PARKING REQUIRED

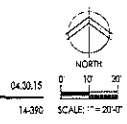
RETAIL @ 1/250	20.5 SPACES
STORAGE	7.0 SPACES
TOTAL REQ'D	27.5 SPACES
TOTAL PROVIDED	30 SPACES
TOTAL PROVIDED A/P	2 SPACES

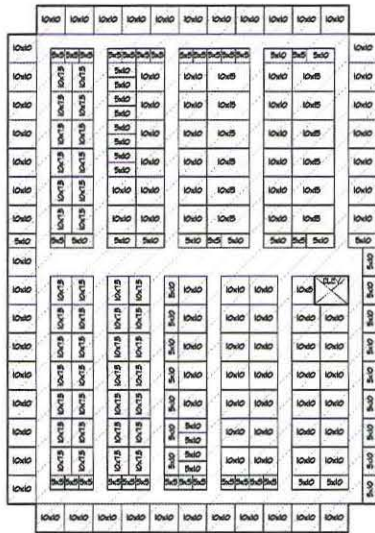


4700 MAIN STREET RETAIL / STORAGE

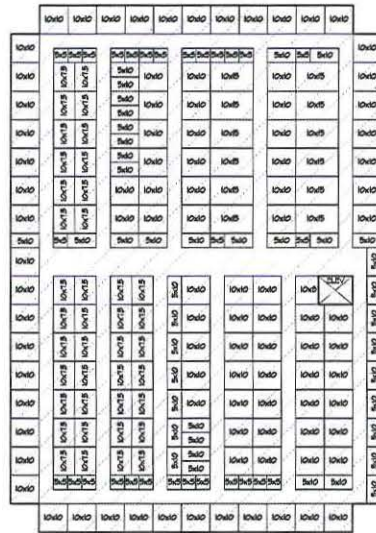
OAKLEY, CA

CONCEPTUAL SITE PLAN

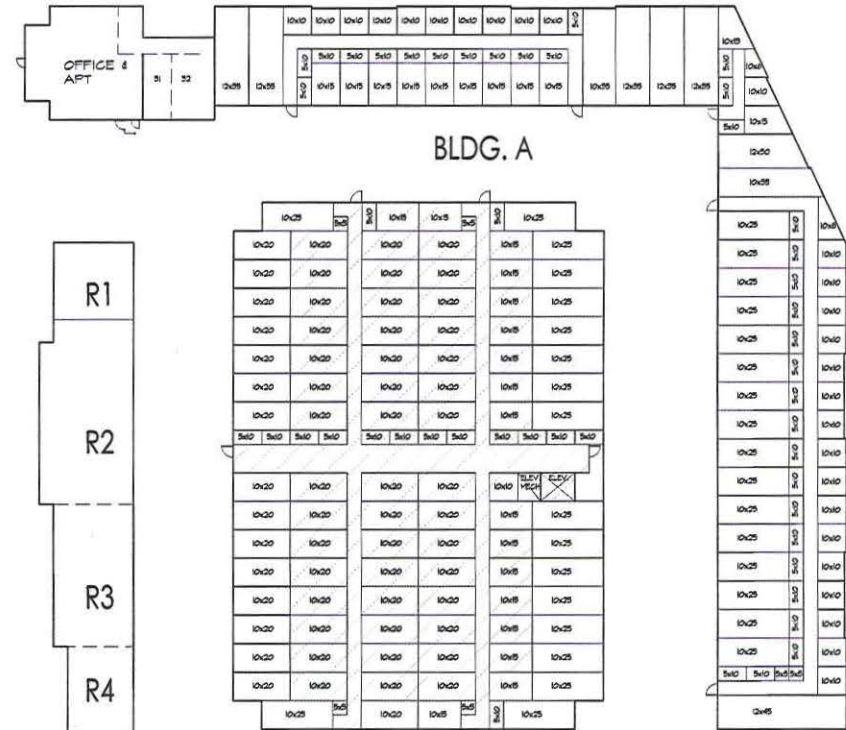




BLDG. D THIRD FLOOR

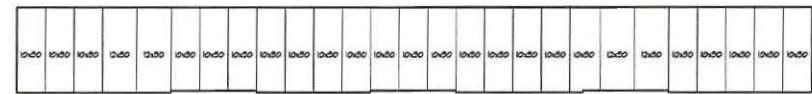


BLDG. D SECOND FLOOR



BLDG. D FIRST FLOOR

BLDG. B



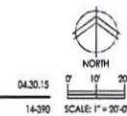
BLDG. C

PROJECT UNIT MIX TABULATION				
UNIT SIZE	UNIT (SF)	QTY.	TOTAL (SF)	
5 x 5	25	2	50	
5 x 10	50	35	1750	
10 x 6	60	1	60	
10 x 8	80	1	80	
10 x 10	100	29	2900	
10 x 13	130	1	130	
10 x 15	150	15	2250	
10 x 20	200	16	3200	
10 x 25	250	34	8500	
10 x 30	300	23	6900	
10 x 35	350	3	1050	
12 x 30	360	5	1800	
12 x 35	420	3	1260	
12 x 45	540	1	540	
cc	5 x 5	25	42	1550
cc	5 x 10	80	97	4850
cc	10 x 7.5	75	80	4950
cc	10 x 10	100	193	19300
cc	10 x 15	150	38	5700
cc	10 x 20	200	45	9000
TOTAL OUTSIDE UNITS		167	30,470	
TOTAL CLIMATE CONTROL		515	41,480	
GRAND TOTAL		682	71,950	
AVERAGE UNIT (SQ. FT.)			112.7	
GROSS TOTAL AREA			94,144	
EFFICIENCY			82%	

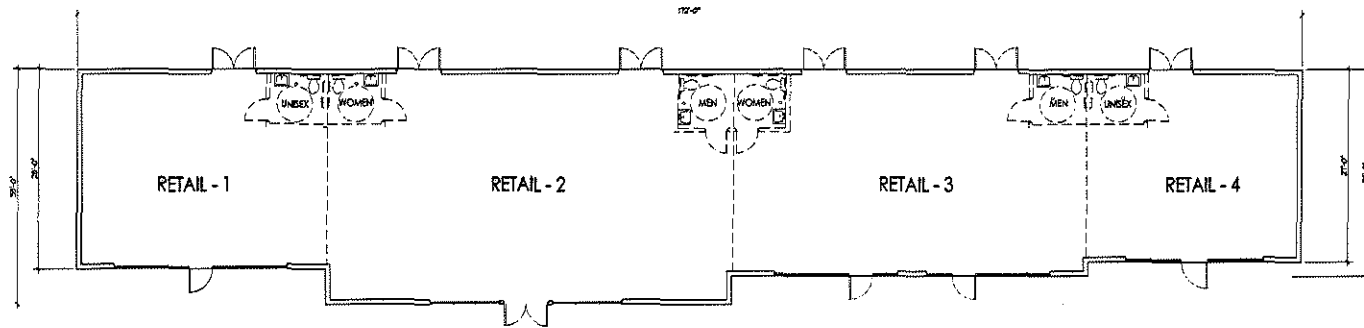
HATCHED AREA INDICATES CLIMATE CONTROLLED UNITS
NOTE: BUILDINGS ARE SHOWN IN APPROXIMATE PROXIMITY TO EACH OTHER. REFER TO SITE PLAN FOR ACTUAL DISTANCES BETWEEN BUILDINGS

4700 MAIN STREET RETAIL / STORAGE
OAKLEY, CA

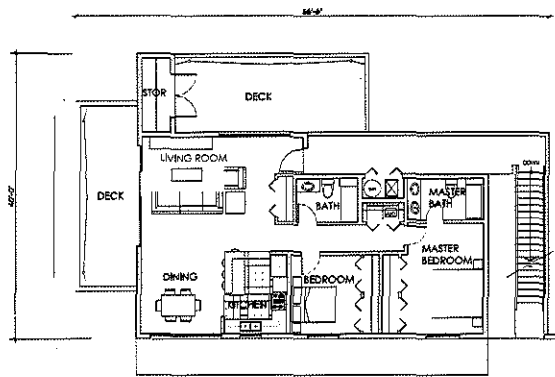
FLOOR PLANS



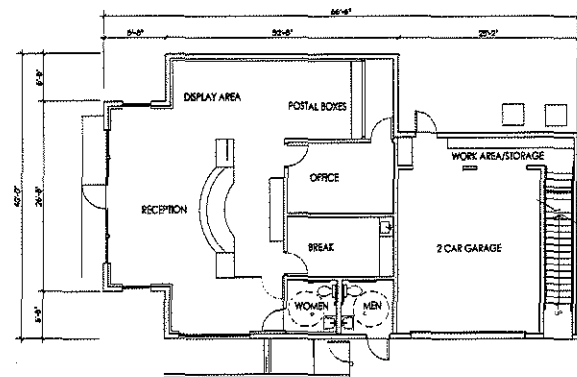
VALLI ARCHITECTURAL GROUP
12 JOHNSON DRIVE #210 ALISO VIEJO, CA 92656 PH: 949-348-1777 valli@valliarch.com



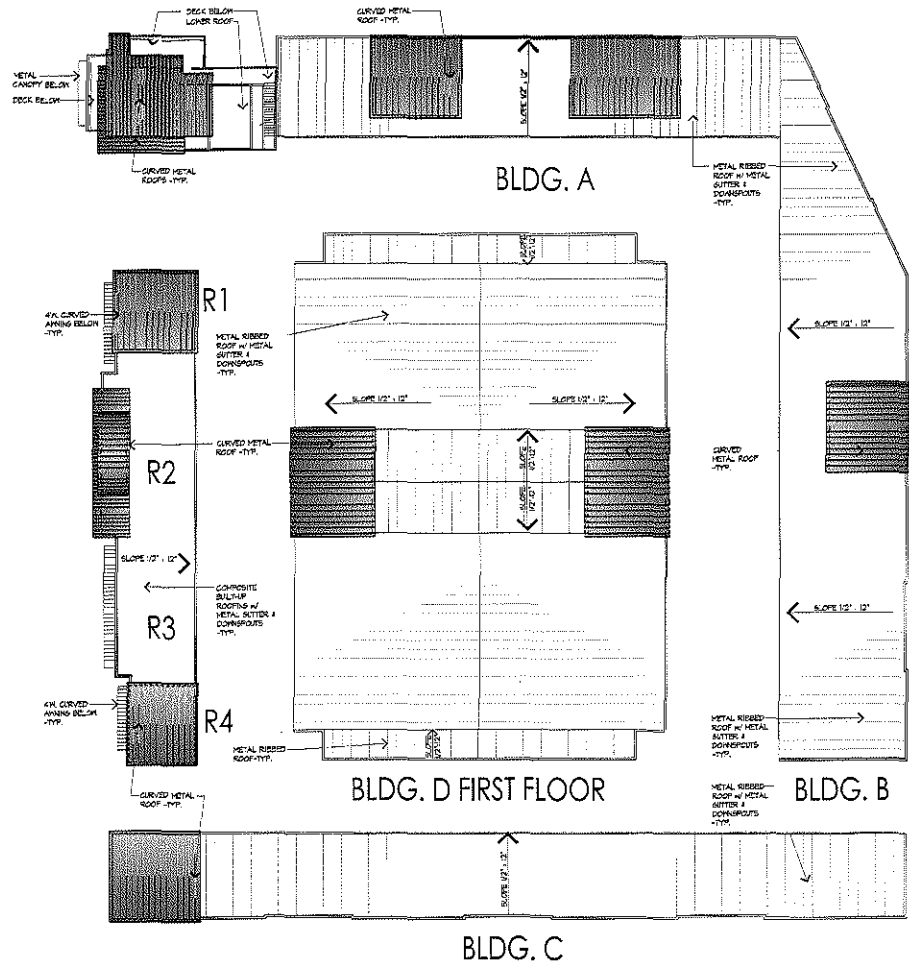
RETAIL BUILDING 



2ND FLOOR APARTMENT

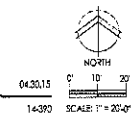


1ST FLOOR STORAGE OFFICE

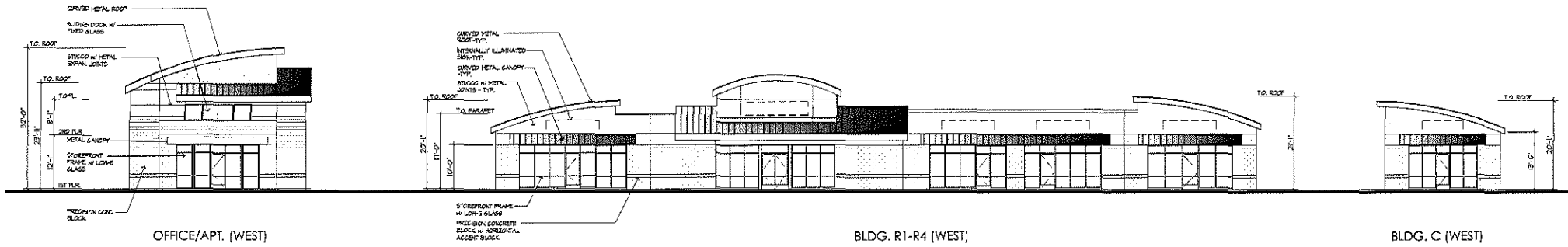


4700 MAIN STREET RETAIL / STORAGE
 OAKLEY, CA

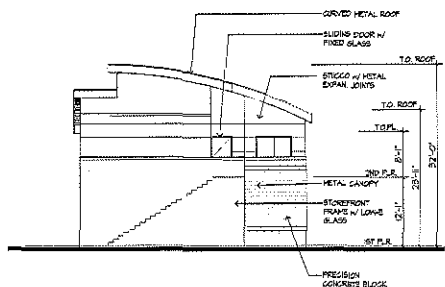
ROOF PLANS



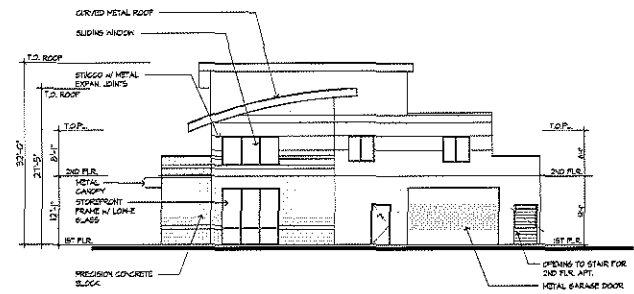
VALLI
 ARCHITECTURAL
 GROUP
 12, CULINNEY, SUITE 210
 ALISO VIEJO, CA 92656
 PH: 949.349.1777
 info@valli.com



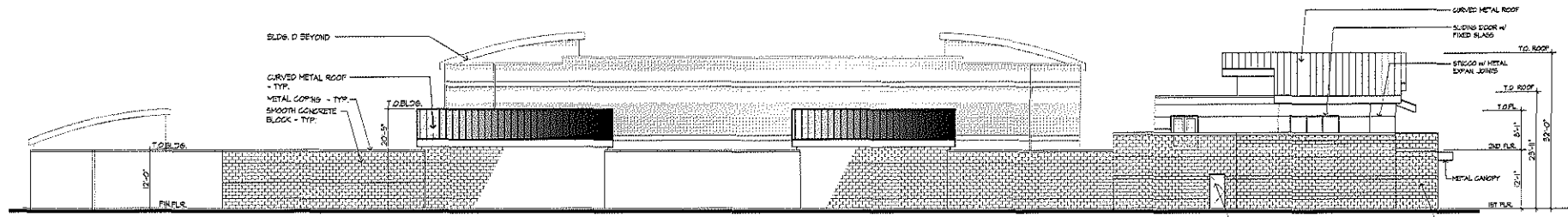
MAIN STREET ELEVATION (WEST)



OFFICE/APT. (WEST)
OFFICE WEST ELEVATION



OFFICE SOUTH ELEVATION



BLDG. B NORTH

BLDG. A NORTH

OFFICE NORTH

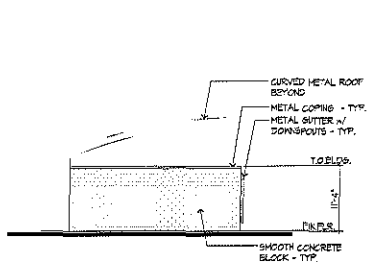
4700 MAIN STREET RETAIL / STORAGE

OAKLEY, CA

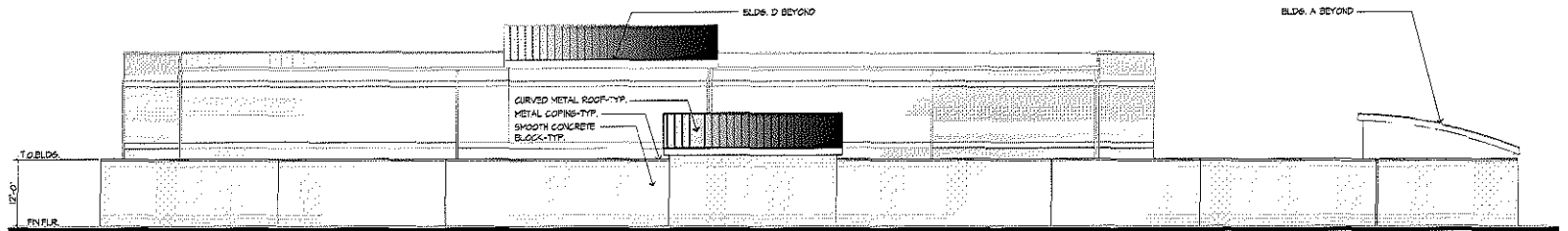
ELEVATIONS

04.30.15
14-390
SCALE: 1" = 10'-0"

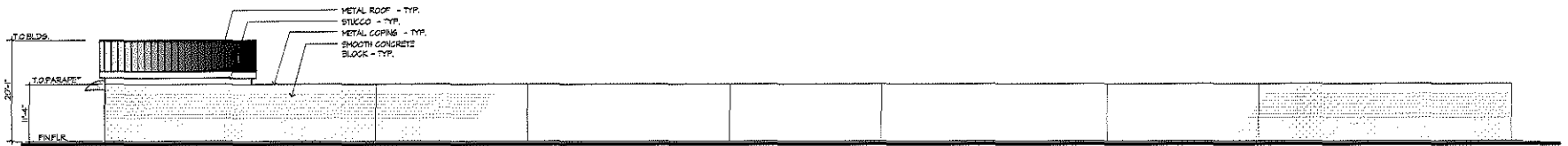




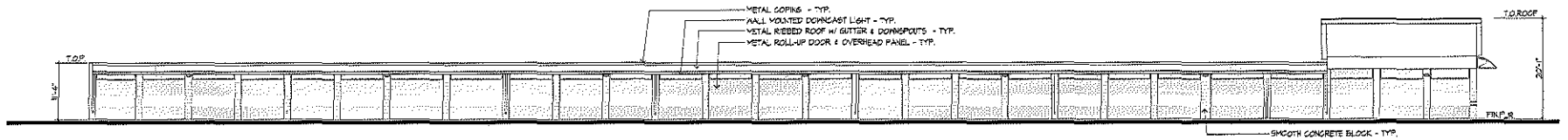
BLDG. C EAST



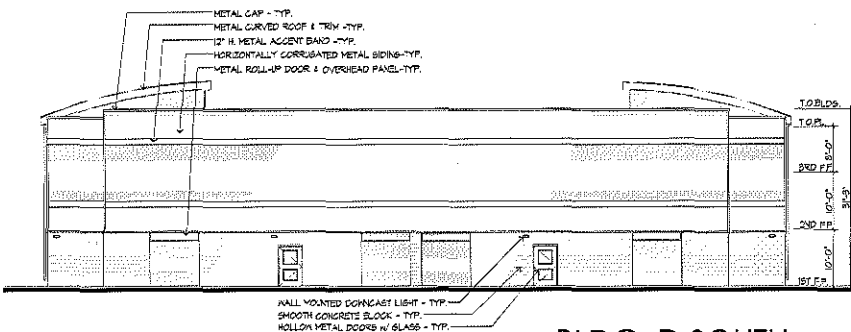
BLDG. B EAST



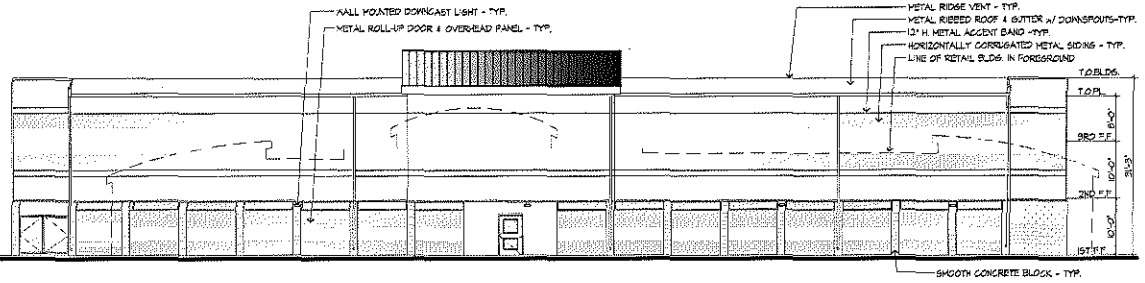
BLDG. C SOUTH



BLDG. C NORTH
 (BLDG. A SOUTH/BLDG. B WEST SIM.)



BLDG. D SOUTH
 (NORTH SIM.)



BLDG. D WEST
 (EAST SIM.)

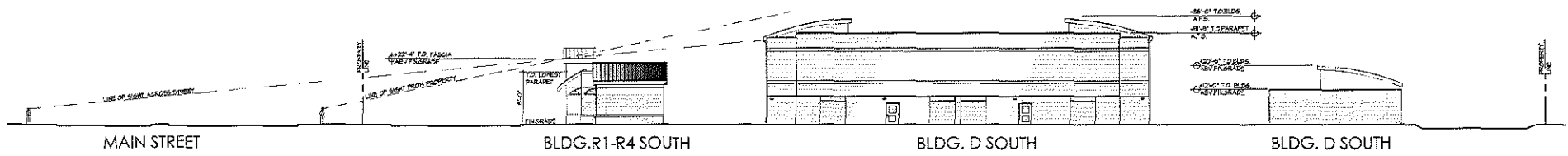
4700 MAIN STREET RETAIL / STORAGE
 OAKLEY, CA

ELEVATIONS

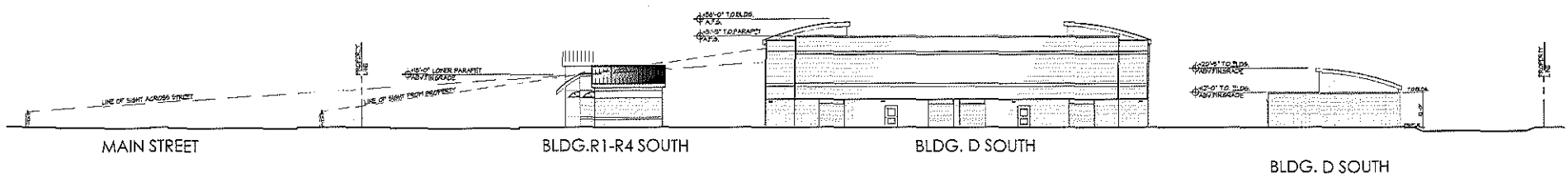
04.30.15
 14-300

SCALE: 1" = 10'-0"

VALLI
 ARCHITECTURAL
 GROUP
 12 JOURNAL SQUARE 2ND
 ALISO VIEJO, CA 92554
 PH: 949/349-1777
 info@valli.com



SITE SECTION @ HIGHER RETAIL ROOF



SITE SECTION @ LOW RETAIL ROOF

4700 MAIN STREET RETAIL / STORAGE

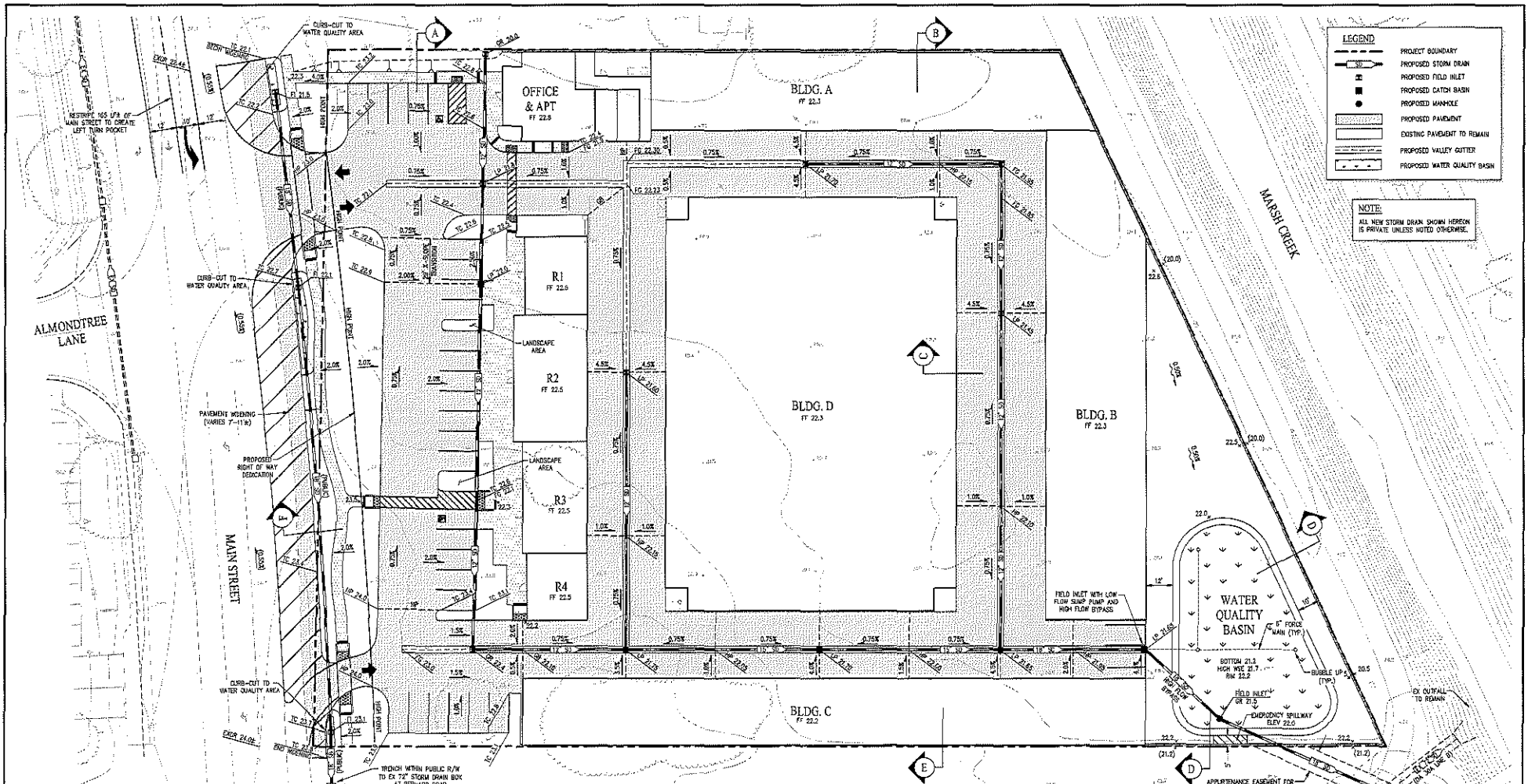
OAKLEY, CA

SITE SECTION

04.00.15

16-390





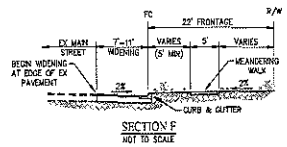
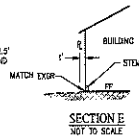
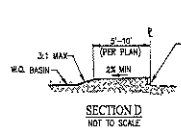
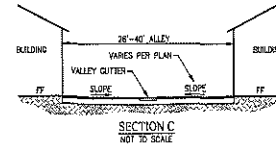
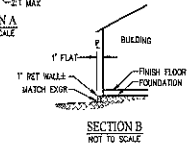
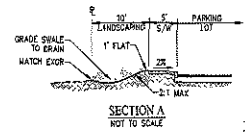
LEGEND

- PROJECT BOUNDARY
- PROPOSED STORM DRAIN
- PROPOSED FIELD INLET
- PROPOSED CATCH BASIN
- PROPOSED MANHOLE
- PROPOSED PAVEMENT
- EXISTING PAVEMENT TO REMAIN
- PROPOSED VALLEY GUTTER
- PROPOSED WATER QUALITY BASIN

NOTE:
ALL NEW STORM DRAIN SHOWN HEREIN IS PRIVATE UNLESS NOTED OTHERWISE.

4700 MAIN STREET
**PRELIMINARY GRADING
 AND DRAINAGE PLAN**

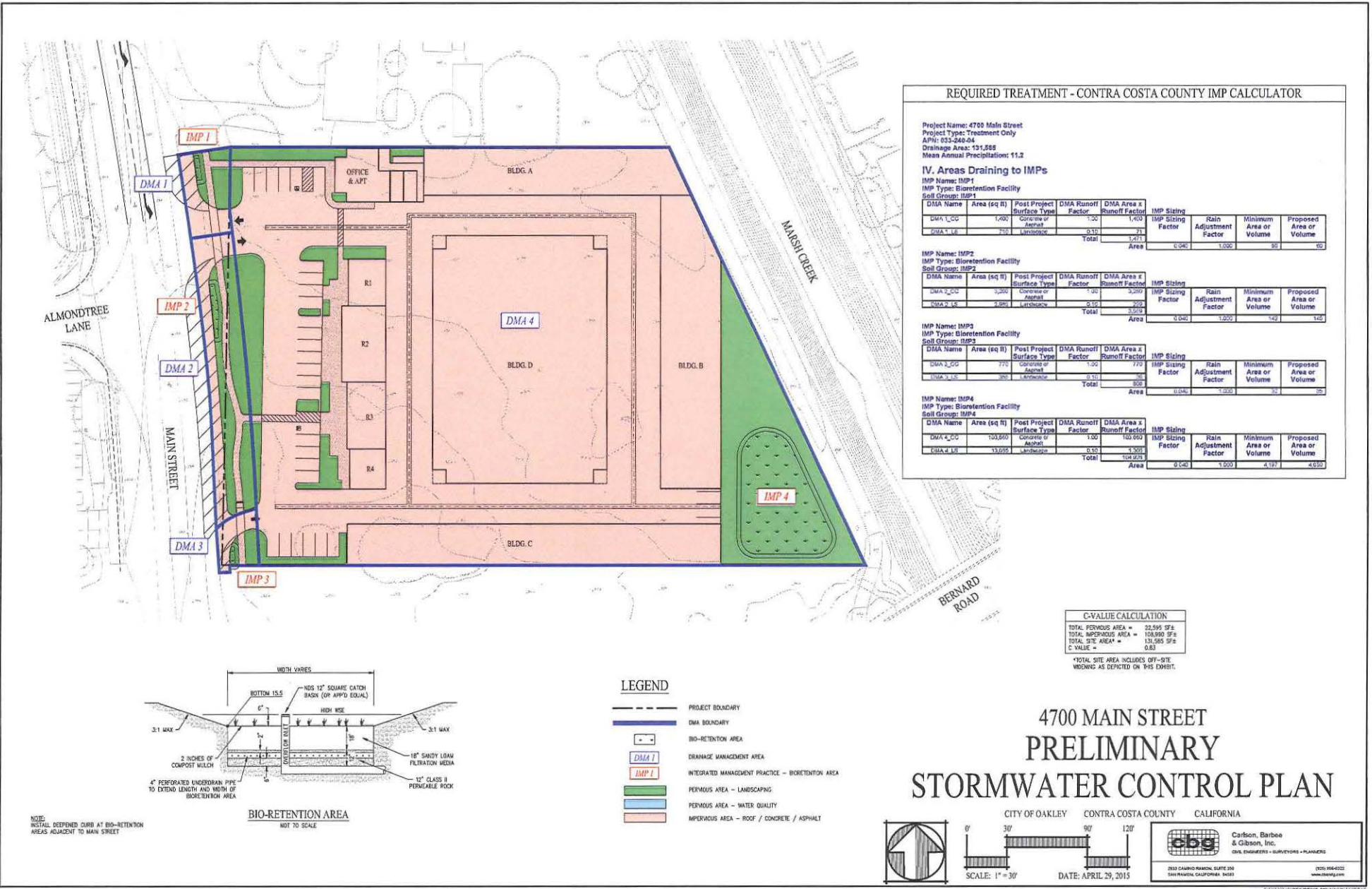
CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA



cbg Carlson, Barboe & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 2422 CLAYTON AVENUE SUITE 200
 SAN RAFAEL, CALIFORNIA 94903
 415.458.8122
 WWW.CBGI.COM

SCALE: 1" = 20'
 DATE: APRIL 29, 2015





REQUIRED TREATMENT - CONTRA COSTA COUNTY IMP CALCULATOR

Project Name: 4700 Main Street
 Project Type: Treatment Only
 APN: 033-248-04
 Drainage Area: 131,565
 Mean Annual Precipitation: 11.2

IV. Areas Draining to IMPs

IMP Name: IMP1
 IMP Type: Bioretention Facility
 Soil Group: IMP1

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA 1_CC	1,400	Concrete or Asphalt	1.00	1,400	1.0	1.000	50	60
DMA 1_LB	700	Landscaping	0.10	70				
Total				1,470	Area			

IMP Name: IMP2
 IMP Type: Bioretention Facility
 Soil Group: IMP2

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA 2_CC	3,200	Concrete or Asphalt	1.00	3,200	1.0	1.000	142	160
DMA 2_LB	2,285	Landscaping	0.10	229				
Total				3,529	Area			

IMP Name: IMP3
 IMP Type: Bioretention Facility
 Soil Group: IMP3

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA 3_CC	770	Concrete or Asphalt	1.00	770	1.0	1.000	50	60
DMA 3_LB	380	Landscaping	0.10	38				
Total				808	Area			

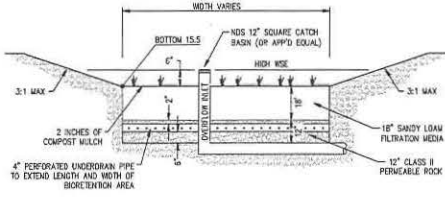
IMP Name: IMP4
 IMP Type: Bioretention Facility
 Soil Group: IMP4

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA 4_CC	103,800	Concrete or Asphalt	1.00	103,800	1.0	1.000	4,187	4,930
DMA 4_LB	13,235	Landscaping	0.10	1,303				
Total				105,103	Area			

C-VALUE CALCULATION

TOTAL PERVIOUS AREA =	32,595 SF±
TOTAL IMPERVIOUS AREA =	103,990 SF±
TOTAL SITE AREA* =	131,585 SF±
C VALUE =	0.83

*TOTAL SITE AREA INCLUDES OFF-SITE WEDGING AS DEPICTED ON THIS DRAWING.

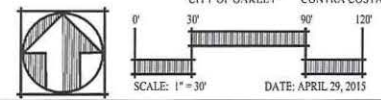


- LEGEND**
- PROJECT BOUNDARY
 - DMA BOUNDARY
 - BIO-RETENTION AREA
 - DRAINAGE MANAGEMENT AREA
 - IMP 1
 - IMP 2
 - IMP 3
 - IMP 4
 - INTEGRATED MANAGEMENT PRACTICE - BIORETENTION AREA
 - PERVIOUS AREA - LANDSCAPING
 - PERVIOUS AREA - WATER QUALITY
 - IMPERVIOUS AREA - ROOF / CONCRETE / ASPHALT

4700 MAIN STREET PRELIMINARY STORMWATER CONTROL PLAN

NOTE:
INSTALL REINFORCED CURB AT BIO-RETENTION AREAS ADJACENT TO MAIN STREET

BIO-RETENTION AREA
NOT TO SCALE

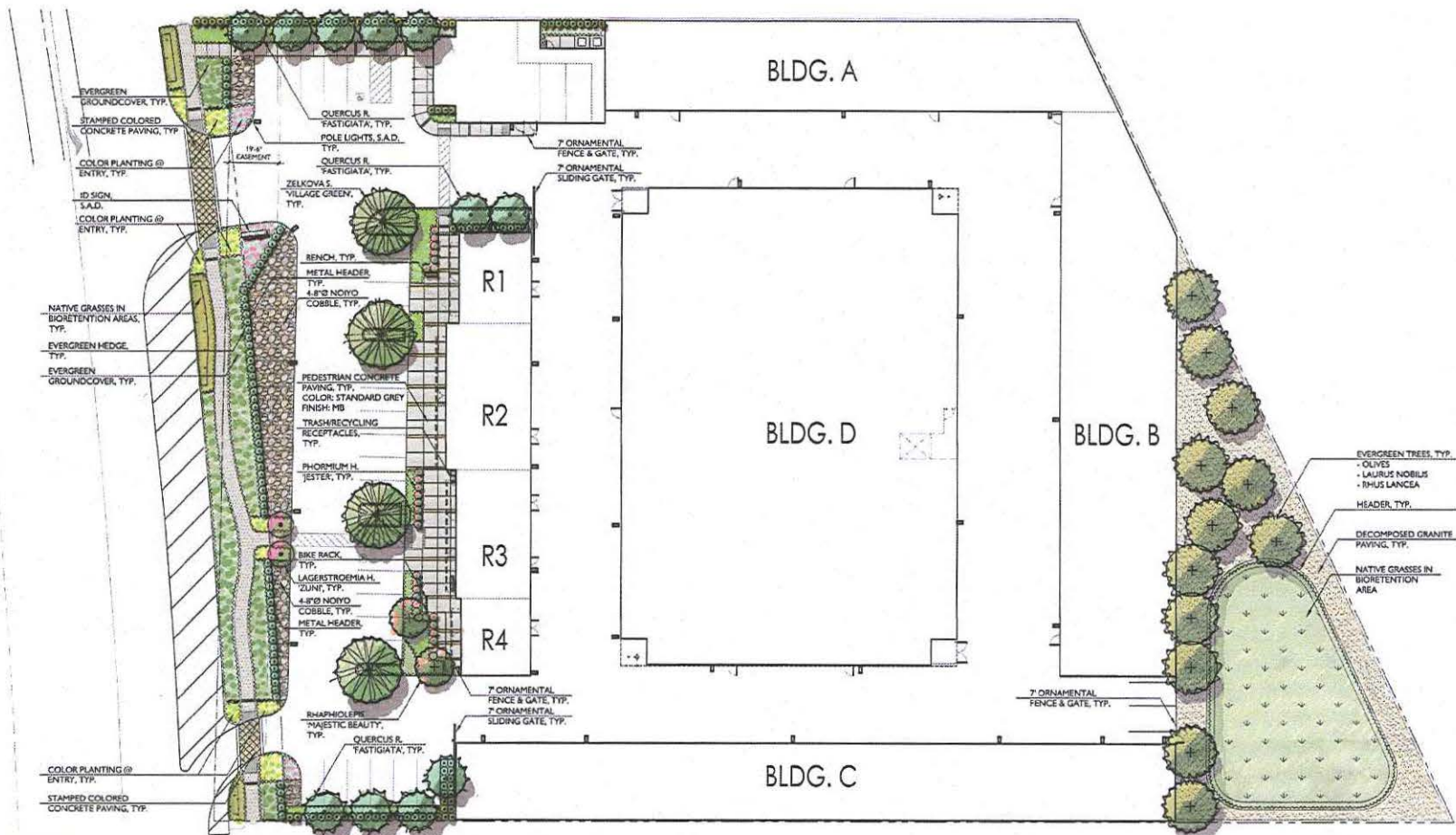


CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS - SURVEYORS - PLANNERS

203 CAJON RANCHO, SUITE 300
 SAN FRANCISCO, CALIFORNIA 94103

(415) 466-0222
 www.cbginc.com



SITE FURNISHINGS



BENCH
 MFR: EQUIPARC
 MODEL: EP-1990
 WOOD SLATS: IPE
 OPTION: W/ ARMRESTS
 MOUNT: IN-GROUND
 COLOR: GREY
 PH: 800.363.9264
 INSTALL PER MFR'S SPECS AND DETAILS



TRASH/RECYCLING RECEPTACLES
 MFR: WABASH VALLEY
 MODEL: URBANSCAPE 'J' STYLE, WITHOUT SIDE DOOR, RECYCLING W/ SOLID BONNET
 COLOR: BLACK
 MOUNT: IN-GROUND
 PH: 240.352.2102
 INSTALL PER MFR'S SPECS AND DETAILS



BIKE RACK
 MFR: BIKEPARKING.COM
 MODEL: H3605-SF-GP
 COLOR: PATRICIAN BRONZE
 MOUNT: IN-GROUND
 PH: 415.333.6428
 INSTALL PER MFR'S SPECS AND DETAILS

LANDSCAPE AREA - 7,297 SF
 BIORETENTION AREA - 6,873 SF

TREE CANOPY SIZE	FULL SHADE/SQ. FT.	3/4 SHADE/SQ. FT.	1/2 SHADE/SQ. FT.	1/4 SHADE/SQ. FT.	TOTAL SQ. FT.
15' DIA	8 @ 177	8 @ 132.75	8 @ 88.5	8 @ 44.25	3,540
25' DIA	4 @ 491	4 @ 368.25	4 @ 245.5	4 @ 122.75	4,910
				TOTAL TREE SHADE	8,450
SURFACE AREA:		PARKING LOT	15,962	TOTAL SURFACE AREA	15,962
SHADE AREA REQUIRED					7,981
TOTAL SHADE PROVIDED					8,450
PERCENT SHADE					53%

0 10' 20' 40' DATE: 05/05/2015

4700 MAIN ST.
 OAKLEY, CA



TREES



LAGERSTROEMIA INDICA 'ZUNI'



LAURUS NOBILIS 'SARATOGA'



OLEA EUROPEA 'SWAN HILL'



PLATANUS ACERIFOLIA 'BLOODGOOD'



QUERCUS R. 'FASTIGIATA'



RHAMPHIOLEPIS 'MAJESTIC BEAUTY' STANDARD



RHUS LANCEA



ZELKOVA S. 'VILLAGE GREEN'

SHRUBS & GROUNDCOVER



DIETES GRANDIFLORA 'VARIEGATA'



JUNCUS PATENS



HEMEROCALLIS H. 'MASTER MAGICIAN'



PHORMIUM H. 'JESTER'



PHORMIUM H. 'TOM THUMB'



CHONDROPETALUM TECTORUM



CAREX DIVULSA



FESTUCA GLAUCA 'ELIJAH BLUE'



LANTANA MONTEVIDENSIS 'CONFETTI'



MYOPORUM PARVIFOLIUM



ROSA 'FLOWER CARPET PINK'

PLANT LIST

TREES

SYM	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE	SOURCE
LI	LAGERSTROEMIA INDICA 'ZUNI'	CRAPE MYRTLE	24" BOX	AS SHOWN	LOW	WUCOLS
LS	LAURUS NOBILIS 'SARATOGA'	GRECIAN LAUREL	24" BOX	AS SHOWN	LOW	WUCOLS
OS	OLEA EUROPEA 'SWAN HILL'	OLIVE	24" BOX	AS SHOWN	VERY LOW	WUCOLS
PB	PLATANUS ACERIFOLIA 'BLOODGOOD'	LONDON PLANE TREE	24" BOX	AS SHOWN	MOD	WUCOLS
QF	QUERCUS R. 'FASTIGIATA'	ENGLISH OAK	24" BOX	AS SHOWN	MOD	WUCOLS
RM	RHAMPHIOLEPIS 'MAJESTIC BEAUTY' STANDARD	RHAMPHIOLEPIS	15 GAL	AS SHOWN	LOW	WUCOLS
RL	RHUS LANCEA	AFRICAN SUMAC	24" BOX	AS SHOWN	LOW	WUCOLS
ZV	ZELKOVA S. 'VILLAGE GREEN'	ZELKOVA	24" BOX	AS SHOWN	MOD	WUCOLS

SHRUBS

SYM	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE	SOURCE
DV	DIETES GRANDIFLORA 'VARIEGATA'	FORTNIGHT LILY	5 GAL	3'-6" O.C.	LOW	WUCOLS
JP	JUNCUS PATENS	CALIFORNIA GRAY RUSH	5 GAL	2'-4" O.C.	LOW	WUCOLS
HM	HEMEROCALLIS H. 'MASTER MAGICIAN'	EVERGREEN DAYLILY	5 GAL	2'-4" O.C.	MOD	WUCOLS
PJ	PHORMIUM H. 'JESTER'	NEW ZEALAND FLAX	5 GAL	3'-0" O.C.	LOW	WUCOLS
PT	PHORMIUM H. 'TOM THUMB'	NEW ZEALAND FLAX	5 GAL	3'-0" O.C.	LOW	WUCOLS
CT	CHONDROPETALUM TECTORUM	CAPE RUSH	5 GAL	3'-0" O.C.	LOW	WUCOLS

GROUNDCOVER

SYM	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE	SOURCE
CD	CAREX DIVULSA	BENKLEY SEDGE	1 GAL	2'-0" O.C.	LOW	WUCOLS
FE	FESTUCA GLAUCA 'ELIJAH BLUE'	ELIJAH BLUE FESCUE	1 GAL	1'-4" O.C.	LOW	WUCOLS
LC	LANTANA MONTEVIDENSIS 'CONFETTI'	LANTANA	1 GAL	3'-0" O.C.	LOW	WUCOLS
MP	MYOPORUM PARVIFOLIUM	MYOPORIUM	1 GAL	4'-0" O.C.	LOW	WUCOLS
RF	ROSA 'FLOWER CARPET PINK'	FLOWER CARPET ROSE, PINK	2 GAL	2'-6" O.C.	LOW	WUCOLS

SCALE: N.T.S. DATE: 05/05/2015

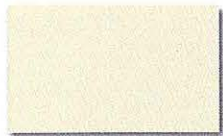
4700 MAIN ST.
OAKLEY, CA



METAL ROOF / CANOPIES
DUNN EDWARDS PAINT
DE 139 'NAUTICAL'
(MATCH PANTONE 282 C)



METAL ACCENT
DUNN EDWARDS PAINT
DE 5396 'LEMON PUNCH'
(MATCH PANTONE 7406 C)



PRECISION CONCRETE BLOCK
/ STUCCO
DUNN EDWARDS PAINT
DE 6184 'SAILCLOTH'



PRECISION CONCRETE BLOCK ACCENT
DUNN EDWARDS PAINT
DE 6174 ' RIDGECREST'



PRECISION CONCRETE BLOCK
WAINSCOT
DUNN EDWARDS PAINT
DE6158 'BUCKSKIN'



STOREFRONT SYSTEM /
WINDOW FRAMES
CLEAR ANODIZED ALUM.
GLASS
PPG SOLARBAN



METAL ROOF-SELF STORAGE
MBCI, INC.
GALVALUME



ROLL - UP DOORS
JANUS INTERNAT'L "ROYAL BLUE"

COLOR AND MATERIALS

4700 MAIN ST. RETAIL / STORAGE

FEB. 28, 2015

OAKLEY, CA

14-390





City of Oakley
3231 Main Street
Oakley, CA 94561
Ph. 925-625-7000
Fax. 925-625-9194
www.ci.oakley.ca.us

August 5, 2014

Mr. Michael W. Conley
Claremont Homes, Inc.
380 Civic Drive, Suite 200C
Pleasant Hill, CA 94523

SUBJECT: UNCLASSIFIED USE APPROVAL FOR CLAREMONT HOMES, LLC.

Dear Mr. Conley:

On July 26, 2014 an application for Zoning Administrator approval of an Unclassified Use was filed with the Planning Department that requests a new use, self-storage/mini storage with a retail/office use, be allowed in the C (General Commercial) District. Below you will find the application and business description information, required findings for approval, and the basis of approval by the Zoning Administrator.

Application and Business Description

Applicant: Claremont Homes, Inc., 380 Civic Drive, Suite 200C, Pleasant Hill, CA 94523

Proposed Location: 4700 Main Street, Oakley, CA 94561

General Plan and Zoning: Zoning for the subject property is the C (General Commercial) District, which is consistent with the "Commercial" General Plan land use designation for the property.

Proposed Use: The application requests a new use, self-storage/mini storage with a retail/office use, be allowed in the C (General Commercial) District. The applicant has indicated that if this use is added into the Zoning Code, they intend to develop a single-story self-storage facility, a retail component selling moving, storage, and shipping supplies, as well as an office component along the Main Street frontage.

The application further explains that the 4700 Main Street location is not the most desirable retail location, and therefore the office suites that would be incorporate as part of the project would be used to provide space for small offices or start-up companies.

Findings

Pursuant to Oakley Municipal Code (OMC) section 9.1.1608 Unclassified Uses, any unclassified use may be permitted where it is determined similar to the other permitted uses in the zone and not more obnoxious or detrimental to the public health, safety and welfare than such other permitted uses. The proposed use is found to be similar to "Boat and recreational vehicle outdoor storage when combined with retail storefronts" which is a conditionally permitted use in the C District.

Based on the application and supporting materials submitted to the Planning Department on July 26, 2014, the Zoning Administrator of the City of Oakley hereby finds that:

1. The subject use and its operation is consistent with the goals and objectives of the General Plan in that it will provide a self-storage option available to both Oakley residents and residents of the surrounding area. Based on the information provided by Claremont Homes, Inc., about 1/3 of the storage units are typically leased for commercial uses, family businesses, startup companies, and sample/product storage. The additional requirement to place a retail/office component along Main Street will add additional space for new businesses, startup companies, and small offices;
2. The subject use and its operation are consistent with the purposes and intent of the C District in that it encourages a wide range of commercial uses. The self-storage use would be required to be designed in such a way that it does not impact the surrounding areas, and the addition of retail/office space along Main Street would be consistent with similar uses established in the area;
3. The subject use and its operation is a compatible use in all areas of the City where the C District is applied in that the other location where the C District is applied also contains self-storage facilities. Although these facilities were constructed prior to the adoption of the C District zoning, the self-storage use has proven to be a use that is compatible with the other uses in the C District. The additional requirement to have a retail/office component to the project, and along Main Street, brings an added element necessary to be compliant with the C District zoning;
4. That the subject use is similar to "Boat and recreational vehicle outdoor storage when combined with retail storefronts", which is permitted in the C District, in that:

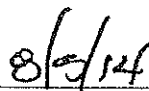
- a. The enclosed storage units will have similar or less impacts to that of boat and recreational vehicle outdoor storage, which is a conditionally permitted use in the C District. New self-storage facilities can be designed to mimic normal retail buildings and all of the storage would be inside of a building rather than on an improved parking lot ; and
 - b. The indoor storage of goods would not create any greater impacts in traffic, parking, noise, glare, odor, or refuse that that of boat and recreational vehicle outdoor storage;
5. The subject use and its operation will not adversely affect other permitted uses in the zone within which the use is proposed to be located in that it will be operating similar to other uses that are done completely in an enclosed building; and
 6. The subject use will need to be designed, located and operated that the public health, safety and general welfare will be protected. The proposed use will require the applicant to submit a Conditional Use Permit as well as any other necessary permits. Through that review Staff will ensure that the project be designed in such a way that the public health, safety and general welfare will be protected.

Approval

The Zoning Administrator of the City of Oakley hereby determines the proposed use, as described in this letter, as a use that requires a Conditional Use Permit within the C District. In order to operate this use, a Conditional Use Permit as well as any other applicable discretionary entitlements, building permits, grading and/or improvement plans shall be submitted and approved by the City of Oakley.

Approved:


Bryan Montgomery, Zoning Administrator


Date

July 25, 2014

Mr. Joshua McMurray
Senior Planner Housing and
Economic Development Analyst
3231 Main Street
Oakley, CA 94561

VIA email:
McMurray@ci.oakley.ca.us

Re: 4600-4700 Main Street -- Request for Unclassified Use Designation

Dear Mr. McMurray,

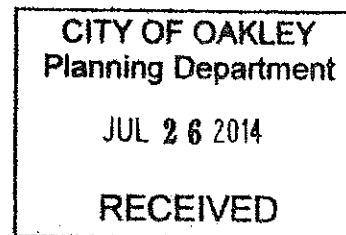
We kindly request that the City of Oakley consider accommodating us with an Unclassified Use Designation for this property located at 4680-4700 Main Street. The site is approximately 2.9 acres and was previously approved for a self storage and a Conditional Use Permit was issued by the City (the Conditional Use Permit has since expired). The property has relatively small frontage on Main Street. We propose developing a single story self storage facility, including a manager's residence, with a portion of the site dedicated to office/retail. We found about 1/3 of the storage units are used for commercial uses, family businesses, start up companies, and sample/product storage, thereby aiding in the growth of small businesses in the community. The self storage would be comprised of approximately 640 units of which 10% would be climate controlled. Also, as a part of the self storage facility, we would employ a component along the frontage which would sell moving, storage and shipping supplies.

This property is located on the southern end of the City of Oakley and is not the most desirable retail location; therefore, we propose the use of office suites at the site as well, which would provide small office users and start up companies with Main Street frontage. Vehicular traffic counts decline as one proceeds south on Main Street. With the City's approval we would move forward to design the self storage facility and incorporate the retail/office portion along the frontage on Main Street. Thank you for your attention to this matter and we look forward to working with you in the future.

Best regards,

Michael W. Conley
Claremont Homes, Inc.

cc: Arthur L. Lorenzini, Jr.





4700 Main Street



Scale 1:3,000
 Contra Costa Internet GIS Map
 Printed: Aug 5, 2014 8:32:36 AM



RESOLUTION NO. XX-15

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE CONDITIONAL USE PERMIT (CUP 01-15) AND DESIGN REVIEW (DR 02-15) FOR THE CONSTRUCTION OF A NEW RETAIL AND SELF-STORAGE PROJECT ON A 2.9-ACRE SITE LOCATED AT 4700 MAIN STREET APN 033-240-004

WHEREAS, on March 2, 2015, Michael Conley with Claremont Homes, INC. ("Applicant"), submitted an application for a Conditional Use Permit (CUP 01-15) and Design Review (DR 02-15) for the construction of a new retail and self-storage project on a site located at 4700 Main Street. APN: 033-240-004 ("Project"); and

WHEREAS, on May 13, 2015, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project is designated as *Commercial* in the Oakley 2020 General Plan, and zoned General Commercial (C) District; and

WHEREAS, on May 29, 2015, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 300-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

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

WHEREAS, on June 9, 2015, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public and applicant, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as conditioned, and

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

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, the City's Commercial and Industrial Design Guidelines, and the

information submitted to the City Council at its June 9, 2015 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record"); and

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

- A. Regarding the application requesting approval of a Conditional Use Permit (CUP 01-15) and Design Review (DR 02-15) for the construction of a new retail and self-storage project on a site located at 4700 Main Street. APN: 033-240-004:
1. The site for the proposed use is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that the site is approximately 2.9-acres and the General Commercial (C) Zoning District allows for the proposed development with the approval of a Conditional Use Permit and Design Review. The new building and site improvements will provide a significant aesthetic upgrade to the property, and help facilitate the economic development activities of the City; and
 2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use in that the site is accessible by public rights-of-way such as Main Street, which is designed to handle project generated traffic; and
 3. The proposed use will be arranged, designed, constructed, operated, and maintained so as to be compatible with the intended character of the area and will not change the essential character of the area that is intended by the General Plan and the applicable zoning ordinances in that the proposed use is permitted in the General Commercial (C) Zoning District with the approval of a Conditional Use Permit and Design Review. The use will comply with the noise standards set forth in the Oakley Municipal Code, will provide all parking on-site, and will bring a new business into the City; and
 4. The proposed use provides for continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan in that it provides a new business which will bring jobs to the City. The use and site are a result of Oakley's zoning that allows for commercial lots that can accommodate this type of use; and
 5. That the proposed use, including any conditions attached thereto, will be

established in compliance with the applicable provisions of the California Environmental Quality Act; and

6. The design, appearance, and manner of development of all properties within the City have a substantial relationship with the characteristics of public and private places that make a community visually interesting, functional, and a source of community pride. The site for the proposed project is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that the site is approximately 2.9-acres and the General Commercial (C) Zoning District allows for the proposed development with the approval of a Conditional Use Permit and Design Review application. The new building and site improvements will provide a significant aesthetic upgrade to the property, and help facilitate the economic development activities of the City; and
7. Development within the City should be in a manner that is of high quality and allow for flexibility of unique solutions to enhance a project's design so that it can be successfully integrated into the existing fabric of the City, while preserving the City's human scale and sense of place.
8. The quality of life and stabilization of property values are enhanced by project design that meets the criteria set forth in the Oakley Design Guidelines, Zoning Ordinance, and General Plan, as applicable. The proposed project will be arranged, designed, constructed, operated, and maintained so as to be compatible with the intended character of the area and will not change the essential character of the area that is intended by the General Plan and the applicable zoning ordinances in that the proposed project for the construction of a building for commercial and retail businesses are permitted in the General Commercial (C) Zoning District. The use will comply with the noise standards set forth in the Oakley Municipal Code, will provide all parking on-site, and will bring a new business into the City; and
9. Design review is necessary to enhance project design, ensure quality development, maintain or enhance property values, and add to the visual character of the community and public health, safety, and welfare of Oakley residents. The proposed project provides for continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan in that it provides a new business which will bring jobs to the City. The use of the site are a result of Oakley's zoning that allows for commercial lots that can accommodate this type of project.

- B. The project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for **Conditional Use Permit (CUP 01-15)** and **Design Review (DR 02-15)**, subject to the following Conditions of Approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division dated **May 4, 2015**, as well as additional information acquired since that time and made part of the project file.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE CONSTRUCTION OF THE BUILDING UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This **Conditional Use Permit (CUP 01-15)**, and **Design Review (DR 02-15)** is approved, as shown on the revised plans, date stamped by the Planning Division on **May 4, 2015**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval for **Conditional Use Permit (CUP 01-15)**, and **Design Review (DR 02-15)** shall be effectuated within a period of one (3) years from the effective date of this resolution by pulling a building permit and if not effectuated shall expire on **June 9, 2018**. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Zoning Code.
3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on **June 9, 2015**.
4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.
6. Should archaeological materials be uncovered during grading, trenching or other on- site excavation(s), earthwork within 30 yards of these materials shall be

stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.

7. The applicant shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project. The city shall promptly notify the applicant of any such claim, action or proceeding. The city shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
8. All uses proposed for the retail tenant locations shall be in accordance with the uses allowed within the General Commercial (C) Zone District. Any proposed use shall not create a parking demand in excess of the parking spaces dedicated to the retail portion of the project.

Site Plan:

9. All parking stall striping shall be double striped. Parking stalls shall be 9 feet wide by 19 feet deep with an allowed 2 foot overhang in some cases and all drive aisles shall be a minimum 24 feet in width as reviewed and approved by the Community Development Director.
10. A lighting and photometric plan shall be submitted prior to the issuance of building permits. The minimum requirement shall be one foot of candle light within public parking areas and pedestrian pathways.
11. Light poles shall be a maximum height of twenty (20) feet and shall provide glare shields where adjacent to existing residences per the review and approval of the Community Development Director.
12. A trash enclosure shall match Oakley Disposal and City standards and shall provide adequate space to accommodate both trash and recycling. Also, trash enclosures shall be constructed with a roof to match the building design and materials, have metal gates, and when appropriate be surrounded by landscaping with climbing vines on three sides per the review and approval of the Community Development Director.
13. Storage shall be contained inside the building. Storage containers are not allowed and pallets, boxes, cardboard etc. shall not be stored outside.
14. The final site plan shall show a bike rack subject to final approval by the Community Development Director.

Architecture:

15. Roof-mounted equipment shall be architecturally screened from view.
16. The light fixtures on the commercial buildings shall be decorative fixtures per the review and approval of the Community Development Director.
17. Anti-graffiti techniques shall be used on the exterior walls.
18. Security cameras shall be installed in locations to be reviewed and approved by the Community Development Director.

Landscaping Requirements:

19. A landscaping and irrigation plan for all areas shown on the site plan shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. The landscaping plan shall include the project's frontage and side yards. Landscaping shall conform to the Oakley Water Efficient Landscape Ordinance and the Guidelines for Implementation of the City of Oakley Water Efficient Landscape Ordinance and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance.
20. California native drought tolerant plant or shall be used as much as possible. All trees shall be a mix of fifteen-gallon, 24-inch box and 36-inch box, all shrubs shall be a minimum five-gallon size, except as otherwise noted.
21. Parking lot trees shall provide 50 percent shading of the parking areas at tree maturity.
22. Prior to occupancy, an on-site inspection shall be made of privately owned lands by a licensed landscape architect to determine compliance with the approved landscape plan. A signed certification of completion shall be submitted to the Community Development Director for review and approval.
23. If occupancy is requested prior to the installation of the landscape and irrigation improvements, then either a cash deposit or a letter of credit shall be delivered to the City for 125 percent of the estimated cost of the uncompleted portion of the landscape and irrigation improvements. If compliance is not achieved after six months of occupancy as determined by the Community Development Director, the City shall contract for the completion of the landscaping and irrigation improvements to be paid for by the held sum. The City shall return the unused portion within one year of receipt or at the completion of all work.

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

Signage:

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

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

27. Temporary signage for such things as special events and grand openings, shall require a Temporary Use Permit per the review and approval of the Community Development Director.

Waste Management Plan:

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

Building Division Conditions

29. Plans shall meet the currently adopted Uniform Codes as well as the newest T-24 Energy Requirements per the State of California Energy Commission. To confirm the most recent adopted codes please contact the Building Division at (925) 625 – 7005.

30. An Automatic Life Safety Sprinkler System shall be required in all new construction pursuant to Ordinance 22-06. The Automatic Life Safety Sprinkler Systems in commercial and industrial buildings shall be designed and installed to the standards and requirements found in the most recent version of the NFPA (National Fire Protection Association). Automatic Life Safety Sprinkler Systems in hotels and apartments shall be installed to the standards and requirements found in the most recent version of the NFPA, Standard 13R.

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

Public Works and Engineering Conditions

General:

32. Submit improvement plans prepared by a registered civil engineer to the City Engineer for review and approval and pay the appropriate processing costs in

accordance with the Municipal Code and these conditions of approval. The plans shall be consistent with the Stormwater Control Plan for the project, include the drawings and specifications necessary to implement the required stormwater control measures, and be accompanied by a Construction Plan C.3 Checklist as described in the Stormwater C.3 Guidebook.

33. Submit grading plans including erosion control measures and revegetation plans prepared by a registered civil engineer to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
34. Submit landscaping plans for publicly maintained landscaping, including planting and irrigation details, as prepared by a licensed landscape architect to the City Engineer for review and pay appropriate processing costs in accordance with the Code and these conditions of approval.
35. Execute any agreements required by the Stormwater Control Plan which pertain to the transfer of ownership and/or long term maintenance of stormwater treatment mechanisms required by the plan prior to the final inspection of the first house within the subdivision.

Roadway Improvements:

36. Construct the frontage of Main Street to City public road standards for a 82-foot wide roadway within a 126-foot right of way, including curb, six-foot detached sidewalk (meandering within the landscape area so that the minimum landscape width is no less than six feet), right of way landscaping, necessary longitudinal and transverse drainage, pavement widening to a minimum of 28 feet, and conforms to existing improvements. The face of curb shall be located 41 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project.
37. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.

Road Alignment/Sight Distance:

38. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Main Street. The sketch plan shall be to scale, show horizontal and vertical alignments, transitions, curb lines, lane striping and cross sections and shall provide sight distance for a design speed of 45 miles per hour. The plan shall extend a minimum of 150 feet ± beyond the limits of the proposed work.

Road Dedications:

39. Convey to the City, by offer of dedication, the right of way for Main Street for the planned future half width of 63-feet along the project frontage.

40. Relinquish abutter's rights of access along Main Street except for the two approved driveway locations.

Access to Adjoining Property:

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

Landscaping in the Public Right of Way:

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

Street Lights:

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

Grading:

44. Submit a geotechnical report to the City Engineer for review that substantiates the design features incorporated into the subdivision including, but not limited to grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections.

45. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet of the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be kept current at all times and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

46. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer.
47. Grade all pads so that they drain directly to the public street at a minimum of one percent without the use of private drainage systems through rear and side yards.
48. Grade any slopes with a vertical height of four feet or more at a slope of 3 to 1. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.
49. Submit a haul route plan to the City Engineer for review and approval prior to importing or exporting any material from the site. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of hauling. Based on this plan the City Engineer shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible to repair to their pre-construction condition any roads along the utilized routes.
50. Prior to commencement of any site work that will result in a land disturbance of one acre or more, the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.
51. Submit an updated erosion control plan reflecting current site conditions to the City Engineer for review and approval no later than September 1st of every year while the Notice of Intent is active.
52. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

53. Underground all new and existing utility distribution facilities, including those along the frontage of Main Street. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

54. All utility boxes shall be installed underground and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.
55. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

56. Collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility that conveys the storm waters to an adequate natural watercourse consistent with the plans for Drainage Area 30A and DA 130 as prepared by the Contra Costa County Flood Control and Water Conservation District.
57. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system and stormwater pond to the City Engineer for review and approval.
58. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
59. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
60. Dedicate a public drainage easement over the drainage system that conveys storm water run-off from public streets.

National Pollutant Discharge Elimination System (NPDES):

61. Comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley - Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.ccleanwater.org.

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

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

Fees/Assessments:

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

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

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

63. The applicant shall be responsible for paying the County Recorder's fee for the Notice of Determination as well as the State Department of Fish and Game's filing fee.
64. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide landscaping and park maintenance, subject to an assessment for maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to issuance of a certificate of occupancy. The Applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
65. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for citywide street lighting costs and maintenance, subject to an assessment for street light maintenance based on the assessment methodology described in the Engineer's Report. The assessment shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to issuance of a certificate of occupancy. The applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of annexation shall be paid by Applicant.
66. Participate in the provision of funding to maintain police services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to filing of the final map. Should the building be occupied prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rata share for the remainder of the tax year prior to the City conducting a final inspection.
67. Participate in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting. The appropriate funding mechanism shall be determined by the City and may include, but not be limited to, an assessment district, community services district, or community facilities district. The funding mechanism shall be

formed prior to issuance of a certificate of occupancy, and the project proponent shall fund all costs of the formation.

68. Applicant shall comply with the drainage fee requirements for Drainage Area 30A and Drainage Area 130 as adopted by the County Board of Supervisors. The applicant shall pay the fee in effect at the time of building permit issuance. Certain improvements required by the Conditions of Approval for this development or the Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the City Engineer to personally determine the extent of any credit or reimbursement for which they might be eligible. Any credit or reimbursements shall be determined prior to filing the final map or as approved by the Flood Control District.

ADVISORY NOTES

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

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Comply with the requirements of the Ironhouse Sanitary District.
- D. Comply with the requirements of the East Contra Costa Fire Protection District.
- E. Comply with the requirements of the Diablo Water District.
- F. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, PO Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.
- H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 9th of June, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor Date

ATTEST:


Libby Vreonis, City Clerk Date



STAFF REPORT

Date: Tuesday, June 9, 2015
To: Bryan H. Montgomery, City Manager
From: Joshua McMurray, Planning Manager
Subject: **3920 and 3980 Empire Avenue Preliminary General Plan Amendment (PA 01-15)**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary

This is a work session on a request by Roy and Erica Pantle (c/o Todd Fujinaga) ("Applicant") to discuss the merits of a potential project regarding amending the General Plan land use designation from "Single-Family Residential, Medium Density" (3.8 dwelling units per acre maximum density) to "Commercial" (to allow for commercial land uses) for the purposes of rezoning the property from the Single-Family Residential (R-10) District to the General Commercial (C) District. In addition to the General Plan Amendment and Rezone, the applicants would propose, in partnership with 7-11 Inc., a new gas station and convenience store which would also require a Conditional Use Permit and Design Review. The Pantle's own the property at 3920 Empire Avenue and the City of Oakley Successor Agency to the Oakley Redevelopment Agency owns the parcel at 3980 Empire Avenue. The proposal would require the parcel owned by the Successor Agency as well to provide access of off Laurel Road.

This is an advisory work session. There is no process to approve the project as a result of this work session. Upon conclusion of the work session, the City Council may act in an advisory role to the applicant on whether there is interest in considering an application for the requested project. If the Council shows favorable interest in the preliminary application, it may advise the applicant submit, and direct Staff to process, a General Plan Amendment application. Directing staff to process a General Plan Amendment application would not guarantee Staff support or City Council approval of the project.

Background and Project Description

Preliminary General Plan Amendment Process

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

"During the preparation or amendment of the general plan, the [City] shall provide opportunities for the involvement of citizens, California Native American Indian tribes,

public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deems appropriate."

The application process for a general plan land use amendment can come with significant costs when factoring in Staff time involved in preparing documents, conducting analysis, holding non-public and public meetings, hiring consultants for technical and environmental studies and documents, and communicating and meeting with several outside agencies. Since a general plan land use amendment is a legislative and discretionary action that sets the tone for all other land use decisions on a property, Staff encourages potential applicants to first file a Preliminary General Plan Amendment, or "PGPA". The purpose of the PGPA is to allow the applicant to provide a brief description of the proposed amendment, and provide a concept of the project in mind in the event an eventual GPA is approved. A concept of the project is strongly encouraged by Staff. This also helps to prevent requests for land use amendments for the sole purpose of increasing allowable densities or intensities and therefore property value. A Preliminary Site Plan is included in this staff report's attachments.

Land Use Designation (Existing and Proposed)

The existing land use designation on the subject site is "Single-Family Residential, Medium Density (SM)". The purpose of the 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. This designation allows for a minimum of 2.3 dwelling units and a maximum of 3.8 dwelling units per acre, with parcel sizes ranging from 8,600 to 14,000 square feet. Primary permitted land uses include detached single-family homes and accessory structures. Secondary uses may include home occupations, small residential care and childcare facilities, churches and other places of worship, and other uses and structures incidental to the primary use.

The proposed preliminary land use designation amendment is to change the SM designation on the property to "Commercial" ("CO"). As stated in the Oakley 2020 General Plan:

"This designation allows for a broad range of commercial uses typically found adjacent to residential neighborhoods, downtowns, and freeways. The particular form of commercial zoning for different areas of the City will depend, among other factors, on the characteristics of surrounding land uses. General types of commercial uses include retail and service facilities, and limited office uses. Through sensitive design, commercial uses can be located near single-family residences with minimal disruption or impact. Typical uses will vary widely in size and purpose and include large-scale retail, regional-serving retail, grocery and convenience stores, salons, professional offices, restaurants, drug stores, dry cleaners, post office facilities, banks, and other uses of similar character and impacts."

Subject: 3920 and 3980 Empire Avenue Preliminary General Plan Amendment (PA 01-15)

Date: June 9, 2015

Page 3

The General Plan caps the maximum density at 3.8 dwelling units per gross acre within the SM designation. That means under the current General Plan Land Use Designation and zoning, a maximum number of 13 units would be permitted on both parcels.

The General Plan caps the maximum Floor Area Ratio (FAR) of 1.0 within the CO designation. Under the proposed request, there is a development potential of around 140,000 square feet. That number is based solely on the maximum allowable FAR and does not take into account a maximum site coverage of 40% and the landscaping, parking and other site improvements necessary to make a commercial project function. With that said, the more realistic development on a parcel designated CO would most likely include several one story, either single or multi-tenant retail buildings, food uses, and could include a gas station as this project would propose.

Existing Conditions and Surrounding Land Uses

The project sites are located on the southeast corner of Laurel Road and Empire Avenue. Undeveloped land (See Figure 1. Street View of Project Site) and a single family residence currently occupy the site. The property to the east is occupied by a single-family residence and to the south a single family residence and a vineyard exist (See Figure 2. Aerial of Project Site and Adjacent Properties). The 3920 and 3980 Empire Avenue sites are bordered by Empire Avenue to the west and Laurel Road to the North. The Randall-Bold Water Treatment plan is further to the west, across Empire Avenue, and the Contra Costa Canal is further to the north, across Laurel Road.

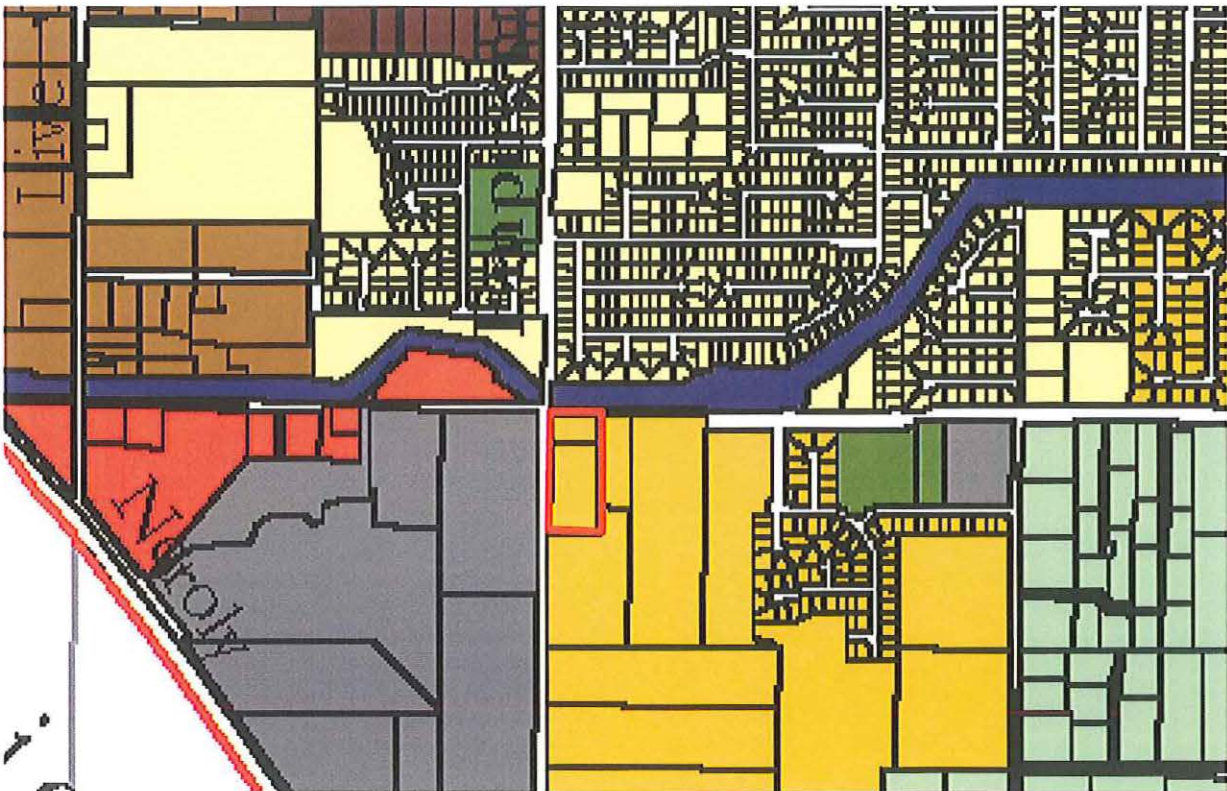
Figure 1. Street View of Project Site



Figure 2. Aerial of Project Site and Adjacent Properties



Figure 3. Land Use Diagram



Analysis

The purpose of this work session is to allow Staff to provide objective information, related to the existing conditions and potential conditions as proposed by the Applicant, to the public and City Council, and provide the applicant an opportunity to present their preliminary plan to the Council and receive feedback. The public and City Council has

Subject: 3920 and 3980 Empire Avenue Preliminary General Plan Amendment (PA 01-15)

Date: June 9, 2015

Page 5

been provided information related to the existing and proposed land use designations and their relative potential zoning designations and potential densities. The attached documents and maps should be used as reference for surrounding land use designations and uses.

Amending the General Plan in this specific location to allow for Commercial land uses instead of the currently anticipated residential land uses could be added benefit to the City in terms of both job creation and property tax revenues. Since the relinquishment of Highway 4 from Caltrans to what now is Main Street, Laurel Road is being used more and more as it provides direct access to Highway 4 (bypass). Currently there is no fuel option along the Laurel Road corridor and the addition of a fuel station would provide both Oakley residents and non-residents a fuel option other than what is exists along Main Street.

It should also be noted, but not intrinsically tied to this proposal, that the southwest corner of Laurel Road and Empire Avenue was recently declared as surplus property by the Contra Costa Water District. As part of that process, they have sold approximately 3 acres of land to a Bay Area developer who has indicated they plan to submit for a similar General Plan Amendment in the near future. This is important to note as this intersection has the potential to have more commercial land uses.

Recommendation

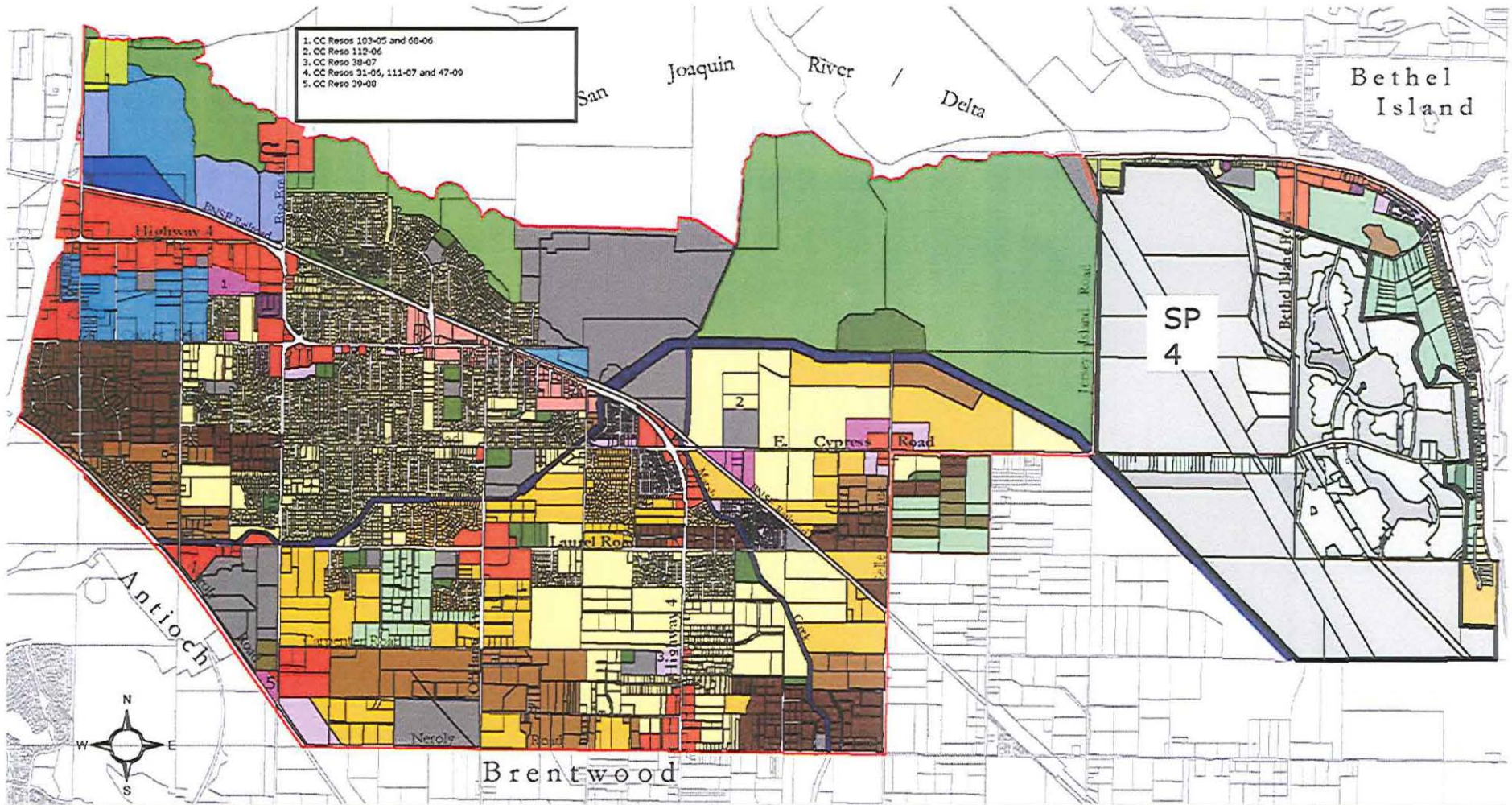
Staff recommends the City Council provide the applicant and staff with feedback regarding the Preliminary General Plan Amendment so that the applicant may decide whether to file an official application.

Attachments

1. Vicinity Map
2. Oakley 2020 General Plan Land Use Map
3. Preliminary existing and proposed general plan land use designations for the project site
4. Applicant's 7-11 Concept Plan

3920 and 3980 Empire Avenue
Preliminary General Plan Amendment (PA 01-15)
APN: 034-010-020 and 034-010-033







CITY
of
OAKLEY

 Agriculture	 Commercial
 Agricultural Limited	 Commercial Downtown
 Single Family High	 Commercial Recreation
 Single Family Medium	 Business Park
 Single Family Low	 Light Industrial
 Single Family Very Low	 Utility Energy
 Multi-Family Low	 Public and Semi-Public
 Multi-Family High	 Delta Recreation
 Mobile Home	 Parks and Recreation

 Roads
 Waterways
 County
 City Boundary
 Expansion Area Boundary
 Cypress Lakes Project

City of Oakley
General Plan 2020

Figure 2-2 - Land Use Diagram
December 11, 2002
Updated Through October 2009

3920 and 3980 Empire Avenue
Preliminary General Plan Amendment (PA 01-15)
APN: 034-010-020 and 034-010-033

Existing and Proposed General Plan Land Uses

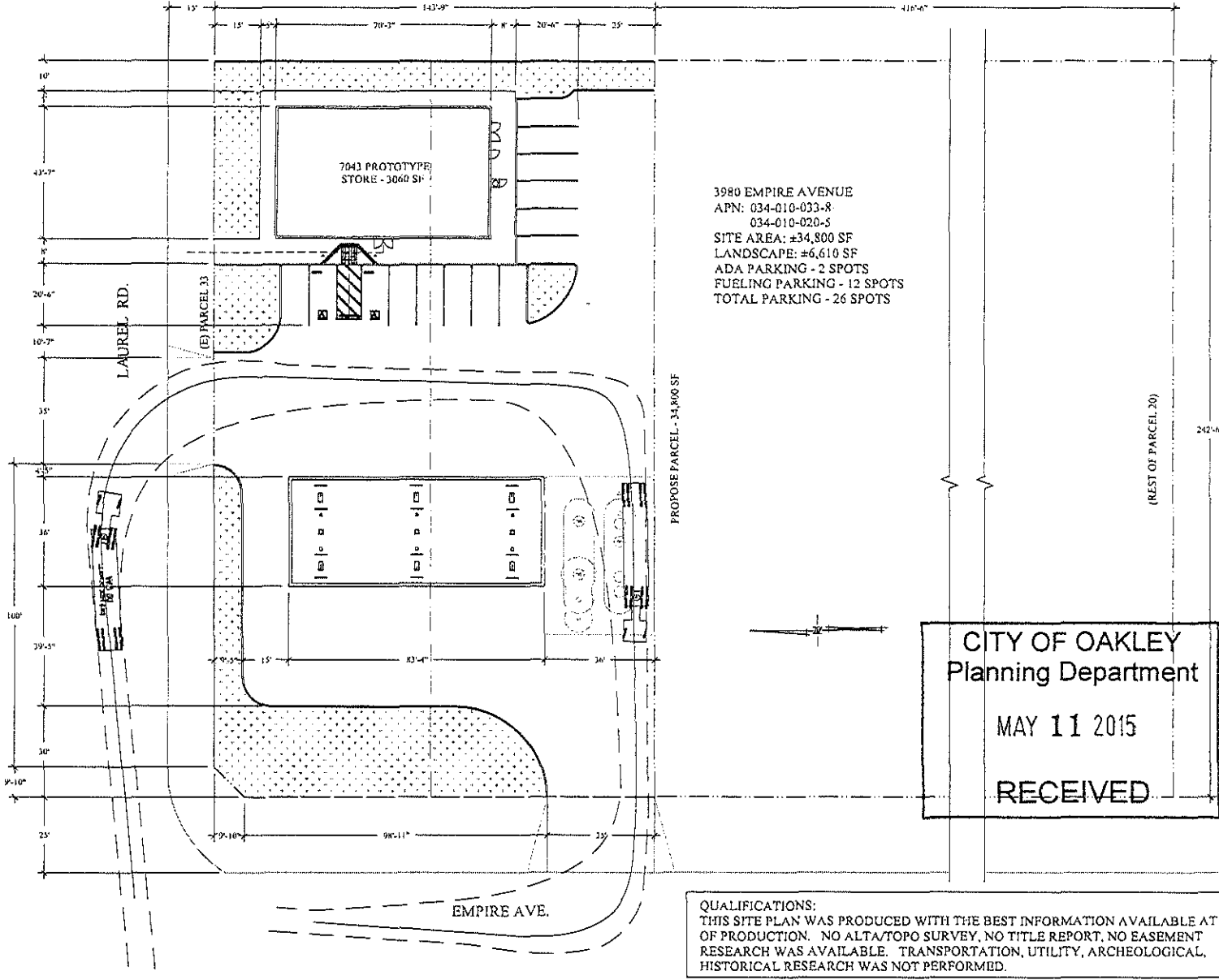
Existing

Proposed



c:\hwy\csc\3980 empire - oakley - site plan.dwg

P:\02015 5:10 AM (addocserver)\hwy\csc\3980 empire\011\proj\011\proj\011\3980 - 3520 empire -



3980 EMPIRE AVENUE
 APN: 034-010-033-R
 034-010-020-S
 SITE AREA: ±34,800 SF
 LANDSCAPE: ±6,610 SF
 ADA PARKING - 2 SPOTS
 FUELING PARKING - 12 SPOTS
 TOTAL PARKING - 26 SPOTS

PROPOSE PARCEL - 34,800 SF

(REST OF PARCEL 20)

CITY OF OAKLEY
 Planning Department

 MAY 11 2015

 RECEIVED

QUALIFICATIONS:
 THIS SITE PLAN WAS PRODUCED WITH THE BEST INFORMATION AVAILABLE AT DATE OF PRODUCTION. NO ALTA/TOPO SURVEY, NO TITLE REPORT, NO EASEMENT RESEARCH WAS AVAILABLE. TRANSPORTATION, UTILITY, ARCHEOLOGICAL, HISTORICAL RESEARCH WAS NOT PERFORMED.



1037929 - 7-ELEVEN
 NEW STORE
 3880 Empire Ave.
 Oakley, CA

APN: 034-010-033-R
 034-010-020-S
 CIVILS

SITE
 LAYOUT 2

Scale: 1/8" = 1'-0" @ 20x34
 Date: 1/27/15 @ 11:12

A101

4/30/15 SITE DESIGN 2