

AGENDA

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

Tuesday, July 12, 2016

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.

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

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(Please keep cell phones/pagers turned off during the meeting.)

1.0 OPENING MATTERS

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

- 1.1 **Call to Order and Roll Call of the Oakley City Council 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 Honoring the Citizen Library Committee (Nancy Marquez-Suarez, Assistant to the City Manager)**
- 1.4 **Introduction of Oakley Union Elementary School District Superintendent Greg Hetrick (Bryan Montgomery, City Manager)**
- 1.5 **Presentation Regarding Delta Protection Commission Issues by Pittsburg Mayor Ben Johnson**

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 Special Meeting of the Oakley City Council and Regular Joint Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency Meeting held June 28, 2016 (Libby Vreonis, City Clerk)**

Oakley City Council

- 3.2 Receive **Report Out of Closed Session** Memo (William Galstan, Special Counsel)
- 3.3 Waive the Second Reading and Adopt an Ordinance Repealing and Re-Enacting Chapter 18 of Title 4 of the Oakley Municipal Code, **Dealing with Shopping Carts** (Troy Edgell, Code Enforcement Manager)
- 3.4 Waive the Second Reading and Adopt an Ordinance Making Amendments to Chapter 12 of Title 6 of the Oakley Municipal Code, **Dealing with the Floodplain Ordinance** (Kevin Rohani, Public Works Director / City Engineer)
- 3.5 Waive the Second Reading and Adopt an Ordinance Making Findings and Amending Section 9.1.410 of Article 4 of Chapter 1 of Title 9 of the Oakley Municipal Code **Dealing with the Affordable Housing Overlay Zone** (Joshua McMurray, Planning Manager)
- 3.6 Waive the Second Reading and Adopt an Ordinance Approving the City Initiated Project to Apply the **Affordable Housing Overlay Zone** to Nine Specific Properties in Order to Comply with the Certified 2015-2023 Housing Element (Joshua McMurray, Planning Manager)
- 3.7 Receive Report Regarding **City Manager Salary/Benefit Adjustments** (William Galstan, Special Counsel)
- 3.8 Approval of Subdivision Improvement Agreement, Subdivision Annexation and Assessment Deferral Agreement, Phase 1 Final Map and Modification of Conditions of Approval for **Subdivision 9033 Gilbert Property** (Northeast Corner of East Cypress Road and Sellers Avenue) (Kevin Rohani, Public Works Director / City Engineer)
- 3.9 Adopt a Resolution Confirming **Costs for Abatements** of Mandatory Subscriptions for Garbage Service and Directing Special Assessments and Liens upon Each Parcel (Troy Edgell, Code Enforcement Manager and Deborah Sultan, Finance Director)
- 3.10 Adopt a Resolution Amending Portions of Resolutions 62-12, 38-13, 88-13, 61-14, 86-15 Pertaining to the **Job Classification and Salary/Compensation Schedules** to Consolidate Multiple Council Actions onto One Schedule per Fiscal Year (Nancy Marquez-Suarez, Assistant to the City Manager)
- 3.11 Approve a **Purchase Order with EKC Enterprises**, dba Advanced Communication Technology, for Audiovisual System Services for the City Council Chambers (Lindsey Bruno, Recreation Manager)

3.12 Adopt a Resolution Approving the City's [Investment Policy](#) for Fiscal Year 2016-2017 (Deborah Sultan, Finance Director)

3.13 [Resolution of Support](#) for Excluding USS-POSCO from the Final Dumping Order for Imported Hot-Rolled Steel Flat Products from the Republic of Korea (Bryan Montgomery, City Manager)

4.0 PUBLIC HEARINGS

Oakley City Council

4.1 [Daub 4 Kidz Bingo Hall \(CUP 01-16\)](#) – Recommend Denial on a Request for a Conditional Use Permit to Operate a Bingo Hall at 2107 Main Street (Ken Strelo, Senior Planner)

(Item 4.2 is continued from the Oakley City Council meeting held June 28, 2016)

Staff recommendation:

- Continue the Public Hearing
- Receive the Staff Report
- Receive Comments from the Applicant
- Receive Public Testimony
- Close the Public Hearing
- Deliberate
- Summarize the Deliberation
- Adopt the Resolution

4.2 Waive the First Reading and Introduce an Ordinance Adopting Text Amendments to Oakley Municipal Code [Neighborhood Preservation Ordinance](#) (Chapter 29 of Title 4) and the Zoning Ordinance (Chapter 1 of Title 9) Related to Residential Front Yards and Shipping Containers (RZ 01-16) (Ken Strelo, Senior Planner)

Staff recommendation:

- Open the Public Hearing
- Receive the Staff Report
- Receive Comments from the Applicant
- Receive Public Testimony
- Close the Public Hearing
- Deliberate
- Summarize the Deliberation
- Waive the First Reading and Introduce the Ordinance

5.0 REGULAR CALENDAR

Oakley City Council

- 5.1 Adopt a Resolution Approving Modifications to [Schedule for Police Services Tax](#), Previously Adopted on March 22, 2004 (Deborah Sultan, Finance Director)

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) Discussion regarding possible ballot measure to support the Fire District
- (b) 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
- (c) Requests for Future Agendas

7.0 WORK SESSION

Oakley City Council

- 7.1 [Oakley Recreation Center](#) (Lindsey Bruno, Recreation Manager)

8.0 CLOSED SESSIONS-None

9.0 ADJOURN

*Proclamation
Honoring the
Citizen Library Committee*

WHEREAS, the City of Oakley, a place for families in the heart of the Delta, is one of the youngest incorporated cities in the State; and

WHEREAS, the residents of the City of Oakley have prompted the City to include within the 2012-2014 and 2014-2016 Strategic Plan items to evaluate opportunities for a new library in the Downtown; and

WHEREAS, the Oakley Library is very small and not kept pace with the growing community, presenting inconveniences and challenges that constraint services offered; and

WHEREAS, a group of residents voluntarily took on the project of assessing the feasibility of a stand-alone library; and

WHEREAS, they dedicated countless hours for over a year and a half to evaluate community support and work alongside Staff to develop a proposal for a ballot measure; and

WHEREAS, many continued their volunteerism by participating in a thoughtful and organized effort to inform the public about the ballot measure; and

WHEREAS, the Committee members gave of their time, resources, skillsets, and demonstrated hard work and commitment; and

WHEREAS, volunteers are an important part of community engagement and are vital to our future as a caring and productive community.

NOW, THEREFORE, BE IT RESOLVED that I, Kevin Romick, Mayor of the City of Oakley on behalf of the City Council, do hereby honor the Citizen Library Committee for service to the City of Oakley. We wish to recognize, honor and thank you for giving so freely of your valuable time, energy and abilities for the betterment of our community.

Dated: July 12, 2016

Kevin Romick, Mayor

**Minutes of the Special Meeting of the Oakley City Council and Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment
Tuesday June 28, 2016**

Special Meeting

1.0 OPENING MATTERS

1.1 Call to Order and Roll Call

Mayor Kevin Romick called the meeting to order at 6:00pm in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. In addition to Mayor Kevin Romick, Vice Mayor Sue Higgins, Councilmembers Randy Pope, Vanessa Perry and Doug Hardcastle were present.

2.0 PUBLIC COMMENTS

None.

3.0 CLOSED SESSION

Oakley City Council

3.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Government Code Section 54956.8)

Property:	3530 Main Street, APN 037-160-023
Agency Negotiator:	Kevin Rohani, Public Works Director/City Engineer
Negotiating Party:	Victoria Louise Mann; Julie Ann Favalora
Under Negotiation:	Price and terms of payment

4.0 ADJOURN

There being no further business, the special meeting was adjourned at 6:20 p.m.

Regular 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

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

1.2 Pledge of Allegiance to the Flag

Mayor Romick led the Pledge of Allegiance.

1.3 Presentation regarding Protection of the Delta (Roger Mammon)

Roger Mammon provided current and historical information regarding the Delta. He mentioned water outflow/pumping, the ecosystem and water quality standards are some areas of concern. He urged the City Council to attend an upcoming meeting in Folsom and also to write a letter to the Fish and Game Commission to address the value of fisheries and oppose proposed changes.

Vice Mayor Higgins inquired if the tunnel project is on hold because of a lawsuit and if the purchase of the island was to obtain the surrounding water rights.

Mr. Mammon responded that the tunnel project is not on hold because of a lawsuit; the Environmental Impact Report is being rewritten. He mentioned there is speculation that the purchase of the island was to obtain the surrounding water rights which is being denied; but it has been said that the islands could also be used as a dumping site or staging for the tunnel project (but must meet CEQA requirements).

Mayor Romick inquired if the hold on the tunnel project is temporary. He mentioned the Holland Tract provides much of the water for surrounding areas; therefore, it is of great interest for the City.

Mr. Mammon indicated it is a temporary injunction. He commented it is certainly more expensive to treat water that is not clean to make it safe and potable.

Councilmember Hardcastle thanked Mr. Mammon for all of his years of service to the community.

1.4 Update from Contra Costa Transportation Authority Citizens Advisory Committee Representative, Michael Dupray

Michael Dupray was unable to attend the meeting but provided a written update which is on file with the City Clerk's Office.

1.5 Update from Contra Costa Community College District (LMC President, Bob Kratochvil)

Los Medanos College (LMC) President Dr. Robert Kratochvil provided an update regarding recent developments including Los Medanos College's ranking, participation by its Tech Team in NASA's Micro-gNExT program, establishment of its Veterans Resource Center, information regarding its participation with BART's Transit Career Ladders Training Program and LMC's graduation ceremony. He shared a short video.

Contra Costa Community College District Board Vice President Greg Enholm provided a handout with additional information.

2.0 PUBLIC COMMENTS

Online Comment Forms – None

Public Comment Cards

Meghan Bell discussed the fire services crisis in East County and recent events that kept fire services occupied for 8 hours, jeopardizing the health and safety of Oakley residents. She urged the City Council to take data from the fire task force to create a strong solution to the crisis and educate the community.

Vincent Wells, Firefighter and President of the United Professional Firefighters of Contra Costa County, Local 1230, acknowledged the comments of Ms. Bell and commented he was working at his station in Martinez the day that fire services were occupied for 8 hours and his crew was trying to get through traffic to respond to help with a fire in Antioch. He stressed that the crisis is a County problem and he would like to see Oakley and Brentwood discussing the crisis frequently on their agendas and educating the community of this crisis.

3.0 CONSENT CALENDAR

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 June 14, 2016 (Kim Carmody, Records Management Clerk)**

Oakley City Council

- 3.2 Award of Construction Contract to R & R Pacific Construction Co., for the Main Street Downtown Utility Improvement (Norcross Lane to 2nd Street) Project – CIP 165A (Kevin Rohani, Public Works Director/City Engineer)**

- 3.3 Acceptance of dedication of right of way related to Assessor's Parcel Numbers 035-111-007, 035-112-016, 035-112-018, 035-122-008, 035-164-002, and 037-160-020 for improvements associated with the Main Street Improvement project in downtown - CIP No. 165 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.4 Authorize the City Manager to execute a Reimbursement Agreement between the City of Oakley and Brookfield Emerson Land LLC for the City's portion of the frontage improvements related to the East Cypress Road Widening, north side between Cypress Grove to Emerson Ranch Way/Machado Lane (Kevin Rohani, Public Works Director/City Engineer)**
- 3.5 Adopt a Resolution Authorizing the City Manager to Execute an Agreement for Grazing Services with Damon Pombo in an Amount not to Exceed \$50,000 from July 1, 2016 through June 30, 2018 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.6 Adopt a Resolution Approving the Memorandum of Understanding between the City and the Oakley Police Officers Association (Bryan Montgomery, City Manager)**
- 3.7 Authorize the City Manager to Execute an Agreement with Kennedy & Associates to Provide Contract Storm Water and Land Surveyor Services for City of Oakley in an Amount not to Exceed \$50,000 Annually from July 1, 2016 through June 30, 2018 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.8 Adopt a Resolution Authorizing the City Manager to Execute Temporary Use Agreement with Terracare Associates for a Portion of Property Located at 5400 Neroly Road and 1033 Main Street (Kevin Rohani, Public Works Director/City Engineer)**
- 3.9 Approval of Parcel Map MS 16-978 Neroly Road Child Care Parcel (Kevin Rohani, Public Works Director/City Engineer)**
- 3.10 Approve the Memorandum of Understanding with Contra Costa County and Participating Cities Regarding a Technical Study to Evaluate Alternatives for Potentially Implementing Community Choice Energy within the Jurisdictions Included in the Study (Joshua McMurray, Planning Manager)**
- 3.11 Authorize the City Manager to execute an amendment to the Consulting Services Agreement with BKF Engineers, Inc. to provide Construction Support Services for the Main Street Downtown Improvement Project - CIP 165 (Kevin Rohani, Public Works Director/City Engineer)**

- 3.12 Award of construction contract to Yelton Company Inc. for demolishing and disposal of the buildings located at 3510 Main Street for the Main Street Downtown Improvement Project – CIP 165 (Kevin Rohani, Public Works Director/City Engineer)**
- 3.13 Adoption of a Resolution to Establish Special Speed Zones for Segments of Main Street (Kevin Rohani, Public Works Director/City Engineer)**
- 3.14 Ordinance making amendments to Chapter 12 of Title 6 of the Oakley Municipal Code Dealing with Floodplain Management and to Chapter 9 of Title 3 dealing with development agreements (Kevin Rohani, Public Works Director/City Engineer)**
- 3.15 Waive the Second Reading and Adopt Ordinance Accepting the Requirements Relating to Peace Officer Training and Recruitment (William Galstan, Special Counsel)**
- 3.16 Resolution Authorizing Access to State and Federal Level Summary Criminal History Information for Employment, Licensing and/or Certification (Chris Thorsen, Police Chief)**
- 3.17 Waive the Second Reading and Adopt an Ordinance Amending an Existing P-1 (Planned Unit Development) District for the Emerson Ranch Subdivision to Accommodate a Final Development Plan for the Project Titled “Emerson Neighborhood 6 – Woodbury”(Ken Strelo, Senior Planner)**

Items 3.6, 3.10 and 3.17 were pulled from the Consent Calendar.

Mayor Romick indicated that item 3.6 is removed from the agenda and will be addressed at a future meeting.

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

Item 3.10

Planning Manager Joshua McMurray discussed the technical study.

Vice Mayor Higgins inquired if Oakley already gave consent in 2015.

Mr. McMurray responded Oakley did; however, the MOU provides ability to join if it chooses to do so in the future.

Vice Mayor Higgins mentioned she doesn't approve because Contra Costa will not get majority of the say and customers would have to pay for operations.

Mr. McMurray explained the MOU doesn't lock the City into anything and the technical study doesn't lock the County into anything. He also clarified that members of the MCE arrangement do have representation.

Councilmember Hardcastle inquired why Oakley needs to sign MOU if not participating.

Mr. McMurray explained Oakley is currently listed as a non-participating city and the MOU does not lock the City into doing anything.

It was moved by Councilmember Pope and seconded by Councilmember Perry to approve Item 3.10. AYES: Hardcastle, Perry, Pope, Romick. NOES: Higgins. (4-1)

Item 3.17

Councilmember Pope indicated he will vote against the Ordinance therefore he pulled the item.

It was moved by Vice Mayor Higgins and seconded by Councilmember Perry to approve Item 3.17. AYES: Hardcastle, Higgins, Perry, Romick. NOES: Pope. (4-1)

Mayor Romick announced Item 5.1 will be heard before Public Hearings.

4.0 PUBLIC HEARINGS

4.1 Proposed Amendment to Chapter 1 of Title 9 of the Oakley Municipal Code ("Zoning Ordinance") as well as applying the Affordable Housing Overlay Zone (AHO) to 9 specific Properties in Order to Comply with the City Approved and State Certified 2015-2023 Housing Element (RZ 08-16) (Joshua McMurray, Planning Manager)

Planning Manager Joshua McMurray presented the staff report.

Vice Mayor Higgins inquired if notices were sent to properties within the 500 ft. radius.

Mr. McMurray explained that the requirements were 300 ft. when the project was implemented therefore those guidelines were implemented. He added he had not received any correspondence from anyone noticed.

Councilmember Perry inquired if the properties on Elm Lane zoned commercial would meet RHNA requirements if they receive the overlay.

Mr. McMurray explained additional sites would not have to be identified if the overlay was already in place and a developer subsequently wished to build.

Councilmember Pope thanked staff for their work and resident involvement to help choose the sites.

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

4.2 Daub 4 Kidz Bingo Hall (CUP 01-16) – Recommend Denial on a Request for a Conditional Use Permit to Operate a Bingo Hall at 2105-2107 Main Street (Ken Strelo, Senior Planner)

Senior Planner Ken Strelo presented the staff report.

Councilmember Hardcastle inquired if an analysis on parking has been conducted.

Mr. Strelo responded that an analysis on parking has been conducted and staff does not believe parking will be impacted significantly.

Public Comment

Landlord Bob Garrison on behalf of Sierra Pacific commented that a portion of the space has been leased to a Karate studio and language has been included in the lease to limit where patrons can park and the landlord can provide security to enforce the parking requirements at the expense of the tenant. He mentioned his current security person took pictures of parking during the proposed time the tenant intends to operate and it is not utilized greatly. He added the applicant has been a great tenant of his in Pittsburg and he supports her operating in Oakley.

Brian Nissen commented that he is confused why security is an issue. He explained that the applicant has been very helpful in supporting local athletics.

Sam Belleci commented he represents the Flor Do Oakley hall in Oakley and security is for patrons' safety. He added that the bingo operation does not conflict with their bingo schedule and that people often ride together to play bingo so parking should not be an issue. He added he supports the tenant's proposed operation.

Linda Adams commented that the applicant has always been supportive of her children and athletics. She fully supports the applicant's proposed bingo operation.

Teri Eslinger commented she is actively involved in bingo and the applicant provides great support to the community. She fully supports her bingo operation.

Wolfgang Croskey commented he is the agent representing the applicant and he has experienced directly the benefit of her support to the local communities. He fully supports her bingo operation.

Vice Mayor Higgins inquired if a conditional use permit is issued in that area if it can be revoked.

Mr. Strelo explained the use of the property is of concern because it is an assembly use in a shopping center which can change the dynamic of a shopping center and a conditional use permit issued could be irrevocable with regard to assembly use and another tenant could continue the same use until it expires, or the use is not exercised for a 180 consecutive day period.

Councilmember Perry inquired if the organization is a 501(c) and who runs the operation.

The applicant responded the organization is a 501(c) and volunteers run the operation.

Mayor Romick inquired of the intended hours of operation and how it is decided which organization receives funding.

The applicant responded proposed business hours are 4pm-10:30pm, Friday through Sunday, possibly one additional day. She added the organization's Board meets monthly to decide on the recipients and require the recipients to provide receipts for reimbursement.

Councilmember Hardcastle inquired what percentage of profit goes to the community after expenses.

The applicant responded 100% goes to the community.

Vice Mayor Higgins inquired if this is the only location available or if other locations had been explored.

The applicant commented that bingo tables require a certain amount of space that is consistent and guaranteed (where they will not be cancelled for another event) and to rent a place per night is more expensive.

Councilmember Pope disagreed with the findings from items 3 and 4 on the staff report. He expressed he doesn't believe it will change the character of the shopping center or General Plan. He commented that the property owner has great interest in maintaining the property and for the City to restrict the property, outside of violating any conditions, could constitute a taking. He commented he would approve the use.

Mayor Romick inquired if there is any tax revenue difference between the bingo operation as opposed to a retail storefront.

City Manager Bryan Montgomery responded he is not aware of any direct tax revenue that would come from the bingo operation. He added the use is what is in

question as it is not a permitted use and doesn't provide the tax revenue that a business typically permitted in the center would provide.

Councilmember Perry inquired if the 180-day time frame of non-use could be reduced.

Mr. Strelo commented that is a provision of the City Code and he isn't aware of that time frame being reduced as a condition of approval.

City Attorney Derek Cole added that the City Code stipulates the 180-day provision, but that an alternative condition of approval could be considered.

Mr. Cole also confirmed that the conditional use permit could include a duration of the conditionally permitted use and the use could also have an expiration date. Any renewal of the conditional use permit would then require another public hearing before the City Council for consideration.

Mr. Montgomery suggested that a condition also include a non-transferable provision and that the 2 to 3 year duration for this conditional use permit. Any extensions would require City Council review and approval and during that review a determination could be made if another use at that time is more appropriate.

Mayor Romick commented that the City Council must decide what the best use of the property for the community is as it must with other properties.

It was moved by Councilmember Hardcastle and seconded by Mayor Romick to deny the request for a conditional use permit. AYES: Romick. NOES: Hardcastle, Higgins, Perry, Pope. (1-4)

It was the consensus of the majority of the City Council to provide direction to staff to explore the legality of conditions of duration and transferability of the conditional use permit.

Councilmember Pope added that the cost of police response should be factored in as well.

Mr. Montgomery responded that the Chief of Police can assist with providing some options and has in the past recommended private security, not paying City officers to do it. He added that there can be a revocation process included.

Mayor Romick continued the item to the City Council meeting to be held July 12, 2016.

5.0 REGULAR CALENDAR

5.1 Consideration and Adoption of Resolution of Support for the Countywide Imposition of One Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa and Conditionally Amend the Growth Management Program in the Measure J Transportation Expenditure Plan to match that found in the 2016 Proposed Transportation Expenditure Plan (Kevin Romick, Mayor)

Hisham Noeimi, Engineering Manager for Contra Costa Transportation Authority, provided information regarding the proposed sales tax measure and benefits it would have for transportation within the County.

Councilmember Hardcastle commented that there has been a great deal of research that has gone into the proposed sales tax measure by many different interest groups and it would be of transportation benefit to support the measure.

Mayor Romick thanked Mr. Noeimi for his presentation.

It was moved by Councilmember Hardcastle and seconded by Vice Mayor Higgins to approve the resolution. Motion was unanimous and so ordered. (5-0)

5.2 Agreement for the purchase of real property, 3530 Main Street, Oakley APN 037-150-023 for Main Street improvement Project (Bill Galstan, Special Counsel)

City Manager Bryan Montgomery thanked staff and the property owners for working together. He mentioned there was compromise between City needs and a portion of the property that the property owners wish to retain.

Public Works Director/City Engineer Kevin Rohani provided the City Council with information regarding the compromise reached with the property owners.

Mayor Romick thanked the property owners.

Public Comment Card

Juli DelBarba Favolora commented that she and her family have been working diligently with City staff and the agreement reached was reasonable to both parties.

Councilmember Perry thanked Ms. Favolora and her family.

Councilmember Pope echoed the same comment. He requested assurance that the project move forward timely.

Ms. Favalora indicated there have been some obstacles, but they are moving forward to meet the date specified in the agreement.

City Manager Bryan Montgomery suggested \$175,000 could be remitted to the owners but if construction does not commence by August 31, \$20,000 would remain with the City. He explained this amount would allow the City to complete the project.

Ms. Favalora suggested the agreement could indicate the owners would have to reimburse the amount if it is not completed by the date specified in the agreement. She committed to reimburse the City if the front of the building is not removed by August 31.

Councilmember Hardcastle requested to have a guarantee that the work will be done in a specified period of time.

Ms. Favalora explained that the estimate to complete construction is a 6-month period, but if the work is not complete, she hopes an extension would be granted.

Mr. Rohani commented staff will continue to work with the owners closely to have the entire project completed by the date specified.

Vice Mayor Higgins thanked staff and the owners and suggested the City recognize their contribution to Oakley.

Mayor Romick suggested a plaque be created to recognize the family as part of a Founders Plaza area.

Fred Del Barba thanked Kevin and the City Council. He commented he and his wife Shirley fully support the agreement.

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

5.3 Approval of new Engineering Design Standards for City of Oakley (Kevin Rohani, Public Works Director/City Engineer)

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

Councilmember Pope commented many of the trees in City parks are slow-growing and don't provide shade.

Mr. Rohani responded that there are different categories for trees in open spaces and other spaces; this design standard will provide options for trees that work for the community and City to maintain.

It was moved by Vice Mayor Higgins and seconded by Councilmember Hardcastle to approve the resolution. Motion was unanimous and so ordered.
(5-0)

5.4 Green Infrastructure Requirements Presentation – (Billilee Saengchalern, Assistant Engineer and Kevin Rohani, Public Works Director/City Engineer)

Assistant Engineer Billilee Saengchalern presented the staff report and discussed a permit which grants permission to the City to discharge storm water flows to the waters of the United States for a period of 5 years. She mentioned within the permit there is a State-mandated requirement for green infrastructure which she explained in detail.

Councilmember Hardcastle inquired how PCB will be detected and reduced.

Ms. Saengchalern responded that it will be detected and reduced through a building demolition ordinance in which the City will receive a credit. She added that consultants can test certain projects and have identified and estimated certain areas that may contain PCB.

Mayor Romick commented that land owners such as DuPont would be responsible for reductions on their property, but if they do not, he inquired if the City will be held responsible for such reductions.

Ms. Saengchalern responded that green infrastructure requirements (reductions) would apply to capital improvement projects and the City can place conditions on other projects to ensure there is compliance with the plan for reductions.

Vice Mayor Higgins inquired if any new construction may mitigate the permit requirements (reductions).

Ms. Saengchalern responded that the requirements have varied due to the requirements at the time of the vesting tentative map for certain construction projects.

No action was required of the City Council on this item.

5.5 Replacement of Oakley Municipal Code Section 4.18 – Shopping Cart Retrieval and Prevention of Shopping Cart Removal Ordinance (Troy Edgell, Code Enforcement Manager)

Code Enforcement Manager Troy Edgell presented the staff report.

Public Comments

Jessalynn Greenblatt with Grocery Outlet requested the City Council consider fining persons who take carts from store premises instead of placing the entire burden on store owners to monitor carts.

Councilmember Perry inquired if a provision can be included to fine persons taking carts from store premises.

Mr. Edgell responded that it is possible; however, the store owner may have to testify in court which may not be time or cost effective.

Councilmember Pope pointed out the ordinance already addresses it.

City Attorney Derek Cole commented that it could be a misdemeanor but would likely be reduced to an infraction.

City Manager Bryan Montgomery commented that the City will continue its efforts to stop people who have carts off store premises and ask them to be returned. He added that the City would like to see the stores' plans for cart control and carts should be clearly marked as to which store they belong.

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

6.0 REPORTS

6.1 CITY MANAGER

(a) City Manager

City Manager Bryan Montgomery introduced Kiyoka Fisher-Samson who is filling in for the City Clerk for this meeting. He invited everyone to attend the Cityhood Celebration at the Freedom High School Basin Saturday, July 2 beginning at 6 p.m.

He commented he was able to sit on the fire task force and a lot of great work was done, including work that lead up to opening up a fourth station. He added a recent survey was conducted and the amount of taxes needed to meet the Master Plan was not supported by the voters. He mentioned fire services are in crisis and a funding measure could be considered by the Fire District or City on the November ballot but a decision would need to be made in early August.

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

Vice Mayor Higgins announced she attended a recent Water Board meeting and the next meeting will be held in two weeks on Wednesday. She requested staff research the amount needed for a Master Plan. She commented she would like to see a community-wide garage sale on a community date such as the same day as the Cityhood Celebration. She mentioned she attended a paint night fundraiser for Veterans and there is another to be held for Furry Friends this Friday.

Councilmember Pope announced he attended the Habitat Conservancy meeting yesterday but there was no quorum so no action was taken. He added he attended the East Contra Costa Fire Protection District Board meeting Monday June 20 and the discussion was the Master Plan for a good fire district service model. In order for Oakley to participate in the proposed model, a 9% utility user tax was estimated. He mentioned Oakley is unique in that it has a station to add, but funding is not complete to operate it. He indicated the Fire District is not contemplating any other funding measures, but is trying to address the matter with the State. He commented the matter may have to be resolved locally. He mentioned the Fire Board voted to be an elected board. He invited everyone to attend the next Fire Board meeting on July 11 and the Cityhood Celebration July 2.

Councilmember Hardcastle announced he attended a recent Tri-Delta Transit meeting and they are scheduled to have electric buses in the next year and they currently offer reasonably priced student summer bus passes. He mentioned the next TransPlan meeting will be held Thursday. He recognized the Recreation staff mentors for their work with Summer Blaze.

(b) Requests for Future Agendas

None.

7.0 WORK SESSIONS-None

8.0 CLOSED SESSIONS

8.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Government Code Section 54957)

Title: City Manager

9.0 ADJOURN

There being no further business, the meeting was adjourned at 9:45 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk



MEMORANDUM
Office of the City Attorney

Date: July 5, 2016
To: Mayor and Members of City Council
Cc: Bryan Montgomery, City Manager; William R. Galstan, Special Counsel
From: Derek P. Cole, City Attorney *William R. Galstan*
Subject: Closed Session Report-Out Memo

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF JULY 12, 2016

Background and Analysis

The City Council considered two closed session items at its meeting of June 28, 2016, pursuant to Government Code Section 54957 to conference with labor negotiators regarding unrepresented city employees and Pursuant to Government Code Section 54956.8 to conference with Real Property Negotiators.

No reportable action was taken and direction was given to management.

ORDINANCE NO. _____

**AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 18 OF TITLE 4 OF THE
OAKLEY MUNICIPAL CODE, DEALING WITH SHOPPING CARTS**

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

Section 1. Chapter 18 of Title 4 of the Oakley Municipal Code is hereby rescinded and repealed.

Section 2. Chapter 18 of Title 4 of the Oakley Municipal Code is hereby re-enacted to read as follows:

CHAPTER 18 SHOPPING CARTS

4.18.002 Findings and Purpose.

a. In enacting this ordinance, the City hereby finds that abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic with the City of Oakley. The accumulation of wrecked, abandoned, and dismantled shopping carts on public or private property also tends to create conditions that reduce property values and promote blight and deterioration.

b. The purpose of this chapter is to ensure that measures are taken by store owners to prevent the removal of shopping carts from store premises and parking lots and to facilitate the retrieval of abandoned shopping carts as permitted by State law. This chapter implements the provisions of California Business and Professions Code Section 22435, et seq.

4.18.004 Applicability.

This chapter applies to:

a. Each business owner in the City if the business provides shopping carts for customer use at any one business location; and

b. Any person in possession of an off-site shopping cart.

4.18.006 Definitions.

For the purpose of this chapter, the following words and phrases shall have the following meanings:

a. "Abandoned Cart" means any cart that has been removed, without written consent of the owner, from the owner's business premises or parking area of the retail establishment of which the cart owner's

business premises are located and is located on either public or private property. The owner's business premises may include a multi-store shopping center with shared areas of parking and public access.

b. "Abandoned Cart Prevention Plan" shall mean a document submitted by the owner pursuant to the article that provides a plan for how the owner will prevent carts from becoming abandoned and, if accepted by the Director as adequate, an implied promise by the owner to comply with the plan.

c. "Cart or Shopping Cart" means a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for transporting goods of any kind, including, but not limited to, grocery store shopping carts.

d. "Director" means the Community Development Director or designee.

e. "Off-Site" means any area outside of the Owner Premises.

f. "Owner" means any person, firm, partnership, corporation, association, or other entity who owns, possesses, or makes a shopping cart available for the use of the owner's customers or the public in connection with the management and operation of the owner's business. For purposes of this chapter, "owner" shall also include the owner's on-site business manager or designated agent that provides shopping carts for use by owner's customers or the public.

g. "Premises" means the entire area owned, utilized or under the control of the business establishment that provides shopping carts for use by customers, including any parking area or other off-street area provided by or for use by a customer of said business establishment.

h. "Unidentifiable shopping cart" means any shopping cart that does not have a shopping cart identification sign as provided in Section 4.18.010.

4.18.008 Exemption

Any owner that has a cart self-locking (disabling) cart containment system installed is exempt from Sections 4.18.010 (c) (d) and 4.18.016.

4.18.010 Mandatory Cart Owner Requirements.

All owners of carts shall comply with the requirements of this section.

a. Cart Identification Required. Every owner of shopping carts, as defined by this article, shall mark or cause the cart to be marked and identified conspicuously with: the name, address, and telephone number

of the owner; a notice that provides that the removal of the cart from the premises of the owner is a violation of State law.

b. Daily Cart Retrieval. All owners, regardless of the number of carts owned, shall ensure that all carts are secured from public access after close of business

c. Abandoned Cart Prevention Plan. Every owner who provides more than twenty-five (25) carts to their customers shall develop, implement, and comply with the terms and conditions of an Abandoned Cart Prevention Plan to prevent the unauthorized removal by any person of any carts from the owner's premises and, if removed, to retrieve the cart within seventy-two (72) hours of the removal or notice of the removal. The Abandoned Cart Prevention Plan shall be submitted on a renewable annual basis and shall include the following:

- 1) Name of Business/Owner. The name of the owner and the business name, the physical address where the business is conducted, name, address and phone number(s) of the on-site and off-site owner if different.
- 3) Notice to the public that the unauthorized removal of the shopping cart from the premises of the business establishment, or the unauthorized possession of the shopping cart, is a violation of State law;
- 4) Notice to the public of the procedure for authorized removal of the shopping cart from the premises.
- 5) Required signs on property. Signs shall be placed in pertinent places near door that warn customers that cart removal is prohibited and constitute a violation of state and local law.
- 5) Physical Loss Prevention Measures. A description of the specific measures that the owner shall implement to prevent cart removal from the premises. These measures may include, but are not limited to, electronic or other disabling devices on the carts so they cannot be removed from the premises, effective management practices, use of courtesy clerks to accompany customers and return the carts to the store, use of security personnel to prevent removal, security deposit for use of cart, or other demonstrable measures acceptable to the Director that are likely to prevent cart removal from the premises.
- 6) Mandatory Cart Retrieval Plan. A plan for retrieval of abandoned carts within 72 hours of being notified the cart is on private property or within 72 hours of being notified the City has recovered the cart. This plan must include either a plan for the owner's employees to retrieve the carts or for the

owner to have entered into a contract for cart retrieval services that is approved by the City. The plan for retrieval shall include providing the to the City, the name and phone number of the party who will be responsible for the retrieval of the carts which the city may publish. Whoever is identified by the owner as the party responsible for retrieval of the carts shall be made available for cart retrieval six (6) days a week, eight (8) hours a day or during the owner's business hours, whichever is shorter.

a. Multiple Businesses. Two or more businesses may collaborate and submit a single plan.

d. Penalties for Failing to Submit an Abandoned Cart Prevention Plan. Any owner that fails to submit a plan, implement the proposed plan measures, or implement any required modifications to the plan by the City within the time frames specified in this Chapter is a violation and the City may pursue any available remedy provided under the Code for a code violation, including the issuance of an administrative citation.

e. Any new owner opening a business with twenty-five (25) or more carts after adoption of this ordinance is required to install and maintain a self-locking (disabling) cart containment system prior to commencing operations.

4.18.012 Unauthorized Removal or Possession of a Shopping Cart.

It is unlawful for any person to do any of the following, if a shopping cart has a permanently affixed sign pursuant to Section 4.18.010:

a. To remove a shopping cart from the premises of a business establishment with the intent to temporarily or permanently deprive the owner of its possession.

b. To leave or abandon a shopping cart at a location other than the premises of the retail establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the shopping cart.

c. To alter, convert, or tamper with a shopping cart, or to remove any part or portion thereof or to remove, obliterate or alter serial numbers on a shopping cart, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

d. To be in possession of any shopping cart while that shopping cart is not located on the premises of the owner's business establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the shopping cart.

These provisions do not apply to the owner of a shopping cart, to their agents or employees, or to a customer of a retail establishment who has written consent from the owner of a shopping cart to be in

possession of the shopping cart or to remove the shopping cart from the premises of the owner's business establishment or to do any of the acts specified in this section.

4.18.014 City Retrieval of Carts

The City may retrieve an abandoned cart from public property (or private property with the consent of the property owner) in the following circumstances:

- a. Where the location of the shopping cart will impede emergency services, when the abandoned cart does not identify the owner of the cart as required in Section 4.18.010, when the City has contacted either the owner, the owner's agent, or the entity contracted with by the owner under the Abandoned Cart Prevention Plan and actually notified them of the abandoned cart and the cart has not been retrieved within seventy-two (72) hours, and when the cart is in a public right of way.
- b. Alternative to Section 4.18.014 (a). Alternatively, the City may immediately abate, remove and impound an off-site shopping cart that has a sign affixed to it as set forth in Section 4.18.008 if the City provides the owner or whoever is identified by the owner as the party responsible for retrieval of the carts with actual notice within twenty-four (24) hours following the impound and informs the owner or responsible party of the location where the off-site shopping cart may be claimed. Notice may be made telephonically, in-person, if applicable email (Cart Retrieval Service Vendor as identified in the Cart Retrieval Plan), or via U.S.P.S. Notification made telephonically, via web-based submission, or in-person will be documented by the City employee noting the time, date, and point of contact notified. The owner of the off-site cart is allowed three (3) business days to retrieve the cart without penalty. If notification is made by U.S.P.S. then the owner is permitted 10 business days to claim the off-site shopping cart without penalty.

4.18.016 Impound, Retrieval, Administrative Costs and Fines

- a. If the City retrieves a cart, the City shall hold the cart at a location that is reasonably convenient to the owner of the shopping cart and is open for at least six (6) hours on a business day. The City shall notify the owner or the responsible party as identified in Section 4.18.010 of the cart(s) location, how the cart may be retrieved, that failure to retrieve the cart may result in the cart's sale or destruction, that the owner will be responsible for the City's costs, and that the City may fine owners fifty dollars (\$50) after the City has picked up the owner's cart more than three (3) times in a calendar year. If the cart does not provide adequate identification or markings to determine its owner, the City shall only be required to notify the cart owner if the City obtains actual knowledge of the owner's identity.

- b. If a cart is not retrieved by its owner within thirty (30) days after the owner has received notice of the cart being impounded, or if the cart's owner cannot be determined, within thirty (30) days after the cart has been impounded, the cart may be sold or destroyed by the City or its agents and/or contractors.
- c. The Director may issue an administrative citation of fifty dollars (\$50) per cart to any owner who fails to retrieve off-site shopping carts in accordance with this chapter on three (3) or more occasions in a calendar year. An occurrence includes all off-site shopping carts owned by owner that are impounded by the City within a one-day period.
- d. Administrative Costs. No cart shall be released to its owner under the procedures in this section unless the owner pays a fee for the City's actual costs to retrieve and store the cart. The City's costs to retrieve and store may be provided for in the Overhead and Inter-Fund Charges Schedule.

Section 3. This ordinance shall take effect and be in full force and effect thirty (30) days from and after its date of passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

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

AYES:

NOES:

ABSENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

ORDINANCE NO. __ -16

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING AMENDMENTS TO
CHAPTER 12 OF TITLE 6 OF THE OAKLEY MUNICIPAL CODE, DEALING WITH THE FLOODPLAIN
ORDINANCE**

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

Section 1. Chapter 12 of Title 6, Floodplain Management, is hereby amended to read as follows:

6.12.102 Statutory Authorization.

This chapter is designed to promote the public health, safety and general welfare of the citizens of the City of Oakley and is enacted pursuant to the authority of 42 United States Code Sections 4001 through 4128; see especially 42 U.S.C. Section 4022; Government Code Sections 25120 through 25132; Title 44 of the United States Code of Federal Regulations at Section 60.3, (and "all applicable associated" Technical Bulletins); Health and Safety Code Section 450; and California Constitution, Article XI, Section 7 and Government Code Sections 65302, 65560 and 65800.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.104 Findings of Fact.

- a. The flood hazard zones of the City of Oakley are areas subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- b. Those flood losses are caused by inadequate drainage facilities and the cumulative effect of obstructions in flood hazard zones, which increase flood heights and velocities. Those losses may result when structures are inadequately anchored, elevated, flood proofed, or protected from flood damage.
- c. The City of Oakley has experienced serious flooding, which has resulted in substantial property damage and the potential for loss of life. Adoption of a legally enforceable floodplain management ordinance which fully complies with the rules of the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA) will allow the City to continue its participation in the NFIP. The continued participation of the City in the NFIP is desirable and promotes the public health, safety and welfare in that it provides

insurance and Federal assistance in the event of flood(s) within the City's jurisdiction. In the absence of such insurance, the City's vulnerability to damage and loss resulting from flood events may be substantial and potential flood damage represents an immediate threat to the public, health, safety and welfare.

d. The City of Oakley is subject to the urban level of flood protection criteria.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.106 Statement of Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions during flooding;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in flood hazard zones;
- f. To help maintain a stable tax base by providing for the use and development of flood hazard zones subject to review by permit and application of flood damage reduction standards so as to minimize future flood blight areas;
- g. To provide information to the general public regarding flood hazard zones in the City of Oakley;
- h. To clearly establish that those who occupy the flood hazard zones should assume responsibility for their actions and the losses they may suffer; and
- i. To ensure that potential buyers are notified if property is in an flood hazard zone.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.108 Methods of Reducing Flood Losses.

In order to accomplish its purpose, this chapter includes methods and provisions for:

- a. Restricting or prohibiting land uses that create a danger to health, safety, and property due to water inundation or erosion hazards or that result in damaging increases in erosion, flood heights, or velocities;
- b. Requiring that land use areas vulnerable to floods be protected against flood damage at the time of initial construction including facilities such as utilities, which serve them;
- c. Requiring that the design of streets and public access facilities include consideration of accessibility under the base flood conditions for emergency service vehicles and any rescue and relief operations;
- d. Controlling and limiting the alteration of natural floodplains, stream channels, and natural protection barriers that help accommodate or channel flood waters;
- e. Controlling filling, grading, dredging, and other development which may increase flood damage;
- f. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas;
- g. Requiring orderly development of drainage facilities within watershed areas as development occurs;
- h. Recognizing the importance and beneficial functions of natural floodplains; and
- i. Requiring that all new construction and substantial improvements within floodplains be constructed in such a manner that flood damage will be minimized.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.110 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"A Zone." See "Special flood hazard area."

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or decision on a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does

not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"As-builts" are a revised set of drawing submitted by a contractor upon completion of a project or a particular job. They reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed under the contract.

"Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year (also called the "one hundred (100) year flood").

"Base flood elevation (BFE)" means the elevation above "mean sea level" to which the base flood will rise as determined by FEMA or the Floodplain Administrator. This elevation is shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE, and V1-V30.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Building." See "Structure."

"Breakaway walls" are any type of walls, whether solid or lattice and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, that are not part of the structural support of the building, and that are designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

- a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
- b. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

"Building permit" shall mean a: building permit, plumbing permit, electrical permit, or mechanical permit issued by the City of Oakley Building Department.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is the area subject to high velocity

waters, including coastal and tidal inundation or tsunamis. The area is designated on a FIRM as Zone V1-V30, VE or V.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain that may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets are completed on or before the effective date of the ordinance codified in this chapter.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of flood waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source; and/or
- c. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature such as flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event that results in flooding as defined in this definition.

"Flood Boundary and Floodway Map" means the official map described in Section 6.12.114 on which FEMA or the Federal Insurance Administration (FIA) has delineated both the areas of flood hazard and the floodway.

"Flood hazard zone" means an area subject to flooding that is delineated as either a Special Flood Hazard Area (FEMA 100-year floodplain) or other areas with flood risk, such as the 200-

or 500-year floodplains, or areas that are at risk of flooding from levee failure. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

"Flood Insurance Rate Map (FIRM)" means the official map described in Section 6.12.114 on which FEMA or FIA has delineated both the Special Flood Hazard Areas (SFHAs) and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report described in Section 6.12.114 provided by the FIA that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and in some areas, the base flood elevation.

"Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which because of the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control work, and floodplain management regulations.

"Flood resistant" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduces flood damage, generally allowing flood waters to enter and exit the building without causing any significant damage to the structures or their contents.

"Flood resistant materials" means any building material capable of withstanding direct and prolonged (at least seventy-two (72) hours) contact with flood waters without sustaining significant damage (any damage requiring more than low-cost cosmetics repair-such as painting). Acceptable materials are specified in "technical bulletins" and/or as approved by the Floodplain Administrator.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flood or flooding").

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations, including the issuance of floodplain permits. The Floodplain Administrator, as used in this chapter, shall mean the City Engineer or a person under his or her supervision.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control work, and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control regulations), and other applications of the police power that control development in flood-prone areas. This term describes Federal, State, or local regulations in any combination thereof that provide standards for preventing and reducing flood loss and damage.

"Floodplain permit" means a permit required of all development which occurs in any area designated by FEMA as a SFHA and as required by the Floodplain Administrator.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to nonresidential structures that eliminate flood damage to real estate or improved real property, water and sanitary facilities, and nonresidential structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway shall be as designated on the FIRMs and/or as designated by the Floodplain Administrator whether or not a floodplain is shown on the FIRM. Also referred to as "regulatory floodway."

"Floodway fringe" means that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

"Fraud and victimization," as related to Sections 6.12.148 through 6.12.152, means that a variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Zoning Administrator will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs,

inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Freeboard" means a factor of safety usually expressed in feet above a base flood elevation for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally dependent use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; it does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety, and general welfare of its citizenry.

"Hardship," as used in the definition of "variance" herein, means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of ones neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural (i.e., undisturbed) elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter. This definition allows attached garages to be built at grade (with adequate venting). Below grade garages and storage areas are not allowed as they are considered to be basements.

"Manufactured home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days and neither continuously licensed nor "road ready."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

"Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical condition but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors

different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

"Mean sea level" means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after June 26, 2000, the effective date of the City of Oakley's floodplain management ordinance, and includes any subsequent improvements to such structures.

"Obstruction" includes but is not limited to any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material that may alter, impede, retard, or change the direction and/or velocity of the flow of water because of (a) its location in, along, across, or projecting into any watercourse, (b) its propensity to snare or collect debris carried by the flow of water, or (c) its likelihood of being carried downstream.

"One hundred (100) year flood" means a flood that has a one percent annual probability of being equaled or exceeded. See "Base flood."

"Person" means an individual or his or her agent, firm, partnership, association, or corporation, or any agent of the aforementioned groups, or this State or its agencies or its political subdivisions.

"Public safety and nuisance," as related to the issuance of variances under this chapter, means that the granting of a variance must not result in anything that is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal, or basin.

"Reconstruction" means to perform major construction or modifications to an existing structure that makes the existing structure like or better than new. Reconstruction does not cover normal or routine maintenance unless otherwise specified in the definition of "historical structures" herein.

"Recreational vehicle" means a vehicle that is:

- a. Built on a single chassis;

- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring a structure or other development into compliance with State or local floodplain management regulations, or if that is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Special Flood Hazard Area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on FIRM as Zone A, AO, A1-30, A99, AH, VO, V1-30 or V.

"Start of construction" includes substantial improvement and means the date the building permit was issued, if the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either (a) the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or (b) the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; the installation of streets and/or walkways; excavation for a basement, foundations, footings, or piers or the erection of temporary forms; and installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building or manufactured home, including a gas or liquid storage tank, that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure sufficiently extensive that the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. The term includes structures that have incurred "substantial damage," regardless of the actual repair work performed.

The percentage figure shall be added to any successive building permits that may be issued or have been issued within a contiguous ten (10) year span. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. Any project for improvement of a structure, not required because of flood damage, that is necessary to comply with existing State or local health, sanitary, or safety code specifications that are the minimum necessary to assure safe living conditions; or
- b. Any alteration of an "historic structure," if the alteration will not preclude the structure's continued designation as an "historic structure."

"Technical bulletin" means bulletins developed by the Federal Emergency Management Agency (FEMA), the California Department of Water Resources (CA DWR), or the Floodplain Administrator. Bulletins clarify specific requirements of Federal, State, or local laws pertaining to floodplain management.

"Urban level of flood protection" means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the California Department of Water Resources. "Urban level of flood protection" shall not mean shallow flooding or flooding from local drainage that meets the criteria of the national FEMA standard of flood protection.

"Variance" means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to comply with this chapter. A structure or other development without an elevation certificate, other certifications, or other

evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.112 Lands to Which This Chapter Applies.

This chapter shall apply to all Special Flood Hazard Areas, and to other flood hazard zones when applicable, within the jurisdiction of the City of Oakley, as shown on the maps described in Section 6.12.114 and using best available data.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.114 Basis for Establishing Special Flood Hazard Areas.

SFHAs have been identified by FEMA or the FIA in a scientific and engineering report entitled "Flood Insurance Study for Contra Costa County, California and Incorporated Areas," dated September 30, 2015 with an accompanying FIRM and Flood Boundary and Floodway Map. All subsequent amendments to and/or revisions of the study and maps are hereby adopted by reference and declared to be a part of this chapter. That FIS and the accompanying maps are on file with the City of Oakley at 3633 Main Street, Oakley, CA 94561. The FIS describes the minimum area of applicability of this chapter and may be supplemented by studies for other areas that allow implementation of this chapter, and that are recommended by the Floodplain Administrator. Within the SFHA identified in the FIS, accompanying maps, and supplemental studies, one foot of freeboard is required.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.116 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

Violations of the requirements, including violations of conditions and safeguards established in connection with conditions, shall constitute an infraction punishable as provided in

Government Code Section 25132. Nothing herein shall prevent the City Council of the City of Oakley from taking such lawful action as is necessary to prevent or remedy any violation.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.118 Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.120 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the City; and
- c. Deemed neither to limit nor repeal any other powers granted under State statutes.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.122 Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the flood hazard zones or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the FIA for any flood damages that result from reliance on this chapter or any administrative decision made thereunder.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.124 Establishment of Floodplain Permit.

A floodplain permit shall be obtained from the City of Oakley before construction, issuance of a grading permit or building permit, and commencement of development on any property within any flood hazard zone established in Section 6.12.114. Application for a floodplain permit shall be made on forms furnished by the City's Floodplain Administrator and may include but not be limited to: plans in triplicate drawn to scale showing the nature, location, dimensions, and

elevation of the area in question; and the location of existing or proposed structures, fill, storage of materials, drainage facilities, or other development defined in this chapter. Specifically, the following information is required:

- a. Proposed elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures. In Zone AO or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
- b. Proposed elevation, in relation to mean sea level, to which any structure will be floodproofed;
- c. All appropriate certifications listed in Section 6.12.130;
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- e. Description of the extent to which grading is proposed within the flood hazard zone.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.126 Development Permit Application.

Prior to a variance permit, land use permit, development plan permit, or tentative map application being deemed complete on any property within a flood hazard zone established in Section 6.12.114, an applicant must provide verification from the Floodplain Administrator that the required flood zone, BFE, minimum finished floor elevation, and the required level of protection has been determined.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.128 Designation of the Floodplain Administrator.

The City Engineer of the City of Oakley shall be the Floodplain Administrator but may designate a person under his or her supervision, including the Floodplain Manager, to administer and implement this chapter by granting or denying floodplain permits in accordance with its provisions.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.130 Duties and Responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include but not be limited to the following:

a. Permit Review.

- 1) 1) Review all floodplain permits to determine that the permit requirements of this Chapter have been satisfied;
- 2) Review written statements required to be submitted by each applicant that all other required State and Federal permits have been obtained;
- 3) Review floodplain permits for compliance with FEMA requirements for elevation of structures above the floodplain plus freeboard;
- 4) Review floodplain permit for compliance with FEMA requirements so that the proposed development does not adversely affect the carrying capacity of the areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and expected development, will increase the water surface elevation of the base flood more than one foot at any point.
- 5) Review all development permits to determine that all Conditional Letters of Map Revision (CLOMR) and Conditional Letters of Map Revision Based on Fill (CLOMR-F) for projects within a SFHA are approved prior to issuance of a grading permit. An approved CLOMR allows for construction activities and land preparation as specified in the "start of construction" definition.
- 6) Review all development permits to determine that all LOMR and LOMR-F for all flood control projects within a SFHA are approved prior to the issuance of building permits or "start of construction." At the discretion of the Floodplain Administrator, building permits may be issued based upon a CLOMR. As-builts for the approved grading plan shall be submitted to the Floodplain Administrator for review and approval upon completion of grading.

b) Use, Review , and Development of Other Base Flood Elevation Data.

When base flood elevation data has not been provided in accordance with Section 6.12.114, the Floodplain Administrator shall require, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source to administer Sections 6.12.134 through 6.12.146.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.132 Appeals.

The Zoning Administrator of the City of Oakley shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.134 Standards of Construction.

In all SFHAs, the following standards are required:

a. Anchoring.

- 1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 2) All manufactured homes shall meet the anchoring standards of Section 6.12.140.

b. Construction Materials and Methods.

- 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 4) In Zone AH, AO or VO, all new construction and substantial improvements shall be constructed with drainage paths adequate to guide floodwaters around and away from proposed structures.

c. Elevation and Floodproofing.

- 1) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation plus the required foot of freeboard. Nonresidential structures may meet the standards in subsection (c)(3) of this section. Upon the completion of the substructure, but prior to completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor or verified by the building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.
- 2) New construction and substantial improvement of any structure in Zone AH, AO, or VO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM plus the required foot of

freeboard, or at least two feet, if no depth number is specified. Nonresidential structures may meet the standards in subsection (c)(3) of this section. Upon the completion of the substructure but prior to completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor or verified by the building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

3) If the difference in elevation between the lowest floor and the ground below the lowest floor is 6.6 feet or greater, the applicant will provide the Floodplain Administrator with a deed restriction. The deed restriction will be recorded and will run with the property (not the applicant). The restriction will limit the area below the lowest floor to be used only for building access, storage, and parking of vehicles and will not allow this area to be developed into habitable space.

4) Nonresidential construction shall either be elevated in conformance with subsection (c)(1) or (2) of this section, or together with attendant utility and sanitary facilities:

a) Be floodproofed so that, below the base flood level plus freeboard, the structure is watertight with walls substantially impermeable to the passage of water;

b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator; or

d) The Floodplain Administrator may allow the nonresidential structure to be made "flood resistant." Flood resistant structures shall comply with subsection (c)(5) of this section.

5) All new construction and substantial improvements with fully enclosed areas below the lowest floor, excluding basements, that are usable solely for parking of vehicles, building access, or storage, and that are subject to flooding shall be designed to equalize hydrostatic flood forces on exterior walls automatically by allowing for the entry and exit of floodwaters. Designs for meeting that requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a) Have a minimum of two openings with a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, if they permit the automatic entry and exit of floodwaters.

d. Manufactured homes shall also meet the standards in Section 6.12.140.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.136 Standards for Utilities.

- a. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.
- b. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. All septic tanks shall be adequately anchored to resist flotation, collapse, or lateral movement.
- c. On-site water supply systems shall be located to avoid impairment to them or contamination of them during flooding.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.138 Standards for Subdivisions.

- a. All applications for tentative map approval are incomplete unless the tentative maps identify the flood hazard zone, the elevation of the base flood, and the flood elevation necessary to assess the urban level of flood protection. Developments consisting of more than ten (10) new insurable structures or more than 5 acres will be required to determine the above elevations by developing a detailed hydrology and hydraulic study, including but not limited to a back water analysis. Developments of ten (10) or fewer insurable structures or fewer than 5 acres will be required to determine the above elevations by using standards acceptable to the Floodplain Administrator.
- b. All final subdivision improvement plans shall provide the elevation of pads, streets, and the lowest floors of all proposed structure(s). If the site is in a SFHA and is filled above the base flood, as-built information for the lowest floor, pad, and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the Floodplain Administrator.
- c. All subdivision proposals shall be consistent with the need to minimize flood damage.
- d. All subdivision proposals shall have public utilities and facilities such as road, sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- e. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.140 Standards for Manufactured Homes.

a. All manufactured homes to be placed or substantially improved within an SFHA (Zones A1-30, and AH), as shown on the study and maps described in Section 6.12.114, shall:

- 1) Be elevated and anchored to a foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, plus the required foot of freeboard.
- 2) Be securely anchored to an adequately designed foundation system to resist flotation, collapse, or lateral movement in accordance with California Health and Safety Code Sections 18613.4 or 18551.

b. Subsection (a) of this section shall apply to:

- 1) Manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision;
- 2) Manufactured homes to be placed or substantially improved outside of a manufactured home park or subdivision; and
- 3) Manufactured homes to be placed in a manufactured home park or subdivision established on or after the effective date of the ordinance codified in this chapter.

c. Subsection (a)(1) of this section shall not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision, except:

- 1) Where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds fifty percent (50%) of the streets, utilities, and pads before the repair, reconstruction, or improvement is commenced; or
- 2) The manufactured home has incurred "substantial damage" as a result of a flood.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.142 Standards for Recreational Vehicles.

All recreational vehicles placed on sites within an SFHA (Zones A1-30, AH, and AE) on the FIRM shall:

- a. Be on the site for fewer than one hundred eighty (180) consecutive days; or
- b. Be fully licensed, insured, and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or integral jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c. Meet the permit requirements of Section 6.12.124 and the elevation and anchoring requirements for manufactured homes in Section 6.12.140.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.144 Floodways.

Within SFHAs established in Section 6.12.114 are areas designated as floodways. A floodway is an extremely hazardous area because of the velocity of floodwaters that carry debris and potential projectiles and because of the potential for erosion. Floodways may or may not be specifically designated on the FIRM Maps; their existence will be as determined by the Floodplain Administrator. Encroachments, including fill, new construction, substantial improvements, and other development, are not allowed in a floodway unless certification by a registered professional engineer is provided demonstrating that the encroachment(s) shall not result in any increase in flood levels during the occurrence of the base flood discharge. Allowed new construction and improvements shall comply with all applicable flood hazard reduction provisions of Sections 6.12.148 through 6.12.152. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Oakley.”

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.146 Coastal High Hazard Areas.

Within coastal high hazard areas established in Section 6.12.114, the following standards shall apply:

- a. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation plus the required foot of freeboard. The pile or column foundation, and the structure attached and hereto, shall be anchored to resist flotation, collapse, or lateral movement from the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood plus freeboard. Wind loading values used shall be those required by applicable State or local building standards.
- b. All new construction shall be located on the landward side of the reach of mean high tide.

- c. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation.
- d. Fill shall not be used for structural support of buildings.
- e. Manmade alteration of sand dunes that would increase potential flood damage is prohibited.
- f. The Floodplain Administrator shall obtain and maintain the following records:
 - 1) Certification by a registered engineer or architect that a proposed structure complies with subsection (a) of this section.
 - 2) The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures and whether such structures contain a basement.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.148 Nature of Variances.

The variance criteria set forth in this chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.150 Appeal Process.

a. The Zoning Administrator of the City of Oakley shall hear and decide appeals and requests for variances from the requirements of this chapter.

b. The Zoning Administrator shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

c. In passing upon such applications, the Zoning Administrator shall consider all technical evaluations, all relevant factors, the standards specified in this chapter, and all other relevant factors including but not limited to the following:

- 1) The danger that materials may be swept onto other lands to the injury of others;
- 2) The danger to life and property due to flooding or erosion damage;
- 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner and future owners of the property and on the community;
- 4) The importance of the services provided by the proposed facility to the community, if applicable;
- 5) The necessity to the facility of a waterfront location, if applicable;
- 6) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
- 7) The compatibility of the proposed use with existing and anticipated development;
- 8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- 10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- 11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

d. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, if the factors in subsection (c) of this

section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance will increase.

e. Upon consideration of the factors of subsection (c) of this section and the purposes of this chapter, the Zoning Administrator may attach such conditions to the granting of variances as deemed necessary to further the purposes of this chapter.

f. Appeals from Zoning Administrator decisions may be made to the Planning Commission and City Council in the time and manner provided in Chapter 1.8, as amended by Ordinance No. 06-00, and upon payment of the fees prescribed therein.

g. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances granted to the FIA upon request.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.152 Conditions for Variances.

a. Variances may be issued for the reconstruction, rehabilitation, or restoration of "historic structures" upon a determination that the proposed restoration or rehabilitation will not preclude the structure's continued designation as an historic structure, and that the minimum necessary variance is to preserve the historic character and design of the structure without regard to the procedures set forth in the remainder of this section.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter.

d. Variances shall only be issued upon:

1) A showing of good and sufficient cause;

2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3) A determination that the granting of a variance will neither result in increased flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

e. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections (a) through (d) of this section are satisfied, and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

f. Any applicant to whom a variance is granted shall be given written notice over the signature of the Floodplain Administrator that:

- 1) The issuance of a variance to construct a structure below the base flood level will result in significantly increased premium rates for flood insurance. Insurance premiums as high as \$25 for \$100 of insurance coverage are possible; and
- 2) Such construction below the base flood level increases risks to life and property. It is required that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(Sec. 2, Ordinance No. 11-14, adopted September 10, 2014)

6.12.154 Construction or Development in Flood Hazard Zone; Findings.

Prior to approval of a development agreement, a discretionary permit or other discretionary entitlement resulting in construction of a new building or construction resulting in an increase in allowed occupancy for an existing building, or approval of a tentative map, or a parcel map, the Floodplain Administrator must make one of the below-stated findings:

- a) The flood management facilities provide the urban level of flood protection for projects in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection for projects in nonurbanized areas;
- b) The city has imposed conditions on the project that will protect the property to the urban level of flood protection in urban and urbanizing areas or the National Emergency Management Agency standard of flood protection in urbanized areas;
- c) The local flood management agency has made adequate progress (as defined in California Government Code Sec. 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanized areas for projects located within a flood hazard zone, intended to be protected by the system;

- d) The project in an undetermined risk area has met the urban level of flood protection;
- e) The property is located in an area of potential flooding of 3 feet or less from sources other than local drainage (i.e. localized conditions that may occur anywhere in a community, such as localized rainfall, water from stormwater and drainage problems, and water from temporary water and wastewater distribution system failure) or potential flooding from local drainage that meets the criteria of the national Federal Emergency Management Agency standard of flood protection;
- f) The property is located within a watershed with a contributing area of 10 or fewer square miles.

Section 2. Subparagraph (c) is hereby added to Section 9.3.018 of the Oakley Municipal Code, to read as follows:

- c) The City Council shall not approve the agreement unless it makes one of the findings in Section 6.12.154 of the Oakley Municipal Code.

Section 3. This ordinance shall take effect and be in force and effect thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the ordinance, posting a certified copy of the proposed ordinance in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on June 28th by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

ORDINANCE NO. XX-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND AMENDING SECTION 9.1.410 OF ARTICLE 4 OF CHAPTER 1 OF TITLE 9 OF THE OAKLEY MUNICIPAL CODE DEALING WITH THE AFFORDABLE HOUSING OVERLAY ZONE

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

SECTION 1. Findings.

The City Council hereby finds and determines as follows:

- A. The Oakley General Plan 2015-2023 Housing Element identifies Policy Action Program 1.10 as an action that should be implemented in conjunction with Policy Acton 1.1; and
- B. The proposed amendments to Section 9.1.410 of Article 4 of Chapter 1 of Title 9 of the Oakley Municipal Code will complete Policy Action 1.10 of the 2015-2023 Housing Element of the Oakley 2020 General Plan. Specifically, the amendments to the Zoning Ordinance will increase the setbacks for multi-story buildings when adjacent to single-family developments; and
- C. The proposed amendments to Section 9.1.410 of Article 4 of Chapter 1 of Title 9 of the Oakley Municipal Code are consistent with the goals and policies in the General Plan in that the outlined regulations will further bring the Zoning Ordinance into compliance with the outlined Policy Actions necessary through the 2015-2023 Housing element planning period.
- D. Pursuant to Section 15164 of the CEQA Guidelines, an addendum to the Certified Oakley 2020 General Plan Environmental Impact Report was prepared by De Novo Planning. The Addendum concludes that the proposed changes do not cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no significant changes in the environmental conditions not contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts.

SECTION 2. Code Amendments

- A. Section 9.1.410 of Article 4 of Chapter 1 of Title 9 of the Oakley Municipal Code is hereby amended to add the following subsections as follows:

"9.1.410 Affordable Housing Overlay District (AHO).

a. Purpose and Intent. The Affordable Housing Overlay (AHO) District serves to implement the housing element goal of providing new housing and addressing affordable housing needs within the City of Oakley. The AHO applies only to areas zoned Multiple Family Multi-Family High Residential (M-9, M-12, M-17FH) and where an applicant has applied for and the City Council has approved a density bonus in accordance with Section 9.1.412 to meet the City Regional Housing Needs Assessment. It allows housing densities that exceed the maximum units per acre otherwise allowed in a zoning district, if a development meets the state density bonus criteria, as implemented, located in Section 9.1.412. Specifically the base density used to calculate the density bonus is twenty-four (24) dwelling units per acre. The AHO also modifies the MFH Multiple Family Residential development standards to complement higher density housing projects. All developments within the AHO shall be consistent with the City of Oakley Residential Design Guidelines and Multifamily Residential Design Guidelines (pending).

b. Affordability Requirements.

1) Development within the AHO District shall include housing units in the following categories and shall remain at those affordability levels for a minimum of thirty (30) years:

a) Very Low Income Household: Any household with an income level less than equal to fifty percent (50%) of the Contra Costa County median income as determined by the California Department of Housing and Community Development (HCD) and/or the federal Department of Housing and Urban Development (HUD);

b) Low Income Household: Any household with an income level between fifty percent (50%) and eighty percent (80%) of the Contra Costa County median income as determined by HCD or HUD.

2) If a development has both affordable and market rate units, then the affordable units shall be constructed at a rate consistent with the construction of market rate units and shall be mixed throughout the development. Project phasing must be done in a manner that is proportionate to the overall mix of affordability levels.

3) Prior to the approval of the rezoning or the issuance of a building permit, whichever is earlier, the applicant shall execute an agreement with the City of Oakley and any other documents necessary to ensure the continued affordability of the affordable units for the thirty (30) year minimum time frame in a form acceptable to the City Council.

c. Development Standards.

1) Where an applicant or developer elects to apply to utilize the AHO District over the underlying zoning, the development standards listed in Table 1 of this section, where

applicable, shall apply. These development standards shall apply to projects requiring administrative approval and for those requiring a conditional use permit approval. Where conditional use permit approval is required, Section 9.1.1602 shall apply in addition to this section. Where conditional use permit approval is required, the development standards may be modified if deemed appropriate by the City Council. In addition, the proposed development shall comply with the remaining provisions of this chapter, including, but not limited to, the site density requirements set forth in subsection (d) of this section and design criteria set forth in subsection (e) of this section.

2) Table 1 sets forth development standards for multi-family development, which for the purposes of this section is defined as any residential development with three or more units on a single lot, within the Affordable Housing Overlay District.

Table 1: Development Standards for Multi-Family Construction within the Affordable Housing Overlay (AHO) District	
Subject	Standard
Base Density	24 dwelling units per acre
Density Bonus	Per State Law up to 35%, or 32.4 dwelling units per acre
Building Site Coverage (combined maximum)	40%
Front Setback (minimum)	15 feet, for two stories, 20 feet for three or more stories
Rear Setback (minimum) ²	15 feet, for two stories, 20 feet for three or more stories
Side Setback ²	8 feet for two stories, 12 feet for three or more stories
Aggregate Side Setback	15 feet (with five-foot minimum)
Distance Between Buildings (minimum)	20 feet for two stories, 25 feet for three or more stories
Height Limit (maximum)	42 feet
Wall	A minimum six-foot-high solid masonry/block wall shall be required around the perimeter of all housing developments
Parking Requirements (minimum)	One Bedroom: one on-site parking space ¹
	Two – Three Bedrooms: one and one-half on-site parking spaces ¹
	Four or More Bedrooms: two and one-half on-site spaces (Government Code Section 65915(p)) ¹

Table 1: Development Standards for Multi-Family Construction within the Affordable Housing Overlay (AHO) District

Subject	Standard
	1 If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a subdivision may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.
	2 10 feet for any structure (not a dwelling unit) up to 15 feet in height.

d. Development Incentives. The City shall provide a density bonus and additional incentive(s) for qualified housing developments upon the written request of a developer, unless the City makes the written findings set forth in Government Code Section 65915(d)(1).

1) For qualifying projects, the City will allow exceptions in the development standards set forth in subsection (c) of this section for projects within the AHO District to allow more flexibility in design and development by right with no further discretionary review, and to expedite project approval.

2) The City will provide other funding or incentives to qualifying affordable housing projects, to meet the City RHNA allocation, such as providing financial assistance or land write-downs when feasible, providing expedited processing, identifying grant and funding opportunities and providing support to developers in seeking funding.

3) The need for incentives will vary for different housing developments. Therefore, the allocation of additional incentives shall be determined on a case-by-case basis. The additional incentives may include, but are not limited to, any of the following:

a) A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum applicable building standards;

b) Allow mixed use development (commercial and residential) so long as it does not conflict with the land use designations in the General Plan land uses;

c) Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions or avoidance;

d) Waived, reduced, or deferred planning, plan check or construction permit fees;

e) The City may offer an equivalent financial incentive in lieu of granting a density bonus and an additional incentive(s). The value of the equivalent financial incentive shall equal at least the land cost per dwelling unit savings that would result from a

density bonus and must contribute significantly to the economic feasibility of providing the target units pursuant to this Chapter.

e. Design Criteria. The following design guidelines shall be applicable to all parcels within the AHO District. All proposed projects should be consistent with the City of Oakley Residential Design Guidelines and Multifamily Residential Design Guidelines (pending). The design guidelines will be enforced through review and approval by the Community Development Director (CDD), or his/her designee, in case of an administrative-level approval, or by the City Council in the event a conditional use permit is required.

- 1) Buildings shall be designed to frame views of the hills, vineyards and other landscape features;
- 2) Natural landscape features such as creeks, wetlands and heritage trees shall be incorporated into the site design. All development shall be subject to Chapter 31 of Title 4, and Sections 9.1.1108, 9.1.1110 and 9.1.1112;
- 3) Development shall be clustered on each site so as to minimize development footprints, preserve undeveloped land, and avoid areas with natural and visual resources;
- 4) Building materials and colors should promote harmony, as well as interest in the neighborhood. Architectural style should utilize a limited palette of compatible colors, avoiding excessive different materials and colors that detract more than enhance the overall appearance;
- 5) Compatible color schemes should be used on adjacent buildings and structures;
- 6) Roof forms, materials, doors, windows and other architectural features or historic or traditional houses near the project shall be referenced in the design of the new development;
- 7) A detailed landscaping plan, including planting details, shall be submitted for review and approval prior to the issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used, along with the method of maintenance. Plant materials shall be purchased locally when practical. Drought-tolerant plants are encouraged, when feasible. The project shall comply with the City of Oakley Water Efficient Landscape Ordinance and all Stormwater C-3 requirements;
- 8) The design of fences and screening shall be consistent with Sections 9.1.1108, 9.1.1110 and 9.1.1112;
- 9) All exterior lighting, including landscape lighting, shall be shielded and directed downward and shall be located as low to the ground as possible. Low-level lighting shall

be utilized in parking areas at multi-family sites rather than high-intensity light standards;

10) All new housing units shall be designed so as to minimize their visual impacts. Visual impacts shall be minimized through landscaping, grading, berms, appropriately designed fences and other screening devices;

11) The use of shared driveways and alleyways with detached garages may be utilized;

12) Play spaces for children shall be secure and visible;

~~13) Multi-family building forms shall use varying roof heights, setbacks and wall planes to break up perceived bulk from buildings;~~

134) Multi-family projects shall follow the guidelines as described herein and where appropriate the guidelines in the Residential Design Guidelines and Multifamily Residential Design Guidelines (pending);

145) Architectural design concepts shall provide for a transition in scale between multi-family and any neighboring single-family residential development. Where adjacent existing detached single-family development, the outermost portions of the multi-family buildings shall be limited to two stories within 50 feet of the common boundary and to three stories from 50 feet to 75 feet of the common boundary. Beyond the 75-foot distance, structures up to 42 feet high (and portions thereof) are permitted. The setbacks in Table 1 above require a staggered setback for third story and above to reduce the overall bulk and scale of larger projects adjacent to single-family residential developments.

156) Multi-family and mixed use projects shall be designed to reduce the perceived mass, scale, and form of the overall development through use of varying roof heights, setbacks, and wall planes. This shall include the use of:

a) Recessed facades and articulations in the building mass;

b) Varied roof heights, forms, masses, shapes, and/or materials to create variations between individual buildings;

c) Staggered and jogged placement of individual units (e.g., the units should not be aligned along a single plane that results in a large 'wall' on any single side of the building); and;

d) A variety of building orientations;

167) The perceived architectural scale of multi-family buildings of three or more stories shall be reduced through the proper use of window patterns, roof overhangs, awnings,

moldings, fixtures, the use of darker or subdued colors contrasting with lighter colors, upper story setbacks, building and roof articulation, and other details that vary the exterior of the building and result in a staggered or scaled appearance.

176) Trash enclosures (solid waste and recycling), storage, and other accessory elements shall be designed as integral parts of the architecture;

187) Parking lots shall be screened by shade trees, landscaping or buildings. Parking shall be unobtrusive and not disrupt the quality of open spaces and pedestrian environments. Access to the property and circulation systems shall be safe and convenient for pedestrians, cyclists and vehicles;

1819) Multi-family developments shall provide both common and private open spaces;

1920) Multi-family projects shall provide common spaces that are physically defined and socially integrated into the site plan as a gathering place;

2021) New projects will be required to provide, as part of the common space, the installation of a play structure and necessary safety equipment.

f. Approval Process. Administrative-level approval shall be given to projects meeting the appropriate affordability requirements identified in subsection (b) of this section, development standards set forth in subsection (c) of this section, and all other applicable sections of this Chapter. For projects that require a subdivision map or a conditional use permit, the developer shall submit an application and all required fees to the Planning Department.

g. Utilities. Except as otherwise provided, no permits to develop housing in the AHO District shall be issued without evidence of adequate sewer and water service to serve the proposed development, as evidenced by a letter from the sewer and water service providers.

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

Pursuant to Section 15164 of the CEQA Guidelines, an addendum to the Certified Oakley 2020 General Plan Environmental Impact Report (EIR) was prepared by De Novo Planning. The Addendum concludes that the proposed changes do not cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no significant changes in the environmental conditions not contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts. The proposed project (RZ 08-16) is within the scope of the previously Certified Oakley 2020 General Plan Environmental Impact Report (SCH #2002042134).

SECTION 4. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be held unconstitutional, invalid or unenforceable.

SECTION 5. Effective Date and Posting.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor Date

ATTEST:

Libby Vreonis, City Clerk Date

ORDINANCE NO. XX-16

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING
THE CITY INITIATED PROJECT TO APPLY THE AFFORDABLE HOUSING
OVERLAY ZONE TO NINE SPECIFIC PROPERTIES IN ORDER TO COMPLY WITH
THE CERTIFIED 2015-2023 HOUSING ELEMENT**

RECITALS

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

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

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

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

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

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

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

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

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

WHEREAS, on January 27, 2015, the City Council approved the 2015-2023 Housing Element which contains Policy Action Program 1.1, which specifically requires the City to apply the Affordable Housing Overlay Zone (AHO) to several parcels; and

WHEREAS, this City initiated project will complete Policy Action Program 1.1 by applying the Affordable Housing Overlay Zone to nine (9) specific properties; and

WHEREAS, on June 16, 2016, 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 and outside the library at Freedom High School located at 1050 Neroly Road.. 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, to parties requesting such notice and was published with the East Contra Costa Times (a newspaper certified for general circulation); and

WHEREAS, on June 28, 2016 the City Council held a duly noticed public hearing on the Affordable Housing Overlay Project, at which time all interested persons and parties had the opportunity to be heard. The City Council considered the June 28, 2016 staff report and all written and oral testimony, and reviewed and considered the Affordable Housing Overlay Project; and

WHEREAS, these findings are based on the City's General Plan, the City's Zoning Ordinance, and the information submitted to the City Council at its June 28, 2016 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

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

SECTION 1. Findings.

Pursuant to Policy Action program 1.1 within the Certified 2015-2023 Housing Element, the City Council of the City of Oakley hereby finds and determines as follows:

- A. Regarding the application of the Affordable Housing Overlay Zone to the 9 Parcels identified in this Ordinance:

1. The rezoning will substantially comply with the General Plan in that:
 - a. The 2015-2023 Housing Element of the Oakley 2020 General Plan identifies Policy Action Program 1.1, which specifically requires the City to apply the Affordable Housing Overlay Zone (AHO) to several parcels. The project will ensure the City is in compliance with this Policy Action program.
2. The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent districts:
 - a. The proposed application of the Affordable Housing Overlay to the nine parcels identified within will allow development under the current land use designations and the currently adopted zoning designations would continue to be allowed under the proposed project. This means that each site could develop under either the underlying zoning or the proposed project maximum capacities. For the commercial sites, either all commercial uses, a mix of commercial uses and multifamily uses, or multifamily uses would be allowed under the Affordable Housing Overlay.
3. Community need, but not necessarily future financial success, has been demonstrated for the use proposed:
 - a. The proposed application of the Affordable Housing Overlay to the nine parcels identified within is intended to provide compliance with the 2015-2023 Housing Element.

SECTION 2. Property Defined and Rezoned.

Pursuant to Section 2.4.012 of the Oakley Municipal Code, the Oakley Zoning Map is amended to apply the Affordable Housing Overlay Zone (AHO) to nine specific properties as follows:

Elm Lane (APN 051-210-019), 5301 Elm Lane (APN 051-220-005), Cypress Road (APN 035-282-058), Cypress Road (APN 035-282-062), 211 East Cypress Road (APN 033-012-005), 251 East Cypress Road (APN 033-012-008), 43 Van Pelt Lane (APN 033-012-009), 67 Van Pelt Lane (APN 033-012-007) and 6381 Sellers Avenue (APN 033-180-007).

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

Pursuant to Section 15164 of the CEQA Guidelines, an addendum to the Certified Oakley 2020 General Plan Environmental Impact Report (EIR) was prepared by De Novo Planning. The Addendum concludes that the proposed changes do not cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that

meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no significant changes in the environmental conditions not contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts. The proposed project (RZ 08-16) is within the scope of the previously Certified Oakley 2020 General Plan Environmental Impact Report (SCH #2002042134).

SECTION 4. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be held unconstitutional, invalid or unenforceable.

SECTION 5. Effective Date and Posting.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date



Agenda Date: 07/12/2016
Agenda Item: 3.7

STAFF REPORT

Date: July 6, 2016
To: Mayor and City Councilmembers
From: William R. Galstan, Special Counsel *William R. Galstan*
Subject: Report re City Manager Salary/Benefit Adjustments

FOR CONSIDERATION AT THE CITY COUNCIL MEETING ON JULY 12, 2016

Summary and Recommendation:

It is recommended that this report be received and filed.

Fiscal Impact:

This is a report of action taken; thus it has, by itself, no fiscal impact.

Background and Analysis:

On October 13, 2015, the City Council approved a "Seventh Amendment" to the City Manager's Employment Agreement. That Amendment provided for a 2.5% salary increase and further provided that if he received a satisfactory performance evaluation for the 2015-2016 fiscal year, the City Manager would automatically receive another 2.5% increase effective July 1, 2016. Pursuant to that Amendment, the City Attorney was instructed to inform the Finance Director if this adjustment is to be implemented, and if so, to report such adjustment in a "receive and file" memo on the subsequent Consent Calendar, so that the matter is transparent.

The Council did conduct a performance evaluation of the City Manager at the June 28, 2016 meeting and the adjustment contemplated in the Amendment was implemented by memo from the City Attorney to the Finance Director. Thus this memo is posted to document that transaction.

Conclusion:

This report should be received and filed.



STAFF REPORT

Date: Tuesday, July 12, 2016

To: Bryan H. Montgomery, City Manager

From: Kevin Rohani, P.E. Public Works Director/City Engineer

Subject: Approval of Subdivision Improvement Agreement, Subdivision Annexation and Assessment Deferral Agreement, Phase 1 Final Map and Modification of Conditions of Approval for Subdivision 9033 Gilbert Property (Northeast Corner of East Cypress Road and Sellers Avenue)

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Analysis

On November 13th, 2007 the City Council adopted Resolution 117-07 conditionally approving the tentative map for Subdivision 9033 Gilbert Property located at the northeast corner of East Cypress Road and Sellers Avenue. The Developer, Contra Costa County Communities, LLC, A California Limited Liability Company, desires to record the phase 1 final map for Subdivision 9033 Gilbert Property, with 222 residential lots, Parcel A (9.23 acres with a park and stormwater pond), Parcel B (61.89 acres for Phase 2 development), Parcels C, E, F & G (Landscape parcels ranging from 3,997 square feet to 5,875 square feet) and Parcel D (Landscaped pedestrian access to Sellers Avenue).

In order to satisfy all remaining conditions of approval, the Developer has requested that the City enter into a Subdivision Improvement Agreement. The Subdivision Improvement Agreement requires the Developer to complete the public improvements as required by the conditions of approval for Subdivision 9033. As part of this agreement, the Developer is required to provide securities for the amount of the estimated cost of phase 1 grading (\$1,975,352), phase 1 in-tract public improvements (\$3,936,000), phase 1 off-site public improvements (\$887,000) and landscaping (\$196,000).

None of these improvements have been completed and accepted at this time. The applicant is required to complete the public improvements within twenty four months in accordance with the Subdivision Map Act (Government Code §66410) and the Subdivision Improvement Agreement. The City Engineer and City Surveyor have reviewed the tentative map approval documents and the final map, and have found the final map to be technically correct, in substantial compliance with the conditionally

approved tentative map, and all final map conditions of approval have been met (or are being secured by way of this agreement).

The conditions of approval that remain to be satisfied include annexation of the property to the City of Oakley Street Lighting and Landscape Assessment District No. 1 (Conditions 104, 105 & 106), participating in the special police tax area (Condition 108), forming a district to fund the operations and maintenance for storm drainage (Condition 109) and participating in the formation of an assessment district for the construction of off-site improvements (Condition 110). Those items take several months to complete, and are more efficient when grouped with other projects.

With the formation of the Citywide Community Facilities District, (CFD 2015-2), Conditions 104, 105, 106, 109 and 110 can be satisfied by annexing into this CFD. Staff is also requesting the Council to approve a modification of the original conditions of approval to allow the Development to annex into CFD 2015-2, in lieu of annexing into the City of Oakley Street Lighting and Landscape Assessment District No. 1, to satisfy the requirements of Conditions 104, 105 & 106. This would also be in lieu of forming a district to fund the operations and maintenance for storm drainage and participating in the formation of an assessment district for the construction of off-site improvements to satisfy the requirements of Conditions 109 and 110.

The City Council has been receptive to recording final maps prior to the completion of the annexation process for other projects, so staff prepared a similar agreement to those used in the past. The agreements used previously allowed the map to record, but prohibited the sale of lots until the annexation was complete.

The City Council should be aware that by approving the Final Map without approving the Subdivision Annexation and Assessment Authorization Agreement, it is possible that additional voters could be introduced into the assessment district formation process, or that the applicant would not cooperate with the district formation. Staff recommends that if the Resolution approving the Subdivision Annexation and Assessment Authorization Agreement is not adopted, the Resolution approving the Final Map should not be adopted either.

Fiscal Impact

There is no fiscal impact associated with this action.

Staff Recommendation

Staff recommends that the City Council adopt the Resolutions authorizing the City Manager to execute the Subdivision Improvement Agreement, the Subdivision Annexation and Assessment Deferral Agreement, approve the Final Map for Subdivision 9033 Gilbert Property and adopt the Resolution approving the modification of Conditions of Approval 104, 105, 106, 108, 109 & 110.

Attachments

- 1) City Council Resolution 117-07

- 2) Subdivision Improvement Agreement (SIA)
- 3) Resolution for SIA
- 4) Subdivision Annexation and Assessment Deferral Agreement (SAAADA)
- 5) Resolution for SAAADA
- 6) Resolution Approving the Final Map titled Subdivision 9033 Gilbert Property
- 7) Resolution Approving the Modification of Conditions of Approval 104, 105, 106, 109 and 110 of City Council Resolution 117-07
- 8) Reduction of Subdivision 9033 Gilbert Property Final Map

CITY OF OAKLEY

RESOLUTION NO. 117-07

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING SUBDIVISION 9033 BY DUTCH SLOUGH, INC, INCLUDING A VESTING TENTATIVE MAP, TREE PERMIT, AND DESIGN REVIEW LOCATED AT THE NORTHEAST CORNER OF CYPRESS ROAD AND SELLERS AVENUE**FINDINGS**

A. Dutch Slough, Inc., on behalf of the property owner, (together, "Applicants"), has submitted applications to develop approximately 120.01-acres, at the northeast corner of Cypress Road and Sellers Avenue, within the Dutch Slough Planning Area (the "Project"). The Project application includes requests for approval of the following:

- Vesting Tentative Map 9033, which would subdivide 120.01 acres into 506 single-family lots;
- Tree Permit to remove 14 trees;
- Design Review to approve four models within Neighborhood 4 of the subdivision; and a

B. The City prepared a Draft Environmental Impact Report dated April 2007 and a Final Environmental Impact Report dated September 2007, which reflected the independent judgment of the City as to the potential environmental effects of the project.

C. On September 17, 2007, the Planning Commission held a properly noticed public hearing at which it received a report from City staff, oral and written testimony from the Applicants and the public, and deliberated on the applications. At the conclusion of its deliberations, the Commission took a vote and continued the Public hearing to October 15, 2007. On October 15, 2007 the Planning Commission continued the public hearing, receiving a report from staff, oral and written testimony from the Applicants and the public, and deliberated on the applications. At the conclusion of its deliberations, the Commission took a vote and expressed its recommendation that the City Council should approve the project, subject to the conditions recommended by staff and as revised by the Commission during its deliberations.

D. On November 13, 2007, the City Council held a properly noticed public hearing at which it received a report from City staff, oral and written testimony from the Applicants and the public, and deliberated on the applications. At the conclusion of its deliberations, the Council took a vote and adopted this Resolution to approve the project, subject to the conditions recommended by staff and as revised by the Council during its deliberations.

These Findings are based on the City's General Plan, the City's Zoning and Subdivision Ordinances, the Residential Design Guidelines, and the information submitted to the City Council at its November 13, 2007 meetings, 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 Subdivision (hereafter the "Record").

NOW, THEREFORE, 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:

1. Regarding the approval of Vesting Tentative Map 9033, the Council finds that the proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan. The number of units, layout of lots and streets, identified improvements and dedications, and other technical requirements comply with the density prescribed by the General Plan and its applicable policies.

a. The Project complies with Measure C Growth Management requirements.

2. Regarding the Tree Permit to remove 14 trees the Council finds:

a. Reasonable development of the property would require the removal of the trees and this development could not be reasonably accommodated on another area of the lot. ***Due to the location of the trees and the mass grading needed on site, the saving of the trees is unreasonable to accommodate the development.***

3. Regarding the Design Review of Neighborhood 4 (Z Lots within Subdivision 9033), the Council finds that:

a. The proposed development of 126 single-family homes is consistent with the proposed General Plan designation. ***The residential land use designations on this site include single-family low, medium and multi-family low. The General Plan allows for flexibility in development standards which allows for blending of densities over the site. The development of Neighborhood 4 along with the rest of the project area meets the General Plan land use designation.***

b. The proposed development of 126 single-family homes complies with all applicable Zoning regulations. ***The applicant is proposing P-1 zoning. This designation allows for flexibility in development standards. As proposed and conditioned the development meets the intent of the Zoning Ordinance and Residential Design Guidelines.***

c. The proposed design and materials of the single-family homes are compatible with the surrounding area. ***The proposed development provides thoughtful design and quality materials which will blend and enhance the existing neighborhoods surrounding this development.***

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council, subject to the conditions listed below, approves the following entitlements:

- Approve Vesting Tentative Map;
- Approval of the Tree Permit; and
- Approves the Design Review.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves f the Applicant's request for the Rezone, Vesting Tentative Map and Design Review with the following conditions:

Conditions of Approval

Applicant shall comply with the requirements of Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan received by the Community Development Department dated July 25, 2007.

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

Planning Division Conditions

General:

1. This Rezone, Tentative Subdivision Map and Design Review is approved, as shown on the revised plans, dated July 25, 2007, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval shall be effectuated by pulling a building permit and if not effectuated shall expire on August 14, 2013, as provided in the approved Development Agreement. 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 November 13, 2007.
4. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
5. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.
6. Should archaeological materials be uncovered during grading, trenching or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until a professional archaeologist who is certified by the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), if deemed necessary.

7. All mitigation measures addressed in the environmental document shall be complied with and addressed as outlined in the Mitigation Monitoring Program approved for this project (incorporated as Exhibit A), per the review and approval of the Community Development Director.
8. The applicant shall participate in the East Contra Costa County Habitat Conservation Plan and pay any applicable fee as required per the MOA between the developers and the Habitat Conservation Plan Association.
9. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court), except as otherwise provided in Section 20 of the Development Agreement.

Development Standards:

10. The Planned Development (P-1) zone district shall have the following standards:

Neighborhood 1 (80' x 100')

- Minimum lot area: 7,800 square feet;
- Minimum lot frontage: 30' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to any living space, porches or side loaded garages, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 15', corner lots shall maintain a street side yard setback of 10'; fireplaces may project into the required side yard setback a maximum of two feet (2');
- Minimum rear yard: 15';
- Maximum wall/fence height: 8'.

Neighborhood 2 (50' & 60' x 100')

- Minimum lot area: 5,000 square feet;
- Minimum lot frontage: 30' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to any living space, porches or side loaded garages, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 10', corner lots shall maintain a street side yard setback of 10'; fireplaces may project into the required side yard setback a maximum of two feet (2');
- Minimum rear yard: 15'.
- Maximum wall/fence height: 8'.

Neighborhood 3 (50' x 90')

- Minimum lot area: 4,000 square feet;
- Minimum lot frontage: 30' at the front property line;
- Minimum front yard setback: 20' to garage, 15' to any living space or side loaded garage and 10' porches, all measured perpendicular to the structure;
- Minimum side yard setback: 5' minimum, sum of both sides 10', corner lots shall maintain a street side yard setback of 10'; fireplaces may project into the required side yard setback a maximum of two feet (2');
- Minimum rear yard: 15';
- Maximum wall/fence height: 8'.

Neighborhood 4 (Z Lots)

- Minimum lot area: 3,500 square feet;
- Minimum lot frontage: 20' at the front property line;
- Minimum front yard setback: 20' to garage, 10' to any living space, side loaded garage or porches, all measured perpendicular to the structure;
- Minimum side yard setback: 4' minimum, sum of both sides 8', corner lots shall maintain a street side yard setback of 10'; fireplaces may project into the required side yard setback a maximum of two feet (2');
- Minimum rear yard: 10';
- Maximum wall/fence height: 8'.

Parks and Landscaping:

11. This project has a park requirement of 9-acres (neighborhood, community and trails). The applicant shall provide approximately 4 acres of neighborhood parks on-site, 1.5 acre of trails on site and shall pay in-lieu fees for the remainder to meet the community park obligation.
12. The applicant shall work with the Community Development Department with the design, construction and completion of the park concurrent with the development of the subdivision. As part of the plan check process for the park, the applicant shall develop a park construction schedule approved by the Community Development Director to provide for the timely completion of the park concurrent with development.
13. A mix of evergreen and deciduous trees as well as shrubs and ground cover shall be planted along the street frontage as specified in the Residential Design Guidelines per the review and approval of the Community Development Director.
14. A landscaping and irrigation plan for all areas shown on the landscape plan shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. Landscaping shall conform to the Oakley Landscape Guidelines and the City's Water Conservation Landscape Ordinance 82-26 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.

15. California native drought tolerant plants shall be used as much as possible. All trees shall be a mix of fifteen-gallon and 24" box; all shrubs shall be a minimum five-gallon size, except as otherwise noted.
16. All landscaped areas not covered by shrubs or groundcover shall be covered with bark or acceptable alternative as reviewed and approved by the Community Development Director. On slopes greater than 3 to 1, the applicant shall use an alternative to bark per the review and approval of the Community Development Director.
17. Each residential lot shall have a minimum of two different types of trees along the street frontage, with the exception of corner lots, which shall have four.
18. ***The applicant shall install front yard landscaping on all residential lots per the Residential Design Guidelines.*** The applicant shall maintain all private landscaping until occupancy.
19. A street tree plan shall be submitted for review prior to issuance of Building Permits. The street trees shall be inter-mixed throughout the subdivision, so there are a variety of trees on every street, per review of the Community Development Department.
20. The landscape plan along the levees shall be revised to ensure no trees or incompatible plant materials are planted within the levee prism per the approval of the Community Development Director and City Engineer.
21. Parcel H shall be fully landscaped with trees, shrubs and ground cover per the review and approval of the Community Development Director.

Fences and Walls:

22. Within the subdivision good neighbor fences shall be constructed of six-foot high wood fences with metal posts or acceptable alternative as reviewed and approved by the Community Development Director. Corner lots or any good neighbor fence facing a street shall provide an enhanced wood fence with two feet of lattice along the top. All wood fencing visible from the street shall be stained or painted on both sides to prevent water damage to the satisfaction of the Community Development Director.
23. ***Fences that adjoin the trail system adjacent to the CCWD canal and Dutch Slough shall be constructed to provide for greater durability and enhanced appearance. If wood fencing is used, it shall be reinforced and stained or painted on both sides to prevent water damage to the satisfaction of the Community Development Director.***
24. A 9-foot masonry wall shall be located along the perimeter of the site adjacent to Cypress Road and Sellers Avenue, per the acoustical analysis. A wall/berm combination could be provided to achieve the 9' requirement. The wall shall be of pre-cast concrete construction per the review and approval of the Community

Development Director. In the locations where cul de sacs or front loaded streets are adjacent to the arterial and collector streets, wrought iron or 42" picket fences shall be constructed to provide open views per the review and approval of the Community Development Director.

25. Sound walls shall attenuate, not just deflect sound. The use of sound absorbing material should be used for the construction of sound walls per the review and approval of the Community Development Director.
26. Anti-graffiti techniques and/or materials shall be used on sound walls.
27. The copper on the entry monolith shall be treated to ensure the copper does not patina.

Subdivision Design:

28. The neighborhood entries shall be identified by accent paving, project monument signage and accent planting per the review and approval of the Community Development Director.
29. Driveway openings shall be a maximum 18' in width or up to 25% of a lot's frontage (except on cul de sacs).
30. The street names shall be approved by the Community Development Department and the East Contra Costa Fire District.
31. A life saving device shall be provided along the trail adjacent to the storm water pond to provide assistance for a drowning victim.
32. The corner of Cypress Road and Sellers Avenue is a highlighted intersection. The design of the landscaping at the northeast corner of Cypress Road and Sellers Avenue shall be designed to meet the requirements of highlighted intersections per the Residential Design Guidelines.

Subdivision Disclosures:

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

"The subject property is located near a high voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such a hypothesis is established. At this time no risk assessment has been made."

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

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

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

Design Review:

35. All windows and doors shall be trimmed on all four sides.
36. Sixty percent of the garage doors throughout the subdivision, that face the street, shall have windows.
37. All houses that side or back onto a road shall have additional architectural embellishments on the side and rear elevations.
38. The front yards for plans 2, 3 and 4 shall include scored concrete driveways and walkways separated from the driveways per the review and approval of the Community Development Director.
39. Stone accents provided on plans 1 & 2 shall be balanced across the front elevations and shall end at a change in building plane or at the side yard fence, per the review and approval of the Community Development Director.
40. The developers shall provide color schemes to the Community Development Director for review prior to the issuance of building permits for neighborhood 4.

Energy Efficiency:

41. Water heaters shall provide an energy efficiency factor of 0.84 or better.
42. Dual zone air conditioning shall be provided on all two-story residential units.

43. Air conditioning condenser units shall be located to take advantage of natural shade. Condensers should not be placed on the west or south elevation of a home, unless shade is provided. The location of the condenser shall be added to all plot plans for review and approval of the Community Development Director.
44. Subdivisions design shall take into consideration passive solar energy and house orientation should take advantage of this.
45. High efficiency furnaces shall be used with a 90% AFUE and compressors shall have a SER rating of greater than 13 per the review and approval of the Community Development Director.
46. Low E glass windows should be used with wood, fiberglass or vinyl frames per the review and approval of the Community Development Director.

Tree Permit

47. The applicant is approved to remove the 14 black cotton wood trees on site. The trees shall be replaced at a comparable value to the trees lost as determined by industry standards or a certified arborist or the applicant shall pay an in-lieu fee per the review and approval of the Community Development Director.

Building Division Conditions

48. 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.
49. An Automatic Life Safety Sprinkler System shall be required in all new residential occupancies pursuant to Ordinance 22-06. The Automatic Life Safety Sprinkler Systems in one-family and two-family dwellings and attached and detached garages shall be designed and installed to the standards and requirements found in the most recent version of the NFPA (National Fire Protection Association), Standard 13D. A minimum of two sprinkler pilot heads shall be installed in a dwelling's attic area, if applicable.
50. Prior to requesting a *Final Inspection* from the Building Division all Conditions of Approval required for occupancy must be completed.

Public Works and Engineering Conditions

General:

51. 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.

52. Submit a final map prepared by a licensed land surveyor or qualified registered civil engineer to the City Engineer and pay appropriate fees in accordance with the Code and these conditions of approval.
53. 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.
54. Submit levee plans including related geotechnical studies and landscaping within and adjacent to the levee prism prepared and/or endorsed 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.
55. 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.
56. 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.
57. Building permits for house construction shall not be issued until the subdivision streets serving the lots have been paved.
58. ***The developer shall provide a safe route to school plan for the review and approval of the City Engineer prior to recordation of the final map. The developer shall be responsible for constructing safe route to school improvements, including interim improvements located offsite, if a school is not located within the Gilbert Ranch subdivision.***

Roadway Improvements:

59. Construct the frontage of Cypress Road to City public road standards for an ultimate 104-foot wide roadway within a 164-foot right-of-way (the right of way shall include a minimum of 35 feet from the face of curb to the right of way line on the north side of the road and 25 feet on the south side of the road). The project shall be responsible for constructing curb, eight-foot detached sidewalk (meandering within the landscape area so that the minimum landscape width is no less than six feet), right of way landscaping, and 44 feet of pavement on the north side of the road, a sixteen foot wide landscaped median, 20 feet of pavement on the south side of the road, necessary longitudinal and transverse drainage, and

conforms to existing improvements. The face of curb on the north side shall be located 52 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project.

60. Construct the frontage of Sellers Avenue to City public road standards for an ultimate 80-foot wide roadway within a 140-foot right-of-way (the right of way shall include a minimum of 30 feet from the face of curb to the right of way line on both sides of the road). The project shall be responsible for constructing curb, eight-foot detached sidewalk (meandering within the landscape area so that the minimum landscape width is no less than six feet), right of way landscaping, and 32 feet of pavement on the east side of the road, a sixteen foot wide landscaped median, necessary longitudinal and transverse drainage, and conforms to existing improvements. The face of curb on the east side shall be located 40 feet from the centerline and any conforms to existing improvements must take place outside of the limits of the project. The roadway shall be widened in the vicinity of Cypress Road to allow for the southbound traffic to shift to the west side of the median.

61. Construct C Street to City public road standards for a 36-foot wide roadway within a 70-foot right of way, including curb, five-foot detached sidewalk (parallel to the curb face and offset from the face of curb by twelve feet), right of way landscaping, necessary longitudinal and transverse drainage. The face of curb shall be located 18 feet from the centerline. The right of way shall be widened to 80-feet between D Street and Sellers Avenue and the additional right of way behind the sidewalk shall be landscaped.

62. Construct bus turnouts along the north side of Cypress Road consistent with Mitigation Number 4.5-4 including one at a location just west of Knightsen Avenue. The turnouts shall be consistent with Tri Delta Transit and City standards and shall include any necessary shelters and appurtenances. The right of way adjacent to the turnouts shall be widened so that the landscaping widths are consistent with the remainder of the frontage.

63. Construct the project streets to City public road standards and as shown on the Tentative Map with the following exceptions:
 - A. The minimum street grade may be lowered from the standard 1% to 0.75% provided that the project proponent demonstrates that the City's drainage standards can be achieved.
 - B. Submit a turning radius exhibit to the City Engineer for review and approval to illustrate that the ninety-degree turns of project streets can accommodate the largest expected vehicle to use the streets without the inclusion of City standard elbows. If the exhibit illustrates that elbows are necessary to accommodate the expected traffic then they shall be included in the improvement plans.

64. Install traffic signals at the following locations. The design and construction of the signals is subject to the review and approval of the City Engineer and the traffic signals shall be interconnected where appropriate. When placement of curb

returns, poles and equipment is not feasible at the ultimate location the improvements will not be eligible for Traffic Impact Fee (TIF) credits.

- A. Cypress Road at Sellers Avenue (this project is on the TIF project list and is eligible for reimbursement based on the policies and procedures of that program);
 - B. Cypress Road at A Street/Franklin Lane (this project is not on the TIF project list and is not eligible for reimbursement); and
 - C. Cypress Road at Knightsen Avenue (this project is on the TIF project list and is eligible for reimbursement based on the policies and procedures of that program).
65. Install traffic calming measures consistent with the City's Neighborhood Traffic Management Program. Special attention shall be paid to C Street and the applicant should consider a combination of raised intersections, bulb-outs, stop signs, and other appropriate measures. The traffic calming measures shall be included on the improvement plans and are subject to the review and approval of the City Engineer.
66. Install traffic control devices such as stop signs and other signing and striping on the project streets to the satisfaction of the City Engineer.
67. Construct emergency vehicle accesses from H Circle to Sellers Avenue. The design and configuration of the accesses shall be per the current City standard and shall be subject to the review and approval of the City Engineer.
68. Design all public and private pedestrian facilities in accordance with Title 24 (Handicap Access) and the Americans with Disabilities Act.
69. Submit a phasing plan for the project streets to the City Engineer for review if the street improvements will be phased. The plan shall include provisions for emergency vehicle access, temporary turn-around facilities, and access to the occupied lots.

Road Alignment/Sight Distance:

70. Submit a preliminary plan and profile to the City Engineer for review showing all required improvements to Cypress Road and Sellers Avenue. 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 \pm beyond the limits of the proposed work.

Road Dedications:

71. Convey to the City, by Offer of Dedication, the right of way for the project streets.
72. Convey to the City, by offer of dedication, the right of way for Cypress Road for the planned interim width of 120-feet along the project frontage.

73. Convey to the City, by offer of dedication, the right of way for Sellers Avenue for the planned interim width of 95-feet along the project frontage.
74. Relinquish abutter's rights of access along all non-primary frontages to the satisfaction of the City Engineer.
75. 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, utility and drainage improvements.

Street Lights:

76. Install streetlights along all project streets and the project Cypress Road and Sellers Avenue 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 on the project streets shall be decorative per City standards, and the lights along Cypress Road and Sellers Avenue shall be General Electric spun aluminum "cobra head" style and shall be located in the medians.

Grading:

77. 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, levees, and roadway sections.
78. 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.
79. Dust control measures shall be provided for all stockpiling per the review and approval of the City Engineer.
80. 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.

81. 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.
82. Submit a dust and litter control plan to the City Engineer prior to beginning any construction activities. The dust and litter control plan shall address all items identified and shall be consistent with Mitigation Number 4.5-1.
83. 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.
84. 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.
85. 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.
86. Submit a Letter of Map Revision application or the appropriate application to FEMA to remove the building pads that are currently within the Special Flood Hazard Area Zone AE from the flood zone and reflecting the required project levee system. FEMA must issue no less than a Conditional Letter of Map Revision prior to the City issuing building permits for the lots affected by the Zone AE designation or protected by the levee. The applicant should be aware of the requirements of the Federal Flood Insurance Program and the City Floodplain Management Ordinance as they pertain to future construction of any structures on this property.
87. Grade all pad elevations or install levees to satisfy Chapter 914-10 of the City's Municipal Code, including the degree of protection provisions.
88. The burying of any construction debris is prohibited on construction sites.

Utilities/Undergrounding:

89. Underground all new and existing utility distribution facilities, including those along the frontage of Cypress Road and Sellers Avenue. 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.

90. 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.

91. Above ground utility boxes shall be camouflaged per the review and approval of the City Engineer.

Drainage Improvements:

92. Collect and convey all stormwater entering and/or originating on these properties, 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, in accordance with Division 914 of the Ordinance Code. The applicant should be aware that the nearest planned public storm drainage facility is north of the Sellers Avenue terminus. The City is currently preparing a storm drain master plan for the drainage area roughly bounded to the west by the BNSF railroad tracks, the east by Sellers Avenue, and the north by the Contra Costa Canal. This project shall cooperate with the preparation of that master plan and shall comply with the plan once adopted. The project shall stub the necessary facilities to the Burroughs property (currently referred to as Subdivision 9034) to allow that property to utilize the stormwater pond being constructed on site. The project may be eligible for reimbursement from future development for upsizing the pond and/or storm drain main lines based on the final master plan.

93. 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.

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

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

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

97. Submit a long-term operational and maintenance plan for the stormwater pond and pump stations to the City Engineer for review. The plan must include a level of effort estimate for staffing and maintenance requirements as well as an operational and life cycle budget analysis.

98. Convey to the City, by offer of dedication, Parcel A for open space and flood control purposes.

Landscaping in the Public Right of Way:

99. Install public right of way landscaping along Cypress Road and Sellers Avenue and trail corridors. The applicant shall work with the Community Development Department and City Engineer for the design, construction and completion of the public landscaping concurrent with the development of the subdivision. As part of the plan check process for the landscaping, the applicant shall develop a construction schedule approved by the Community Development Director to provide for the timely completion of the landscaping concurrent with development.

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

National Pollutant Discharge Elimination System (NPDES):

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

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

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

Fees/Assessments:

102. 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 (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. Child Care Facilities "In Lieu" Fee (adopted by Ordinance Nos. 18-99 and 23-99);
- G. Fire Facilities Impact Fee, collected by the City on behalf of the Oakley Fire Protection District;
- H. East Contra Costa County Habitat Conservation Plan Fee per the East Cypress HCP MOA.

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.

- 103. 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.
- 104. 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 approval of the final map. 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.
- 105. 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 filing of the final map. 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.

106. Annex the property to the City of Oakley Landscape and Lighting District No. 1 for project specific landscaping maintenance, subject to an assessment for landscape operation and 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 filing of the final map. 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.

107. Participate in the formation of a mechanism to fund the additional police protection and park maintenance that will be required in the Cypress Corridor area. This annual assessment is pursuant to Section 4 of the Memorandum of Understanding between the City of Oakley and the Emerson, Gilbert and Burroughs Families dated September 23, 2002. The assessment shall initially be \$120 per parcel annually and shall include appropriate future cost of living adjustments for police services and park maintenance as established at the time of voting by the City Council. Any required election and/or ballot protest proceedings shall be completed prior to filing of the final map. The applicant shall apply for the formation and provide all information and documents required by the City. All costs shall be paid by Applicant.

108. 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 homes 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.

109. 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, stormwater ponds and any proposed pump stations, as well as any levees proposed to be maintained by the City. 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 filing of any final or parcel map, and the project proponent shall fund all costs of the formation.

110. Participate in the formation of an assessment district for the construction of off-site improvements and/or the pre-payment of all or a portion of eligible development impact fees should the City deem such a mechanism necessary. The assessment district shall be formed prior to the filing of any final or parcel map, and the project proponent shall fund all costs of formation.

111. Comply with the storm drainage master plan and associated fees for drainage shed roughly bounded to the west by the BNSF railroad tracks, the east by Sellers Avenue, and the north by the Contra Costa Canal should that plan be adopted by the City and/or the Contra Costa County Flood Control and Water Conservation District. 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 he might be eligible. Any credit or reimbursements shall be determined prior to filing the final map.

ADVISORY NOTES

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

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Applicant shall comply with the requirements of Ironhouse Sanitary District.
- D. The applicant shall comply with the requirements of the Diablo Water District.
- E. Comply with the requirements of the East Contra Costa Fire Protection District.
- F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction

within this development that may affect any fish and wildlife resources, per the Fish and Game Code.

- H. 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.
- I. The applicant shall obtain an encroachment permit for construction within existing City rights of way.
- J. The applicant shall obtain an encroachment permit from Caltrans for construction within the State right of way.

PASSED AND ADOPTED by the City Council at a meeting held on the 13th Day of November, 2007, by the following vote:

AYES: Anderson, Rios, Romick

NOES: Connelley, Nix

ABSTENTIONS: None

ABSENT: None

APPROVED:


MAYOR

ATTEST:


CITY CLERK

**CITY OF OAKLEY
SUBDIVISION IMPROVEMENT AGREEMENT
SUBDIVISION 9033 GILBERT PROPERTY**

This agreement is made and entered into this 12th day of July, 2016 by and between the City of Oakley, a municipal corporation, hereinafter referred to as "CITY", and Contra Costa County Communities, LLC, A California Limited Liability Company hereinafter referred to as "DEVELOPER".

RECITALS

WHEREAS, it has been determined by the City Council of the City of Oakley, State of California, that DEVELOPER, the sub-divider of Subdivision 9033 Gilbert Property desires to improve and dedicate those public improvements (hereafter "The Improvements") required by the conditions of approval for the project as adopted by the City of Oakley City Council via Resolution Number 117-07 in accordance with the requirements and conditions set forth in approvals, the requirements of the Subdivision Map Act of the State of California, and those certain plans and specifications for said development approved by CITY and titled: Grading Plans "Gilbert Property Phase 1 Grading Plan" and improvement plans "Gilbert Property Phase 1 Improvement Plan" now on file in the office of the City Engineer, which are hereby referred to for a more definite and distinct description of the work to be performed under this Agreement as though set forth at length herein; and

WHEREAS, DEVELOPER and CITY acknowledge that not all conditions of approval ("COA") contained in Resolution Number 117-07 have been satisfied, but nevertheless, DEVELOPER desires to file a final map. The satisfaction of all COA is the subject of this Agreement. DEVELOPER's agreement to satisfy all COA including the aforementioned COA and construct the Improvements identified in the aforementioned COA is a material part of the consideration for this Agreement; and

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

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

1. Improvements.

DEVELOPER agrees to install the road improvements (both public and private), sewer and drainage improvements, signs, street lights, fire hydrants, landscaping, and such other improvements (including appurtenant equipment) as required as Conditions of Approval of Tentative Map 9033 as set forth in Exhibit A to this Agreement, which is incorporated herein as if set forth at this point, or as otherwise required in the

subdivision ordinance. In the event that any provision of this Agreement conflicts with the provisions of Exhibit A the provisions of Exhibit A shall prevail to the extent that the conflicting provision in Exhibit A requires a greater or more extensive improvement or expenditure, or to the extent that that provision extends DEVELOPER's obligations over a greater period of time than the specific provision set forth herein. Such improvements shall also be made in conformance with the City of Oakley Municipal Code and Contra Costa County Ordinance Code as adopted and enforced by the City of Oakley.

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

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

All deadlines, cure periods and periods for DEVELOPER'S performance under this Agreement shall be extended as applicable by occurrences of Unavoidable Delay. "Unavoidable Delay" shall mean any prevention, delay or stoppage in the performance of DEVELOPER's obligations under this Agreement, which prevention, delay or stoppage is caused by: (a) CITY's actions or CITY's failure to take any action that the CITY is required to take under the express terms of this Agreement, (b) acts of God, war, inability to obtain labor or materials or reasonable substitutes therefor due to conditions generally applicable in the location of the Property, (c) moratoria, regulations, or controls imposed, or lack of action taken, by any governmental or quasi-governmental agency, (d) the inability to obtain permits or other necessary governmental approvals, (e) rain or other inclement weather, or (f) other similar matters or causes beyond DEVELOPER's reasonable control. DEVELOPER shall give written notice to CITY within fifteen (15) business days after DEVELOPER becomes aware of the occurrence of an Unavoidable Delay specifying the nature of the Unavoidable Delay. DEVELOPER will use commercially reasonable efforts to minimize the impact of any Unavoidable Delay.

2. Estimated Cost of Improvements and Possible Future Cash Deposit.

The estimated cost of constructing The Improvements required by this Agreement as adjusted for inflation is agreed to be a total of \$6,994,352 of which:

Grading is \$1,975,352, In-tract improvements are \$3,936,000, off-site improvements are \$887,000 and Landscaping is \$196,000. Said amount includes costs and reasonable expenses and fees which may be incurred in enforcing the obligation secured.

3. Bonds Furnished.

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

- a. Faithful Performance. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to one hundred percent (100%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that The Improvements will be satisfactorily completed.
- b. Labor and Materials. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to fifty percent (50%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that DEVELOPER'S contractors, subcontractors, and other persons furnishing labor, materials, or equipment shall be paid therefor.
- c. If required by CITY, a cash deposit, corporate surety bond, or instrument of credit sufficient to assure CITY that the surface water drainage of the subdivision shall not interfere with the use of neighboring property, including public streets and highways.

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

4. Prevailing Wage.

CITY has determined that construction of The Improvements falls within the definition of "public works" set forth in California Labor Code Section 1720. Subject to any amendments to Labor Code Section 1720 et seq., DEVELOPER shall comply with Labor Code Section 1720 et seq., shall comply with the provisions set forth in Exhibit B and shall ensure that any contractors and subcontractors comply with the provisions of

Exhibit B. DEVELOPER shall waive, indemnify, hold harmless and defend CITY concerning any liability arising out of Labor Code Section 1720 et seq.

5. Insurance Required.

Concurrently with the execution hereof, DEVELOPER shall obtain or cause to be obtained and filed with the CITY, all insurance required in this paragraph and as set forth in Exhibit C, and such insurance shall have been approved by the Finance Director of CITY, or his designee, as to form, amount and carrier. Prior to the commencement of work under this Agreement, DEVELOPER's general contractor shall obtain or cause to be obtained and filed with the Finance Director, all insurance required under this paragraph and as set forth in Exhibit C, evidenced herein as Exhibit D, and such insurance shall have been approved by the Finance Director of CITY, as to form, amount and carrier. DEVELOPER shall not allow any contractor or subcontractor to commence work on this contract or subcontract until all insurance required for DEVELOPER and DEVELOPER's general contractor shall have been so obtained and approved. Said insurance shall be maintained in full force and effect until the completion of work under this Agreement and the final acceptance thereof by CITY. All requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier. CITY acknowledges and agrees that DEVELOPER has provided to CITY the evidence of insurance required to be maintained under this Section 5 and such insurance has been previously approved by the Finance Director of CITY, as to form, amount and carrier.

6. Work Performance and Guarantee.

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

In the event the DEVELOPER shall fail to comply with the conditions of the foregoing guarantee within thirty (30) days time, after being notified of the defect in writing, CITY shall have the right, but shall not be obligated, to repair or obtain the repair

of the defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. Notwithstanding anything herein to the contrary, in the event that any defect in workmanship or material covered by the foregoing guarantee results in a condition which constitutes an immediate hazard to the public health, safety, or welfare, CITY shall have the right to immediately repair, or cause to be repaired, such defect, and DEVELOPER shall pay to CITY on demand all costs and expense of such repair. The foregoing statement relating to hazards to health and safety shall be deemed to include either temporary or permanent repairs which may be required as determined in the sole discretion and judgment of CITY.

If CITY, at its sole option, makes or causes to be made the necessary repairs or replacements or performs the necessary work, DEVELOPER shall pay, in addition to actual costs and expenses of such repair or work, twenty five percent (25%) of such costs and expenses for overhead and interest at the maximum rate of interest permitted by law accruing thirty (30) days from the date of billing for such work or repairs.

7. Inspection of the Work.

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

8. Agreement Assignment.

This Agreement shall not be assigned by DEVELOPER without the written consent of CITY which shall not be unreasonably withheld, conditioned or delayed.

9. Abandonment of Work.

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

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

DEVELOPER's surety or holder of other security of breach of this Agreement, or of any portion, thereof, and default of DEVELOPER.

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

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

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

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

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

Contra Costa County Communities, LLC,
A California Limited Liability Company
c/o De Nova Homes
1500 Willow Pass Court
Concord, CA 94520
Attn., Michael Evans

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

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

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

10. Use of Streets or Improvements.

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

11. Safety Devices.

DEVELOPER shall provide and maintain such guards, watchmen, fences, barriers, regulatory signs, warning lights, and other safety devices adjacent to and on the tract site as may be necessary to prevent accidents to the public and damage to the property. DEVELOPER shall furnish, place, and maintain such lights as may be necessary for illuminating the said fences, barriers, signs, and other safety devices. At the end of all work to be performed under this Agreement, all fences, barriers, regulatory signs, warning lights, and other safety devices (except such safety items as may be shown on the plans and included in the items of work) shall be removed from site of the work by the DEVELOPER, and the entire site left clean and orderly.

12. Acceptance of Work.

Upon notice of the completion of the work covered by this agreement and the delivery of a set of final as-built plans to CITY by DEVELOPER, CITY, through its City Engineer or his designated representative, shall examine the work without delay, and, if found to be in accordance with said plans and specifications and this Agreement, shall recommend acceptance of the work to the City Council and, upon such acceptance, shall notify DEVELOPER or his designated agents of such acceptance.

13. Patent and Copyright Costs.

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

14. Alterations in Plans and Specifications.

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

15. Liability.

- a. DEVELOPER Primarily Liable. DEVELOPER hereby warrants that the design and construction of The Improvements will not adversely affect any portion of adjacent properties and that all work will be performed in a proper manner. DEVELOPER agrees to indemnify, defend, release, and hold harmless CITY, and each of its elective and appointive boards, commissions, officers agents and employees, from and against any and all loss, claims, suits, liabilities, actions, damages, or causes of action of every kind, nature and description, directly or indirectly arising from an act or omission of DEVELOPER, its employees, agents, or independent contractors in connection with DEVELOPER'S actions and obligations hereunder; provided as follows:
1. That CITY does not, and shall not, waive any rights against DEVELOPER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY, or the deposit with CITY by DEVELOPER, of any of the insurance policies described in Paragraph 4 hereof.
 2. That the aforesaid hold harmless agreement by DEVELOPER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not CITY has prepared, supplied, or approved of plans and/or specifications for the subdivision, or regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.
- b. Design Defect. If, in the opinion of the CITY, a design defect in the work of improvement becomes apparent during the course of construction, or within one (1) year following acceptance by the CITY of the improvements, and said

design defect, in the opinion of the CITY, may substantially impair the public health and safety, DEVELOPER shall, upon order by the CITY, correct said design defect at his sole cost and expense, and the sureties under the Faithful Performance and Labor and Materials Bonds shall be liable to the CITY for the corrective work required.

- c. Litigation Expenses. In the event that legal action is instituted by either party to this Agreement, and said action seeks damages for breach of this Agreement or seeks to specifically enforce the terms of this Agreement, and, in the event judgment is entered in said action, the prevailing party shall be entitled to recover its attorneys' fees and court costs. If CITY is the prevailing party, CITY shall also be entitled to recover its attorney's fees and costs in any action against DEVELOPER's surety on the bonds provided under paragraph 3.

Recitals.

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

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

CITY OF OAKLEY

Developer

By: _____
Bryan H. Montgomery
City Manager

By: _____
Michael Evans

APPROVED AS TO FORM:

Derek P. Cole
City Attorney

ATTEST:

Libby Vreonis, City Clerk

- Exhibits: Exhibit A – City of Oakley, City Council, Resolution 117-07
 Exhibit B – Prevailing Wage
 Exhibit C - Insurance Requirements
 Exhibit D - Verification of Required Insurance

EXHIBIT A
(RESOLUTION 117-07)

EXHIBIT B

PROVISIONS REQUIRED FOR PUBLIC WORKS PROJECTS PURSUANT TO CALIFORNIA LABOR CODE SECTION 1720 *ET SEQ.*

The Developer will ensure that any contract issued by the Developer or any privities of the Developer concerning the Improvements includes, and requires the parties to such contract to comply with, all applicable provisions contained in this Exhibit A and any other applicable requirements contained in California Labor Code Section 1720 and following.

HOURS OF WORK:

- A. In accordance with California Labor Code Section 1810, eight (8) hours of labor in performance of the Services shall constitute a legal day's work under this Agreement.
- B. In accordance with California Labor Code Section 1811, the time of service of any worker employed in construction of the Improvements is limited to eight hours during any one calendar day, and forty hours during any one calendar week, except in accordance with California Labor Code Section 1815; which provides that work in excess of eight hours during any one calendar day and forty hours during any one calendar week is permitted upon compensation for all hours worked in excess of eight hours during any one calendar day and forty hours during any one calendar week at not less than one-and-one-half times the basic rate of pay.
- C. The Developer and its contractors and subcontractors shall forfeit as a penalty to the City \$25 for each worker employed in the construction of the Improvements for each calendar day during which the worker is required or permitted to work more than eight (8) hours in any one calendar day, or more than forty (40) hours in any one calendar week, in violation of the provisions of California Labor Code Section 1810 and following.

WAGES:

- A. In accordance with California Labor Code Section 1773.2, the City has determined the general prevailing wages in the locality in which the Improvements are to be constructed for each craft or type of work needed to be as published by the State of California Department of Industrial Relations, Division of Labor Statistics and Research, a copy of which is on file in the City Engineer's office and shall be made available on request. The Developer, and contractors and subcontractors engaged in the construction of the Improvements shall pay no less than

these rates to all persons engaged in construction of the Improvements.

B. In accordance with Labor Code Section 1775, the Developer and any contractors and subcontractors engaged in construction of the Improvements shall comply with Labor Code Section 1775 which establishes a penalty of up to \$50 per day for each worker engaged in the construction of the Improvements who the Developer or any contractor or subcontractor pays less than the specified prevailing wage. The amount of such penalty shall be determined by the Labor Commissioner and shall be based on consideration of the mistake, inadvertence, or neglect of the Developer, contractor or subcontractor in failing to pay the correct rate of prevailing wages, or the previous record of the Developer, contractor or subcontractor in meeting applicable prevailing wage obligations, or the willful failure by the Developer, contractor or subcontractor to pay the correct rates of prevailing wages. A mistake, inadvertence, or neglect in failing to pay the correct rate of prevailing wages is not excusable if the Developer, contractor or subcontractor had knowledge of their obligations under the California Labor Code. The Developer, contractor or subcontractor shall pay the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate. If a subcontractor worker engaged in construction of the Improvements is not paid the general prevailing per diem wages by the subcontractor, subject to applicable law, the prime contractor is not liable for any penalties therefore unless the prime contractor had knowledge of that failure or unless the prime contractor fails to comply with all of the following requirements:

1. Any agreement executed between the Developer and a contractor or a contractor and a subcontractor for the construction of part of the Improvements shall include a copy of the provisions of California Labor Code Sections 1771, 1775, 1776, 1777.5, 1813, and 1815.
2. The contractor shall monitor payment of the specified general prevailing rate of per diem wages by the subcontractor by periodic review of any subcontractor's certified payroll records.
3. Upon becoming aware of a subcontractor's failure to pay the specified prevailing rate of wages, the contractor shall diligently take corrective action to halt or rectify the failure, including, but not limited to, retaining sufficient funds due the subcontractor for construction of the Improvements.
4. Prior to making final payment to the subcontractor, the contractor shall obtain an affidavit signed under penalty of perjury from the subcontractor that the subcontractor has paid the specified general

prevailing rate of per diem wages employees engaged in the construction of the Improvements and any amounts due pursuant to California Labor Code Section 1813.

- C. In accordance with California Labor Code Section 1776, the Developer and each contractor and subcontractor engaged in construction of the Improvements, shall keep accurate payroll records showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed in construction of the Improvements. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:
1. The information contained in the payroll record is true and correct.
 2. The employer has complied with the requirements of Sections 1771, 1811, and 1815 for any services performed by the employer's employees on the public works project.

The payroll records required pursuant to California Labor Code Section 1776 shall be certified and shall be available for inspection by the City and its authorized representatives, the Division of Labor Standards Enforcement, the Division of Apprenticeship Standards of the Department of Industrial Relations and shall otherwise be available for inspection in accordance with California Labor Code Section 1776.

- D. In accordance with California Labor Code Section 1777.5, the prime contractor, on behalf of the Developer and any contractors or subcontractors engaged in construction of the Improvements, shall be responsible for ensuring compliance with California Labor Code Section 1777.5 governing employment and payment of apprentices on public works contracts.
- E. In case it becomes necessary for the Developer or any contractor or subcontractor engaged in construction of the Improvements to employ on the construction of the Improvements any person in a trade or occupation (except executive, supervisory, administrative, clerical, or other non manual workers as such) for which no minimum wage rate has been determined by the Director of the Department of Industrial Relations, the Developer, contractor or subcontractor shall pay the minimum rate of wages specified therein for the classification which most nearly corresponds to services to be performed by that person. The minimum rate thus furnished shall be applicable as a minimum for such trade or occupation from the time of the initial employment of the person affected and during the continuance of such employment.

EXHIBIT C

INSURANCE REQUIREMENTS

CONSTRUCTION CONTRACTS

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$5,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit (i.e., \$10,000,000)
2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering Code 1 (any auto), with limits no less than **\$5,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employers' Liability insurance with a limit of no less than \$1,000,000 per accident for bodily injury or disease.
4. **Builder's Risk (Course of Construction)** insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.
5. **Surety Bonds** as described below.
6. **Professional Liability** (if Design/Build), with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.
7. **Contractors' Pollution Legal Liability** and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000 per occurrence or claim, and \$2,000,000 policy aggregate.

If the contractor maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

Contractor shall procure and maintain for the duration of the contract, and if Contractor has a claims-made policy, Contractor shall maintain for two years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees or subcontractors.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the contractor shall cause the insurer to reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees, and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. **The City, its officers, officials, employees, and volunteers are to be covered as additional insureds** on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired, or borrowed by or on behalf of the Contractor. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 10 01 and CG 20 37 10 01 forms if later revisions used).
2. For any claims related to this project, the **Contractor's insurance coverage shall be primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be in excess of the Contractor's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall provide notice will be provided to City in the event that the policy is terminated. Contractor shall immediately notify City of any insurance cancellation or termination and shall provide replacement insurance policy documentation to the City.

Builder's Risk (Course of Construction) Insurance

Contractor may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall **name the City as a loss payee** as their interest may appear.

If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Claims Made Policies

If any coverage required is written on a claims-made coverage form:

1. The retroactive date must be shown, and this date must be before the execution date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of contract work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective, or start of work date, the Contractor must purchase extended reporting period coverage for a minimum of five (5) years after completion of contract work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractors Pollution Liability policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **Worker's Compensation policies shall be endorsed with a waiver of subrogation** in favor of the City for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Contractor shall furnish the City with original certificates and amendatory endorsements, or copies of the applicable insurance language, effecting coverage required by this contract. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time.

Subcontractors

Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors. For CGL coverage subcontractors shall provide coverage with a format least as broad as CG 20 10 10 01 and CG 20 37 10 01.

Surety Bonds

Contractor shall provide the following Surety Bonds:

1. Bid bond
2. Performance bond
3. Payment bond
4. Maintenance bond

The Payment Bond and the Performance Bond shall be in a sum equal to the contract price. If the Performance Bond provides for a one-year warranty a separate Maintenance Bond is not necessary. If the warranty period specified in the contract is for longer than one year a Maintenance Bond equal to 10% of the contract price is required. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Special Risks or Circumstances

City reserves right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other circumstances.

EXHIBIT D
VERIFICATION OF INSURANCE

RESOLUTION NO. __-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT WITH CONTRA COSTA COMMUNITIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR SUBDIVISION 9033 GILBERT PROPERTY AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, the City Council of the City of Oakley, California, wishes to enter into a Subdivision Improvement Agreement with Contra Costa County Communities, LLC, A California Limited Liability Company for the development of a residential subdivision known as Subdivision 9033 Gilbert Property; and

WHEREAS, this agreement will require the developer to complete approximately \$6,994,352 in public improvements and drainage infrastructure in accordance with the project conditions of approval and City standard construction design.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the Subdivision Improvement Agreement with Contra Costa County Communities, LLC, a California Limited Liability Company is hereby approved and the City Manager is hereby authorized to execute the Subdivision Improvement Agreement for the development of Subdivision 9033 Gilbert Property in the form attached hereto as Exhibit A and is made part of this resolution.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, on this 12th day of July 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

Recording Requested By:

Contra Costa Communities, LLC
c/o De Nova Homes
1500 Willow Pass Ct.
Concord, CA 94520

When Recorded Mail To:

City Clerk
City of Oakley
3231 Main Street
Oakley CA 94561

**SUBDIVISION ANNEXATION AND ASSESSMENT
AUTHORIZATION DEFERRAL AGREEMENT
SUBDIVISION 9033 GILBERT PROPERTY**

This agreement ("Agreement") is made at Oakley, California, effective as of the 12th day of July, 2016 by and between the CITY OF OAKLEY, a municipal corporation ("City") and Contra Costa Communities, LLC, a California Limited Liability Company ("Developer").

Recitals

A. On November 13th, 2007 the City Council of the City of Oakley adopted Resolution 117-07 which conditionally approved the tentative map for Subdivision 9033, an 222 lot subdivision along with 7 parcels ("Subdivision") located within the City of Oakley, which Subdivision is further described in the map and legal description attached hereto and incorporated herein as Exhibits A and B respectively.

B. Conditions of Approval 104, 105, and 106 require annexation to City of Oakley Street Lighting and Landscape Assessment District No. 1 ("District") and approval of assessments for Citywide parks, Citywide street lighting, and landscaping operation and maintenance.

C. Condition of Approval 108 requires participation in the provision of funding to maintain police services by voting to approve a special tax ("Special Tax") for the parcels created by this subdivision approval.

D. Condition of Approval 109 requires participation in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting ("Funding Mechanism").

E. Condition of Approval 110 requires participation in the formation of an assessment district for the construction of off-site improvements should the City deem such a mechanism necessary ("Assessment District").

F. City and Developer, by this Agreement, are implementing conditions of approval Numbers 104, 105, 106, 108, 109 and 110.

AGREEMENT

With reference to the foregoing Recitals and in consideration of the mutual provisions, obligations and covenants herein contained, City and Developer agree as follows:

1. Recitals.

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

2. Support for Annexation.

Developer shall support and take any and all actions necessary to annex the Subdivision into the District for the future maintenance and costs of Citywide parks, Citywide street lighting, and landscaping and irrigation facilities in median islands, parkways and other areas designated in the District.

Developer shall support and take any and all actions necessary to participate in the provision of funding to maintain police services.

Developer shall take any and all actions necessary to participate in the formation of a Funding Mechanism for the operation and maintenance of the storm drain system, including Citywide stormwater management and discharge control activities.

Developer shall support and take any and all actions necessary to participate in the formation of an assessment district for the construction of off-site improvements should the City deem such a mechanism necessary.

3. Submission of Assessment Ballots in Favor of Assessment, Special Tax Ballot in Favor of Special Tax, Ballot for Storm Drain and Levee Maintenance Funding Mechanism; and

Upon receipt of an assessment ballot regarding the assessments that shall be annually imposed by the District and/or a special tax ballot regarding the special tax annually imposed for maintenance of police services and/or a ballot or written request from the City regarding the participation in the formation of a mechanism to fund the operation and maintenance of the storm drain system, and/or a ballot or written request from the City regarding participation in the

formation of an assessment district for construction of offsite improvements, Developer shall promptly indicate its support for such assessments and/or special taxes by marking the ballot(s) and submitting it as instructed in the ballot materials. Developer specifically understands that the current assessments levied by the District and the current special taxes for maintenance of police services and the current special taxes for the Funding Mechanism may increase due to inflation and Developer agrees to pay any such increase.

4. Restrictions on Conveyances and Transfers of Title.

Developer shall not convey or otherwise transfer of title to any residential parcel in the Subdivision until the annexation to District, approval of the Special Tax, formation of the Funding Mechanism and formation of the Assessment District including the completion of the ballot proceedings are finalized, and the assessments and special taxes are authorized to be levied on all the residential parcels in the Subdivision. Developer may, however, enter into reservation contracts with potential purchasers of residential parcels within the Subdivision, provided that such contracts include a prominent warning that shall be reviewed by and acceptable to the City identifying the existence of this Agreement and summarizing its critical requirements.

5. Restrictions on Issuance and Processing of Building Permits.

Developer shall not request, and City shall neither issue nor process, any building permits for any parcel or structure in the Subdivision until approval of the Special Tax, formation of the Assessment District and formation of the Funding Mechanism including the completion of the ballot proceedings is finalized and the assessments and special taxes are authorized to be levied on all the residential parcels in the Subdivision.

6. Recordation of Agreement.

Prior to issuance of the Final Map, Developer shall record this Agreement in the chain of title for all the residential parcels in the Subdivision, such that this Agreement will be identified in any title report prepared for a potential purchaser of a residential parcel in the Subdivision.

7. Issuance of Final Map.

City shall not withhold approval of the final map for the Subdivision prior to completion of the approval of the Special Tax, formation of the Assessment District and formation of the Funding Mechanism on residential parcels in the Subdivision on account of failure to complete approval of the Special Tax, formation of the Assessment District and formation of the Funding Mechanism provided that the Subdivision is in substantial compliance with all other conditions of approval and full compliance with applicable laws.

8. Severability and Integration of Agreement.

This Agreement is an integrated agreement containing the entire understanding of the Parties regarding the matters addressed herein. No amendment or variation of the terms of this Agreement shall be effective unless made in writing and executed by both parties. In the event that any provision of this agreement is finally held or determined to be illegal or void by a court having jurisdiction, the remaining portions of the Agreement remain in full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

APPROVED AS TO FORM:

CITY OF OAKLEY

Derek P. Cole, City Attorney

Bryan H. Montgomery, City Manager

ATTEST:

DEVELOPER

Libby Vreonis, City Clerk

By: _____
Michael Evans

A Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On the _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____
Signature of Notary Public

A Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On the _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____
Signature of Notary Public

EXHIBIT A
MAP OF SUBDIVISION

EXHIBIT B
LEGAL DESCRIPTION AND PLAT OF SUBDIVISION

RESOLUTION NO. __-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, APPROVING A SUBDIVISION ANNEXATION AND ASSESSMENT AUTHORIZATION DEFERRAL AGREEMENT WITH CONTRA COSTA COMMUNITIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY FOR SUBDIVISION 9033 GILBERT PROPERTY

WHEREAS, On November 13th, 2007 the City Council adopted Resolution 117-07 conditionally approving the tentative map for Subdivision 9033 Gilbert Property; and

WHEREAS, Conditions of Approval 104, 105 & 106 require annexation to City of Oakley Street Lighting and Landscape Assessment District No. 1 ("District") and approval of assessments for Citywide landscaping and park maintenance, Citywide street lighting costs and maintenance and project specific landscaping maintenance; and

WHEREAS, Condition of Approval 108 requires the Subdivision's participation in the provision of funding to maintain police services by voting to approve a special tax ("Special Tax") created by this minor subdivision approval; and

WHEREAS, Condition of Approval 109 requires the Subdivision's participation in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting, storm water ponds and any proposed pump stations as well as any levees proposed to be maintained by the City. 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. Condition of Approval 109 further requires that the funding mechanism shall be formed prior to filing of any final or parcel map, and the project proponent shall fund all costs of formation; and

WHEREAS, Condition of Approval 110 requires participation in the formation of an assessment district for the construction of off-site improvements if deemed necessary by the City; and

WHEREAS, Contra Costa Communities, LLC, a California Limited Liability Company (Contra Costa Communities) is requesting that the Final Map for Subdivision 9033 Gilbert be filed, and is willing to enter into an agreement that, among other things, will allow Contra Costa Communities to file the map but will

prohibit Contra Costa Communities from selling any lots until the assessment district annexations are complete.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Subdivision Annexation and Assessment Authorization Deferral Agreement with Contra Costa Communities is hereby approved and the City Manager is hereby authorized to execute the Subdivision Annexation and Assessment Authorization Deferral Agreement for Subdivision 9033, subject to review and approval by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 12th of July, 2016 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

ATTEST:

Kevin Romick, Mayor

Libby Vreonis, City Clerk

Date

RESOLUTION NO. __-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING THE FINAL MAP OF SUBDIVISION 9033 GILBERT PROPERTY**

WHEREAS, Costa County Communities, LLC, A California Limited Liability Company has satisfied the necessary conditions of approval for Subdivision 9033 Gilbert Property, as approved by the City Council on November 13th, 2007 by Resolution Number 117-07; and

WHEREAS, the City Engineer has determined that the conditions of approval for the project have been satisfied; and

WHEREAS, the City Surveyor has determined that the final map is technically correct.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the final map labeled "Subdivision 9033 Gilbert Property", as prepared by Carlson, Barbee & Gibson, Inc. be approved.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, this 12th day of July 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

RESOLUTION NO. __-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, MODIFYING CONDITIONS OF APPROVAL 104, 105, 106, 109 AND 110 OF COUNCIL RESOLUTION 117-07 FOR SUBDIVISION 9033 GILBERT PROPERTY

WHEREAS, Conditions of Approval 104, 105 & 106 require annexation to City of Oakley Street Lighting and Landscape Assessment District No. 1 ("District") and approval of assessments for Citywide landscaping and park maintenance, Citywide street lighting costs and maintenance and project specific landscaping maintenance; and

WHEREAS, Condition of Approval 109 requires the Subdivision's participation in the formation of a mechanism to fund the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting, storm water ponds and any proposed pump stations as well as any levees proposed to be maintained by the City. 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. Condition of Approval 109 further requires that the funding mechanism shall be formed prior to the filing of any final or parcel map, and the project proponent shall fund all costs of formation; and

WHEREAS, Condition of Approval 110 requires participation in the formation of an assessment district for the construction of off-site improvements if deemed necessary by the City; and

WHEREAS, on December 8, 2015 the City Council adopted Resolution 144 -15 which resulted in the formation of Community Facilities District 2015-2; and

WHEREAS, Community Facilities District 2015-2 was formed to provide an alternative funding mechanism that satisfies the requirements of Conditions of Approval 104, 105 and 106 related to Citywide landscaping and park maintenance, Citywide street lighting costs and maintenance and project specific landscaping maintenance and Conditions of Approval 109 and 110 related to the operation and maintenance of the storm drain system, including storm water quality monitoring and reporting, storm water ponds and any proposed pump stations as well as any levees proposed to be maintained by the City and

participation in the formation of an assessment district for the construction of off-site improvements if deemed necessary by the City; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that Contra Costa Communities, LLC, a California Limited Liability Company as the Developer of Subdivision 9033 Gilbert Property may opt to annex into CFD 2015-2 in lieu of annexing into the City of Oakley Street Lighting and Landscape Assessment District No. 1, participation in the formation of a mechanism to fund the operation and maintenance of the storm drain system and participation in the formation of an assessment district for the construction of off-site improvements.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 12th of July, 2016 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

ATTEST:

Kevin Romick, Mayor

Libby Vreonis, City Clerk

Date

OWNER'S STATEMENT

THE UNDERSIGNED, BEING A PARTY HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE SAME. THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES. THE AREA DESIGNATED AS SELLERS AVENUE, CYPRESS ROAD, 'A' STREET, 'B' STREET, 'C' STREET, 'D' STREET, 'E' STREET, 'F' STREET, 'G' STREET, 'H' STREET, 'I' STREET, 'J' STREET, AND 'K' STREET.

THE AREAS DESIGNATED AS PARCELS A, C, D, E, F AND G ARE HEREBY DEDICATED TO THE CITY OF OAKLEY IN FEE OR ITS DESIGNEE FOR PUBLIC USE.

PARCEL B IS TO BE RETAINED BY THE OWNER.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES. THE AREAS DESIGNATED AS "PUBLIC UTILITY EASEMENT" OR "PUE" FOR UNDERGROUND ELECTRIC, GAS, CABLE TELEVISION, AND TELEPHONE USE AND ANY/ALL IMPROVEMENTS AND APPURTENANCES INSTALLED, INCLUDING CONSTRUCTION, ACCESS, AND MAINTENANCE OF THESE IMPROVEMENTS AND APPURTENANCES.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES. THE AREAS DESIGNATED AS "LEVEE EASEMENT" OR "LE" FOR THE PURPOSES OF A PUBLIC LEVEE AND STORM, FLOOD AND SURFACE WATER DRAINAGE SYSTEM, TOGETHER WITH ALL NECESSARY APPURTENANCES PERTAINING THERETO, INCLUDING CONSTRUCTION ACCESS AND MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, WHETHER COVERED OR OPEN, AND THE MAINTENANCE AND CLEARING OF OBSTRUCTIONS AND VEGETATION.

THIS MAP SHOWS ALL THE EASEMENTS ON THE PREMISES, OR OF RECORD WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP AS SHOWN ON THE PRELIMINARY TITLE REPORT TITLE NUMBER 0192-5016293, DATED MARCH 08, 2016 PREPARED BY FIRST AMERICAN TITLE COMPANY.

THE UNDERSIGNED FURTHER RELINQUISHES TO THE CITY OF OAKLEY ALL ABUTTER'S RIGHTS OF ACCESS ALONG THE PROPERTY LINES IN THOSE AREAS DEPICTED HEREON BY THE SYMBOL ///////.

CONTRA COSTA COUNTY COMMUNITIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: _____ DATE: _____

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____) SS.
COUNTY OF _____)

ON _____, BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/OTHER AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/OTHER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

**SUBDIVISION NO. 9033
GILBERT PROPERTY
PHASE 1**

CONSISTING OF 16 SHEETS
BEING A SUBDIVISION OF SERIES NUMBER 2015-0179205,
CONTRA COSTA COUNTY RECORDS.
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

MAY 2016

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF CONTRA COSTA COUNTY COMMUNITIES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY IN APRIL 2015. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED VESTING TENTATIVE MAP, IF ANY; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 2018; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE _____



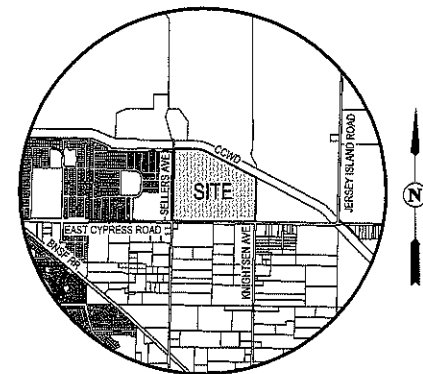
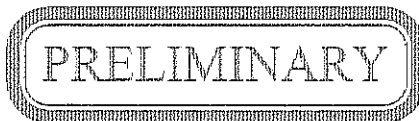
MARK H. WEHBER, P.L.S.
L.S. NO. 7960

CITY SURVEYOR'S STATEMENT

I, FRANCIS JOSEPH KENNEDY, CITY SURVEYOR OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION NO. 9033" AND AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

FRANCIS JOSEPH KENNEDY
CITY SURVEYOR, CITY OF OAKLEY,
CONTRA COSTA COUNTY, STATE OF CALIFORNIA
R.C.E. NO. 21771

DATE _____



VICINITY MAP
NOT TO SCALE

COUNTY RECORDER'S STATEMENT

THIS MAP, ENTITLED "SUBDIVISION NO. 9033", IS HEREBY ACCEPTED FOR RECORDATION, SHOWING A CLEAR TITLE AS PER LETTER OF TITLE WRITTEN BY FIRST AMERICAN TITLE COMPANY, DATED _____ AND AFTER EXAMINING THE SAME, I DEEM THAT SAID MAP COMPLIES IN ALL RESPECTS WITH THE PROVISIONS OF STATE LAWS AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS.

RECORDED AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY AT _____, ON THE _____ DAY OF _____, 20____, IN BOOK _____ OF MAPS, AT PAGE _____ IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

JOSEPH F. CANCIAMILLA
COUNTY RECORDER
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

**SUBDIVISION NO. 9033
GILBERT PROPERTY
PHASE 1**

CONSISTING OF 16 SHEETS
BEING A SUBDIVISION OF SERIES NUMBER 2015-0179205,
CONTRA COSTA COUNTY RECORDS,
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

MAY 2016

CITY COUNCIL STATEMENT

I, KOUROSH ROHANI, PUBLIC WORKS DIRECTOR OF THE CITY OF OAKLEY, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF OAKLEY HAS APPROVED THE TENTATIVE MAP FOR "SUBDIVISION NO. 9033" DATED NOVEMBER 13, 2007, WHICH INCLUDES THIS SUBDIVISION, UPON WHICH THIS FINAL MAP IS BASED.

KOUROSH ROHANI
PUBLIC WORKS DIRECTOR
CITY OF OAKLEY, CONTRA COSTA COUNTY
STATE OF CALIFORNIA

DATE: _____

CITY CLERK'S STATEMENT

I, LIBBY VREONIS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLEY, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED FINAL MAP ENTITLED, "SUBDIVISION NO. 9033", CONSISTING OF SIXTEEN (16) SHEETS, THIS STATEMENT BEING ON SHEET TWO (2) THEREOF, WAS PRESENTED TO THE CITY COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____, 20____, AND THAT SAID COUNCIL DID THEREUPON, BY RESOLUTION NUMBER _____ PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP AND DO ACCEPT SUBJECT TO IMPROVEMENT ANY PARCELS, DRIVES, COURTS, WAYS, STREETS AND ROADS OR EASEMENTS SHOWN THEREON AS DEDICATED FOR PUBLIC USE.

I FURTHER CERTIFY THAT ALL AGREEMENTS AND SURETY AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE COUNCIL OF THE CITY OF OAKLEY AND ARE ON FILE IN MY OFFICE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20____.

LIBBY VREONIS
CITY CLERK AND CLERK OF THE COUNCIL OF THE
CITY OF OAKLEY, CONTRA COSTA COUNTY,
STATE OF CALIFORNIA

SOILS REPORT

A SOILS REPORT HAS BEEN PREPARED BY STEVENS, FERRONE & BAILEY ENGINEERING COMPANY, INC., DATED APRIL 13, 2015, AND IS ON FILE IN THE OFFICE OF THE CITY ENGINEER OF THE CITY OF OAKLEY, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

CITY ENGINEER'S STATEMENT

I, KOUROSH ROHANI, CITY ENGINEER OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION NO. 9033"; THAT SAID SUBDIVISION AS SHOWN IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP APPROVED BY THE CITY OF OAKLEY CITY COUNCIL ON NOVEMBER 13, 2007, AND ANY SUBSEQUENT MODIFICATIONS THEREOF; AND THAT ALL PROVISIONS OF STATE LAW AND LOCAL ORDINANCES WHICH GOVERNED THE FILING OF SUBDIVISION MAPS AT THE TIME SAID TENTATIVE MAP WAS APPROVED HAVE BEEN COMPLIED WITH.

KOUROSH ROHANI
CITY ENGINEER, CITY OF OAKLEY,
CONTRA COSTA COUNTY, STATE OF CALIFORNIA
R.C.E. NO. 51138

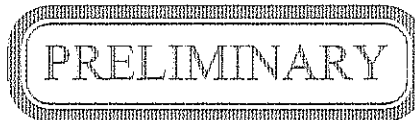
DATE: _____



SIGNATURE OMISSION NOTE:

PURSUANT TO GOVERNMENT CODE SECTION 86436 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

1. "AN UNDIVIDED ONE-HALF (1/2) INTEREST IN AND TO ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS NOW OR AT ANY TIME HEREAFTER SITUATE THEREIN AND THEREUNDER" AS RESERVED IN THE DEED FROM R.E. GRIFFIN, ET UX, RECORDED JULY 30, 1943, BOOK 728, OFFICIAL RECORDS, PAGE 474.
2. AN UNDIVIDED 1/2 INTEREST IN AND TO ALL OIL, GAS, CASINGHEAD GASOLINE AND OTHER HYDROCARBON AND MINERAL SUBSTANCES BELOW A POINT 500 FEET BELOW THE SURFACE OF SAID LAND, TOGETHER WITH THE RIGHT TO TAKE, REMOVE, MINE, PASS THROUGH AND DISPOSE OF ALL SAID OIL, GAS, CASINGHEAD GASOLINE AND OTHER HYDROCARBON AND MINERAL SUBSTANCES, BUT WITHOUT ANY RIGHT WHATSOEVER TO ENTER UPON THE SURFACE OF SAID LAND, AS RESERVED IN THE DEED RECORDED DECEMBER 31, 1986, BOOK 13356, PAGE 33, OFFICIAL RECORDS.



CLERK OF THE BOARD OF SUPERVISORS' STATEMENT

I HEREBY STATE, AS CHECKED BELOW, THAT:

A TAX BOND ASSURING PAYMENT OF ALL TAXES WHICH ARE NOW A LIEN, BUT ARE NOT YET PAYABLE, HAS BEEN RECEIVED AND FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

ALL TAXES DUE HAVE BEEN PAID, AS CERTIFIED BY THE COUNTY REDEMPTION OFFICER.

DATED: _____

DAVID TWA
COUNTY ADMINISTRATOR
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

CERTIFICATE OF DEDICATION FOR SAME PUBLIC PURPOSE

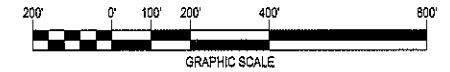
DENOVA HOMES, HAS DEDICATED HEREON CERTAIN PUBLIC RIGHTS OF WAY FOR SELLERS AVENUE, CYPRESS ROAD, 'A' STREET, 'B' STREET, 'C' STREET, 'D' STREET, 'E' STREET, 'F' STREET, 'G' STREET, 'H' STREET, 'I' STREET, 'J' STREET, AND 'K' STREET AND EASEMENTS FOR PUBLIC UTILITIES. THE CITY OF OAKLEY SHALL REDCONVEY THE PROPERTY TO CONTRA COSTA COUNTY COMMUNITIES, LLC OR ITS SUCCESSOR IN INTEREST IF THE CITY OF OAKLEY SUBSEQUENTLY MAKES A DETERMINATION PURSUANT TO THE PROVISIONS OF SECTION 86477.5 OF THE SUBDIVISION MAP ACT THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES, EXCEPT FOR ALL OR ANY PORTION OF THE PROPERTY THAT IS REQUIRED FOR THAT SAME PUBLIC PURPOSE OR FOR PUBLIC UTILITIES.

SUBDIVISION NO. 9033
GILBERT PROPERTY
PHASE 1

CONSISTING OF 16 SHEETS
 BEING A SUBDIVISION OF SERIES NUMBER 2015-0179205,
 CONTRA COSTA COUNTY RECORDS.
 CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN RAMON, CALIFORNIA

SCALE: 1" = 200' MAY 2016



LINE TABLE		
NO	BEARING	LENGTH
L1	N27°46'59"E	10.00'
L2	N89°15'39"W	122.38'
L3	N40°43'10"E	39.15'

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY TWO MONUMENTS SHOWN HEREON, THE BEARING BEING N89°15'39"E BETWEEN TWO MONUMENTS ON THE CENTER LINE OF CYPRESS ROAD PER 120 PM 17, CALIFORNIA COORDINATE SYSTEM, ZONE 3 (MAD 27). MULTIPLY DISTANCES SHOWN BY 0.9999379 TO OBTAIN GRID DISTANCES.

LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	CENTERLINE
	RELINQUISHED ABUTTER'S RIGHTS
(T)	TOTAL
(R)	RADIAL
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
●	FOUND STANDARD STREET MONUMENT
○	SET STANDARD STREET MONUMENT, LS 798D
●	FOUND IRON PIPE OR REBAR AS NOTED
LE	LEVEE EASEMENT
PUE	PUBLIC UTILITY EASEMENT

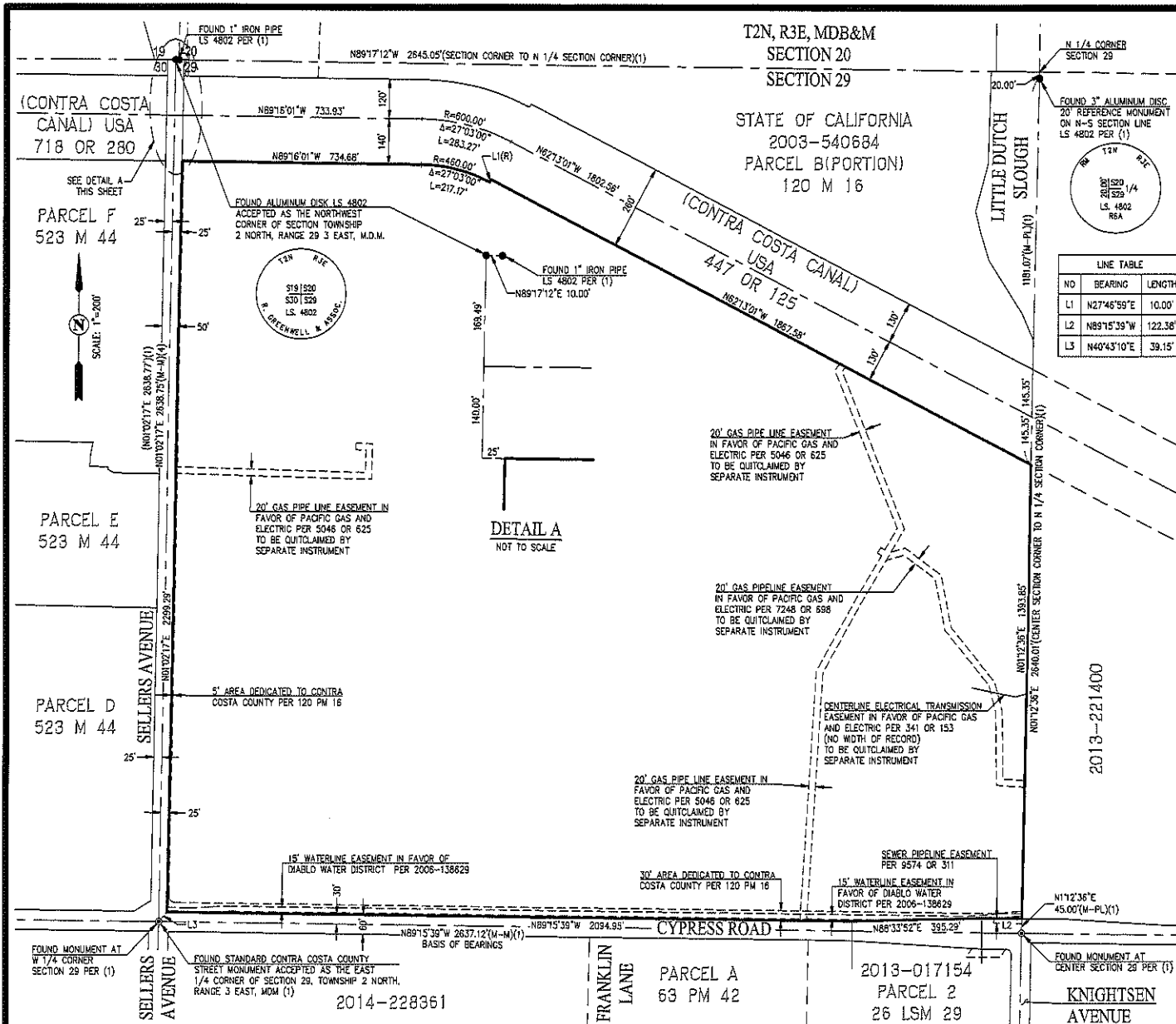
REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP (120 PM 18)
- (2) PARCEL MAP (202 PM 35)
- (3) RECORD OF SURVEY (138 LSM 23)
- (4) SUBDIVISION 9032 (523 M 44)

NOTES:

- 1. ALL DISTANCES ARE GROUND LEVEL DISTANCES AND MEASURED UNLESS NOTED. MULTIPLY DISTANCES SHOWN BY 0.9999379 TO OBTAIN GRID DISTANCES.
- 2. ALL TIES SHOWN ARE PERPENDICULAR UNLESS NOTED.

PRELIMINARY



STATE OF CALIFORNIA
2003-540684
PARCEL B(PORITION)
120 M 16

(CONTRA COSTA CANAL)
USA
447 OR 125

SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE 1

CONSISTING OF 16 SHEETS
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CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 200' MAY 2016



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON, THE BEARING BEING N89°15'39"E BETWEEN TWO MONUMENTS ON THE CENTER LINE OF CYPRESS ROAD PER 120 PM 17, CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27). MULTIPLY DISTANCES SHOWN BY 0.9999379 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- RELINQUISHED ADJUTTER'S RIGHTS
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- FOUND STANDARD STREET MONUMENT, LS 7960
- FOUND IRON PIPE OR REBAR AS NOTED
- LE LEVEE EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SHEET LIMITS
- SHEET NUMBER

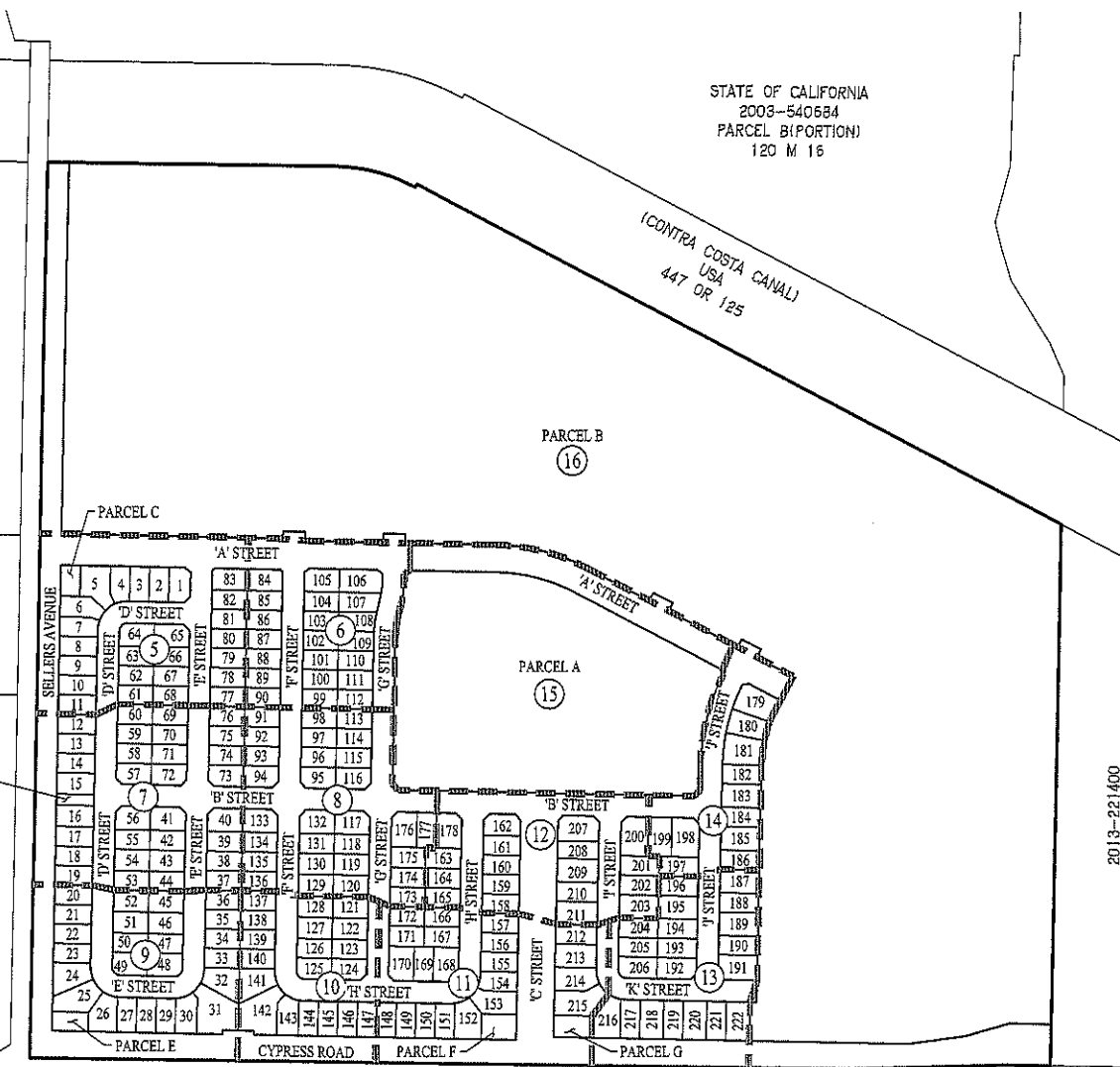
PRELIMINARY

PARCEL F
523 M 44

PARCEL E
523 M 44

PARCEL D

PARCEL D
523 M 44



2014-228361

PARCEL A
63 PM 42

2013-017154
PARCEL 2
26 LSM 29

2013-221400

SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE 1

CONSISTING OF 16 SHEETS
BEING A SUBDIVISION OF SERIES NUMBER 2015-0179205,
CONTRA COSTA COUNTY RECORDS.
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2016



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON, THE BEARING BEING N89°15'39"E BETWEEN TWO MONUMENTS ON THE CENTER LINE OF CYPRESS ROAD PER 120 PM 17, CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27). MULTIPLY DISTANCES SHOWN BY 0.9999379 TO OBTAIN GRID DISTANCES.

LEGEND

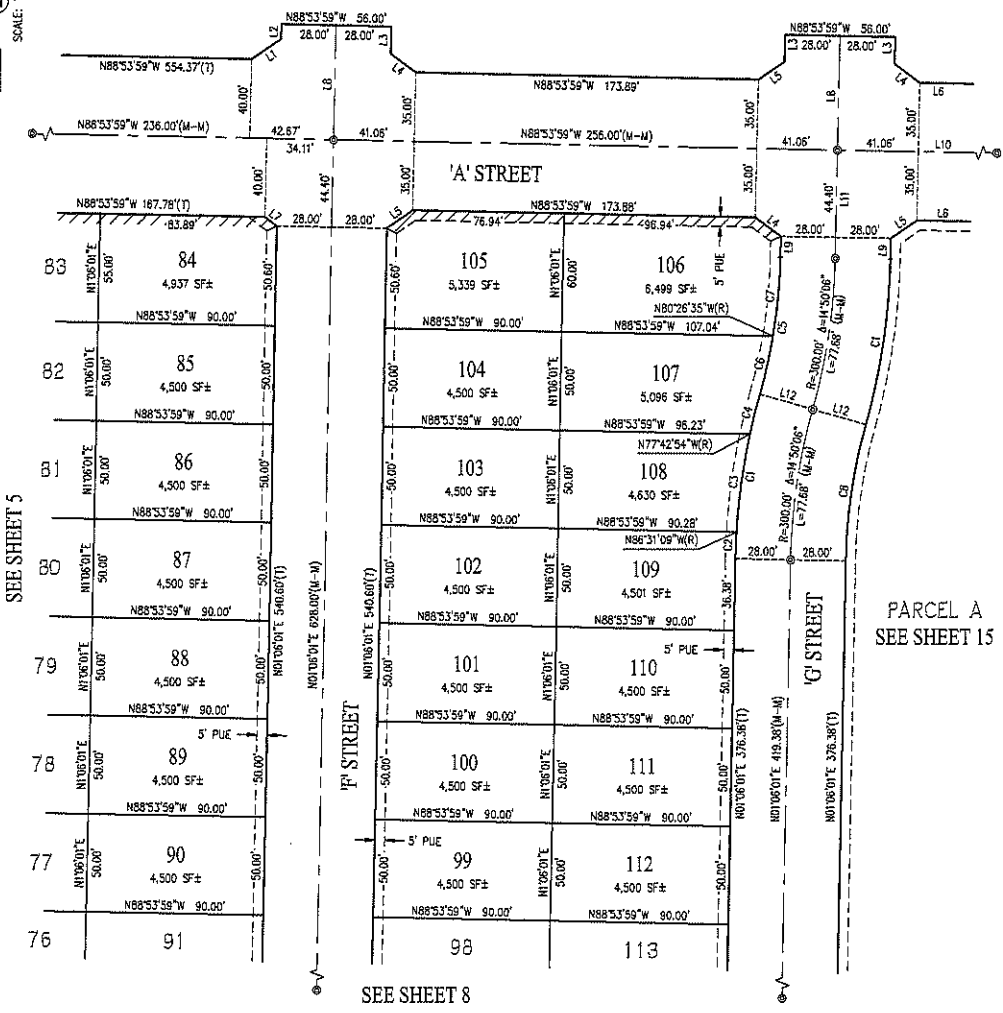
- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- RELINQUISHED ABUTTER'S RIGHTS
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- FOUND STANDARD STREET MONUMENT, LS 7960
- FOUND IRON PIPE OR REBAR AS NOTED
- LEVEE EASEMENT
- PUBLIC UTILITY EASEMENT

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	328.00'	14°50'08"	84.93'
C2	328.00'	2°22'49"	13.63'
C3	328.00'	8°48'16"	50.40'
C4	328.00'	3°39'02"	20.90'
C5	272.00'	14°50'08"	70.43'
C6	272.00'	6°22'43"	30.28'
C7	272.00'	8°27'23"	40.15'
C8	272.00'	14°50'08"	70.43'

LINE TABLE		
NO	BEARING	LENGTH
L1	N55°20'47"E	18.07'
L2	N01°06'01"E	7.44'
L3	N01°06'01"E	13.60'
L4	N53°08'45"W	16.09'
L5	N55°20'47"E	16.09'
L6	N88°53'59"W	220.08' (T)
L7	N53°08'45"W	7.53'
L8	N01°06'01"E	58.00' (M-M)
L9	N01°06'01"E	10.60'
L10	N88°53'59"W	261.13' (M-M)
L11	N01°06'01"E	55.00' (M-M)
L12	N74°03'52"W	28.00' (R)

PARCEL B
SEE SHEET 16

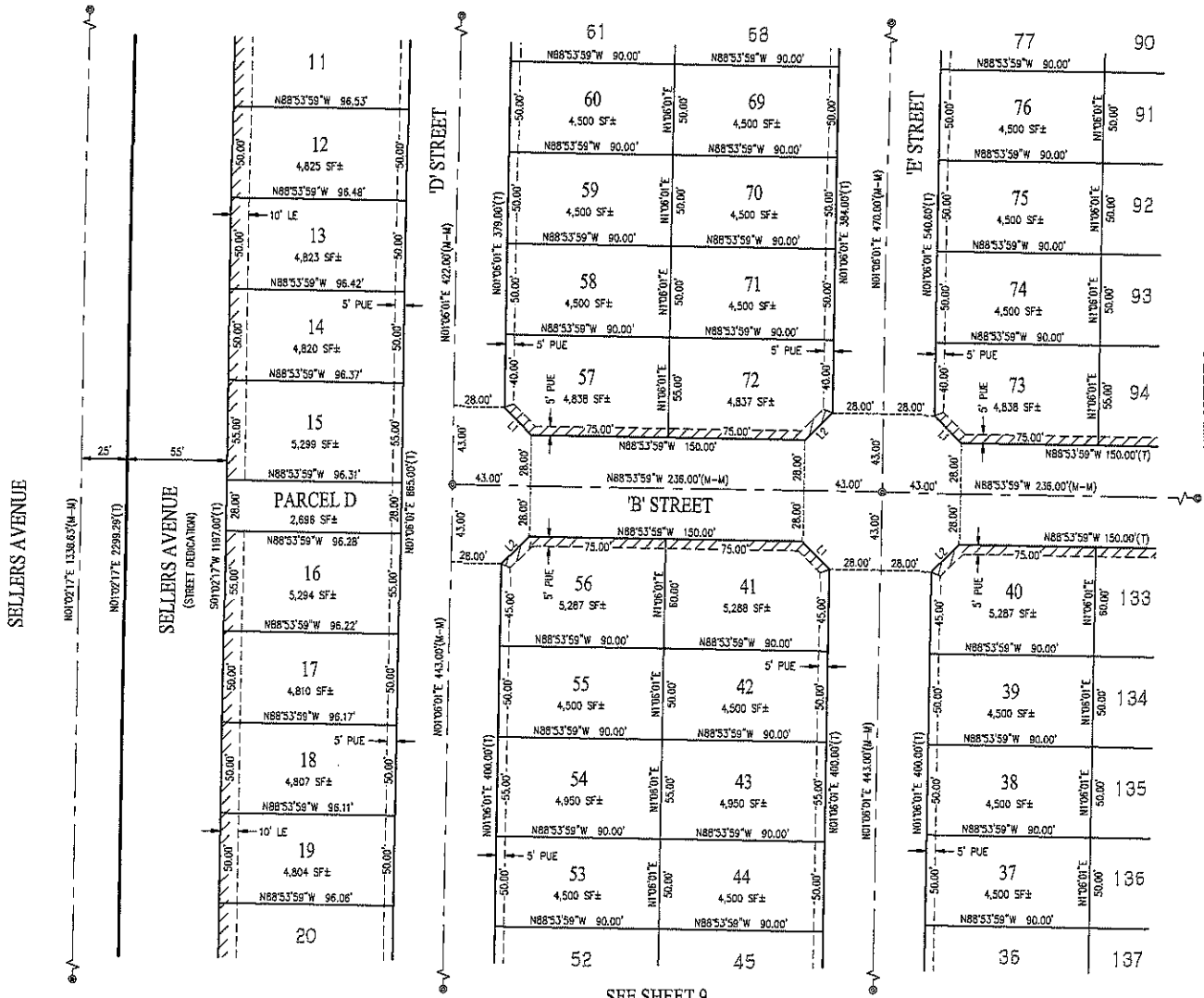
PARCEL A
SEE SHEET 15



PRELIMINARY

LINE TABLE		
NO	BEARING	LENGTH
L1	N43°33'59"W	21.21'
L2	N46°06'01"E	21.21'

SEE SHEET 5



SEE SHEET 9

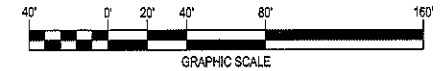
SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE 1

CONSISTING OF 16 SHEETS
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CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2016



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON, THE BEARING BEING N89°15'39"E BETWEEN TWO MONUMENTS ON THE CENTER LINE OF CYPRESS ROAD PER 120 PM 17, CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27). MULTIPLY DISTANCES SHOWN BY 0.9999379 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- RELINQUISHED ABUTTER'S RIGHTS
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- FOUND STANDARD STREET MONUMENT
- SET STANDARD STREET MONUMENT, LS 7960
- FOUND IRON PIPE OR REBAR AS NOTED
- LE LEEVE EASEMENT
- PUE PUBLIC UTILITY EASEMENT

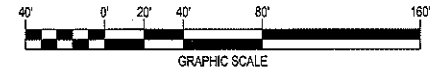
PRELIMINARY

SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE 1

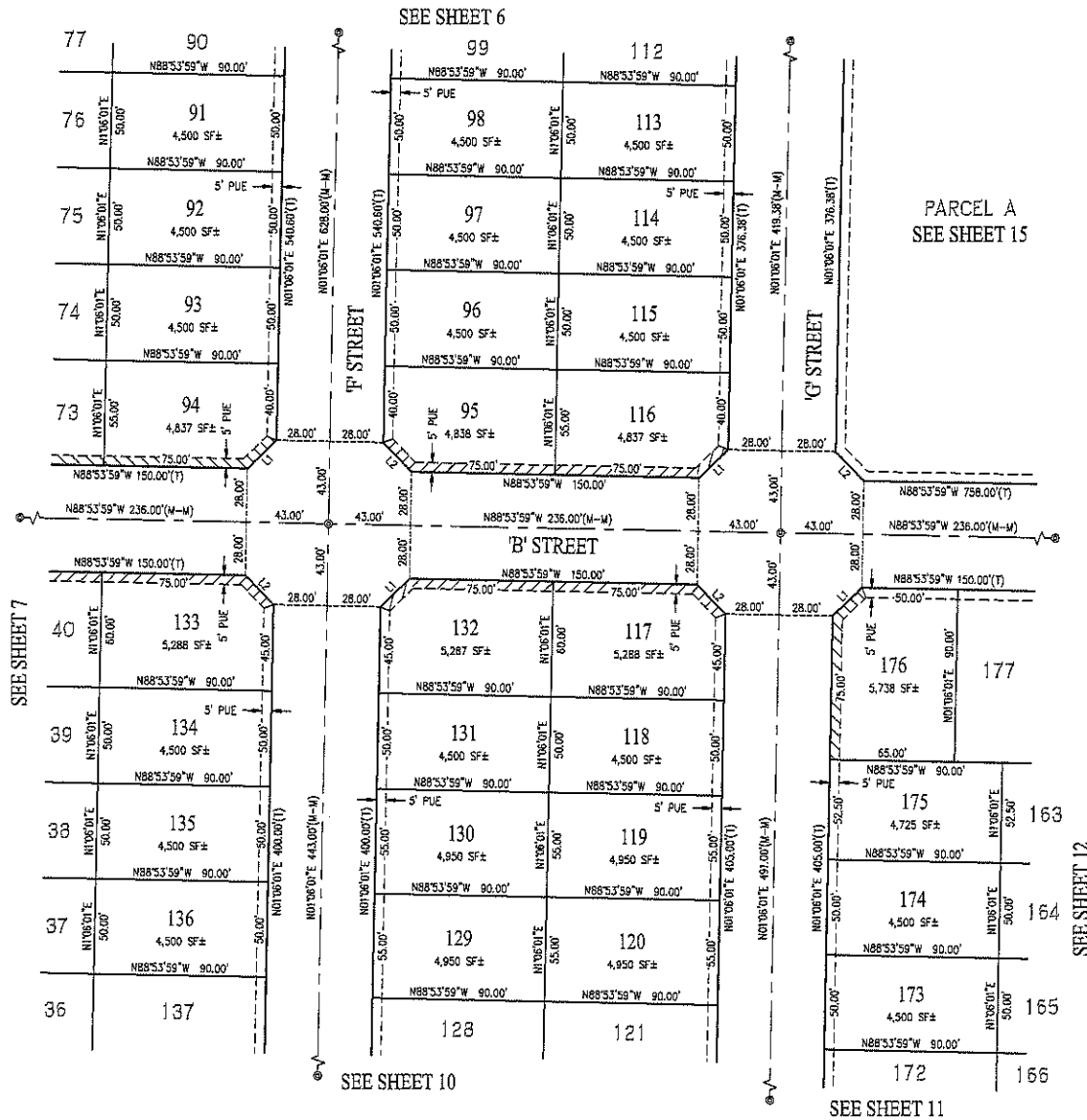
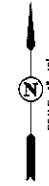
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SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2016



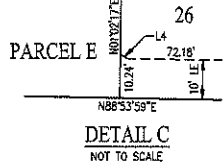
LINE TABLE		
NO	BEARING	LENGTH
L1	N48°06'01"E	21.21'
L2	N43°53'59"W	21.21'



LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- RELINQUISHED ADJUTER'S RIGHTS
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- FOUND STANDARD STREET MONUMENT
- SET STANDARD STREET MONUMENT, LS 7560
- FOUND IRON PIPE OR REBAR AS NOTED
- LE LEVEE EASEMENT
- PUE PUBLIC UTILITY EASEMENT

PRELIMINARY



CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'
C2	76.00'	90°00'00"	119.38'
C3	76.00'	24°19'29"	32.27'
C4	76.00'	31°53'01"	42.29'
C5	76.00'	30°00'15"	39.80'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C6	76.00'	3°47'15"	5.02'
C7	76.00'	3°45'25"	4.98'
C8	76.00'	35°10'14"	46.65'
C9	76.00'	23°27'06"	31.11'
C10	76.00'	27°37'15"	36.64'

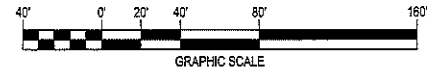
LINE TABLE		
NO	BEARING	LENGTH
L1	N37°49'38"W	19.46'
L2	N01°06'01"E	10.00'
L3	N61°24'37"W	8.82'
L4	N61°24'37"W	0.51'
L5	N40°43'10"E	39.15'

SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE 1

CONSISTING OF 16 SHEETS
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Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2016



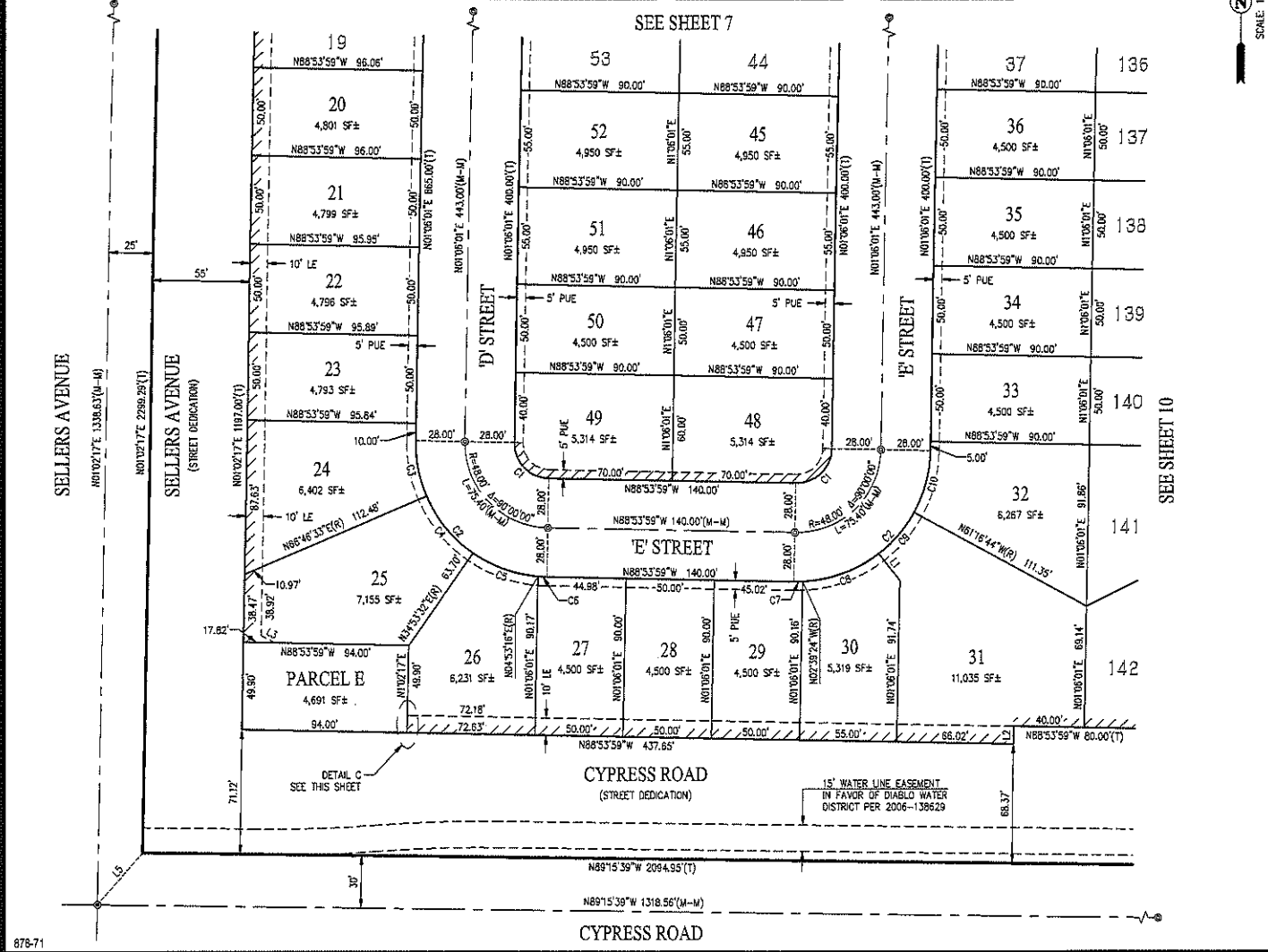
BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON, THE BEARING BEING N88°15'39"E BETWEEN TWO MONUMENTS ON THE CENTER LINE OF CYPRESS ROAD PER 120 PM 17, CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27). MULTIPLY DISTANCES SHOWN BY 0.9999379 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- RELINQUISHED ABUTTER'S RIGHTS
- TOTAL
- RADIAL
- MONUMENT TO MONUMENT
- MONUMENT TO PROPERTY LINE
- FOUND STANDARD STREET MONUMENT
- SET STANDARD STREET MONUMENT, LS 7560
- FOUND IRON PIPE OR REBAR AS NOTED
- LEVEE EASEMENT
- PUBLIC UTILITY EASEMENT

PRELIMINARY



SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE 1

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CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2016



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON, THE BEARING BEING N89°15'39"E BETWEEN TWO MONUMENTS ON THE CENTER LINE OF CYPRESS ROAD PER 120 PM 17, CALIFORNIA COORDINATE SYSTEM, ZONE 5 (NAD 27). MULTIPLY DISTANCES SHOWN BY 0.999379 TO OBTAIN GRID DISTANCES.

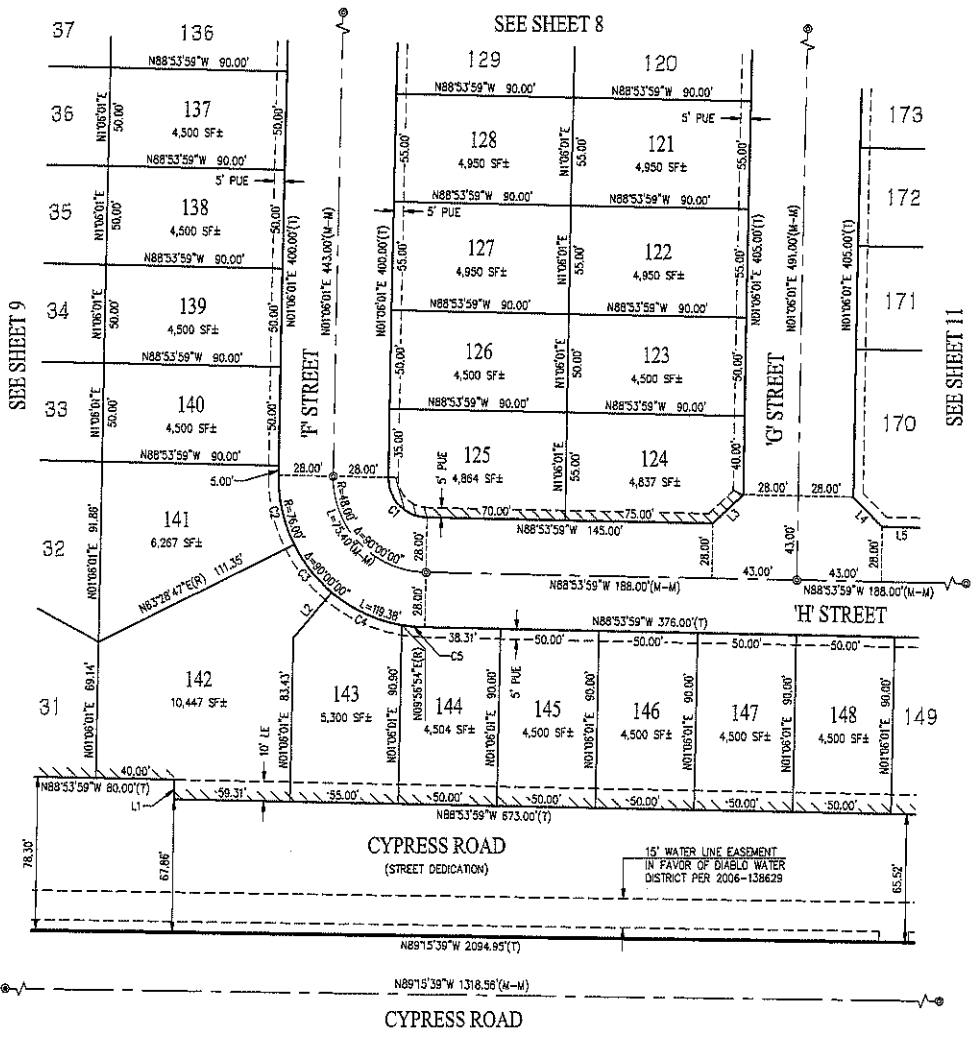
LEGEND

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- FOUND IRON PIPE OR REBAR AS NOTED
- LE LEEVE EASEMENT
- PUE PUBLIC UTILITY EASEMENT

PRELIMINARY

LINE TABLE		
NO	BEARING	LENGTH
L1	N01°06'01"E	10.00'
L2	N40°01'41"E	30.14' (R)
L3	N46°06'01"E	21.21'
L4	N43°53'59"W	21.21'
L5	N88°53'59"W	145.00' (T)

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'
C2	76.00'	27°37'15"	36.64'
C3	76.00'	23°27'06"	31.10'
C4	76.00'	30°04'47"	39.90'
C5	76.00'	8°50'52"	11.74'



SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE 1

CONSISTING OF 16 SHEETS
BEING A SUBDIVISION OF SERIES NUMBER 2015-0179205,
CONTRA COSTA COUNTY RECORDS.
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

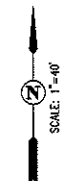
Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2016

LINE TABLE		
NO	BEARING	LENGTH
L1	N88°53'59"W	145.00' (T)
L2	N46°06'01"E	21.21'
L3	N43°53'59"W	21.21'
L4	N64°16'31"W	20.00' (R)
L5	N62°31'47"E	39.00' (R)
L6	N38°14'51"W	53.31' (R)

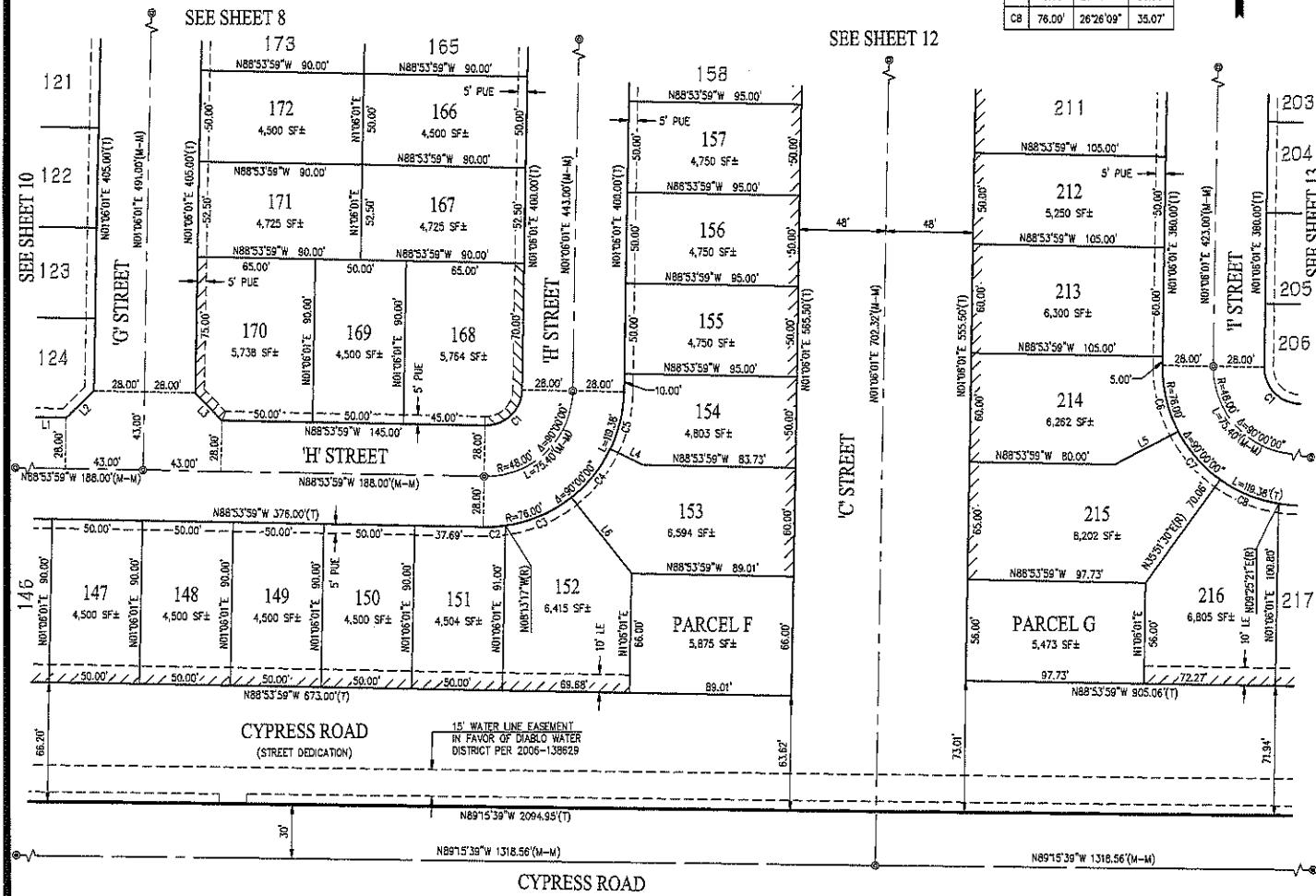
CURVE TABLE			
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C2	76.00'	97°19'18"	12.36'
C3	76.00'	30°01'34"	39.83'
C4	76.00'	28°01'40"	34.52'
C5	78.00'	24°37'28"	32.66'
C6	76.00'	28°34'15"	37.90'
C7	76.00'	28°40'17"	35.38'
C8	76.00'	26°26'09"	35.07'



BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON. THE BEARING BEING N89°15'39"E BETWEEN TWO MONUMENTS ON THE CENTER LINE OF CYPRESS ROAD PER 120 PM 17, CALIFORNIA COORDINATE SYSTEM, ZONE 3 (NAD 27). MULTIPLY DISTANCES SHOWN BY 0.9993779 TO OBTAIN GRID DISTANCES.

- LEGEND**
- SUBDIVISION BOUNDARY LINE
 - RIGHT OF WAY LINE
 - LOT LINE
 - EASEMENT LINE
 - CENTERLINE
 - RELINQUISHED ABUTTER'S RIGHTS
 - TOTAL
 - RADIAL
 - MONUMENT TO MONUMENT
 - MONUMENT TO PROPERTY LINE
 - FOUND STANDARD STREET MONUMENT, LS 7980
 - FOUND IRON PIPE OR REBAR AS NOTED
 - LEVEE EASEMENT
 - PUBLIC UTILITY EASEMENT

PRELIMINARY



LINE TABLE		
NO	BEARING	LENGTH
L1	N43°53'59"W	21.21'
L2	N46°06'01"E	21.21'
L3	N37°33'34"W	19.85'
L4	N39°45'37"E	19.85'



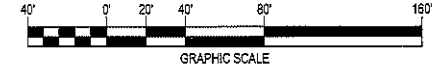
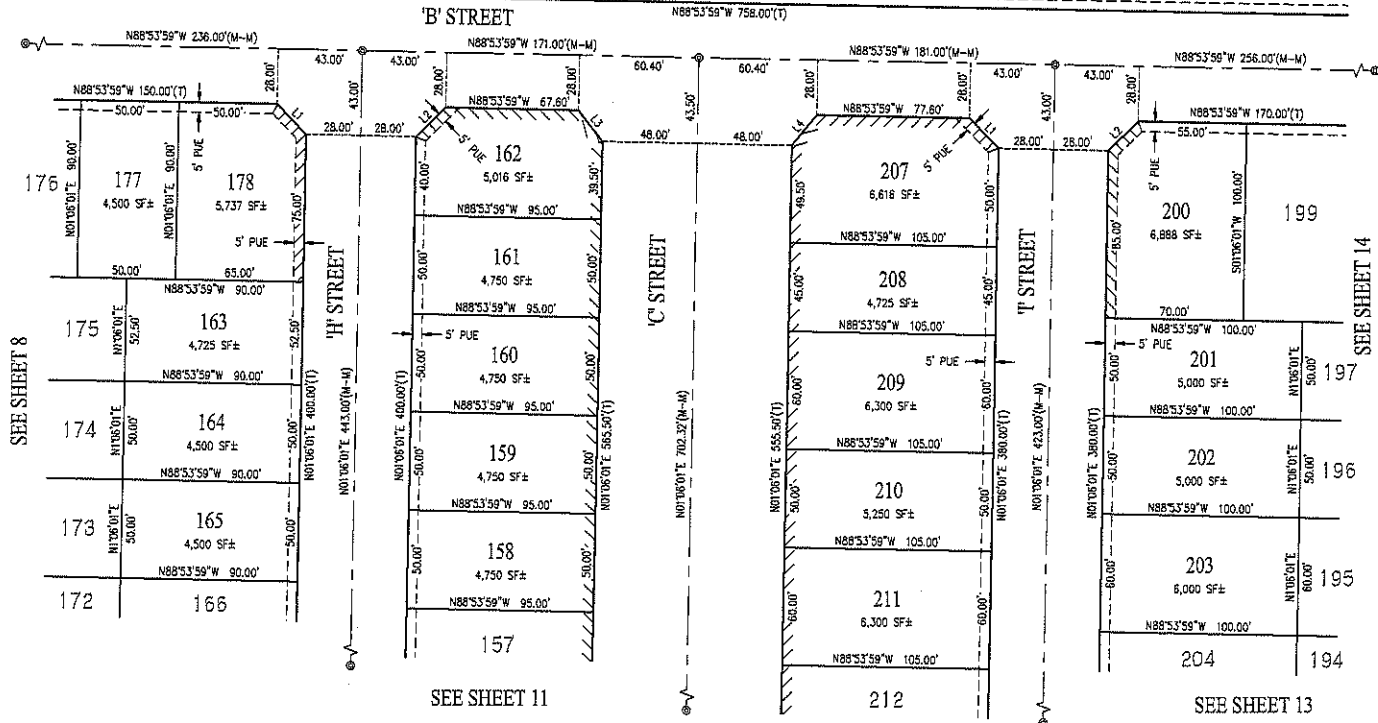
SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE 1

CONSISTING OF 16 SHEETS
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CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.
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SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2016

PARCEL A
SEE SHEET 15



BASIS OF BEARINGS:

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LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- RELINQUISHED ABUTTER'S RIGHTS
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- ⊙ FOUND STANDARD STREET MONUMENT
- ⊙ SET STANDARD STREET MONUMENT, LS 7860
- FOUND IRON PIPE OR REBAR AS NOTED
- LE LEVEE EASEMENT
- PUE PUBLIC UTILITY EASEMENT

PRELIMINARY

SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE 1

CONSISTING OF 16 SHEETS
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Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2016



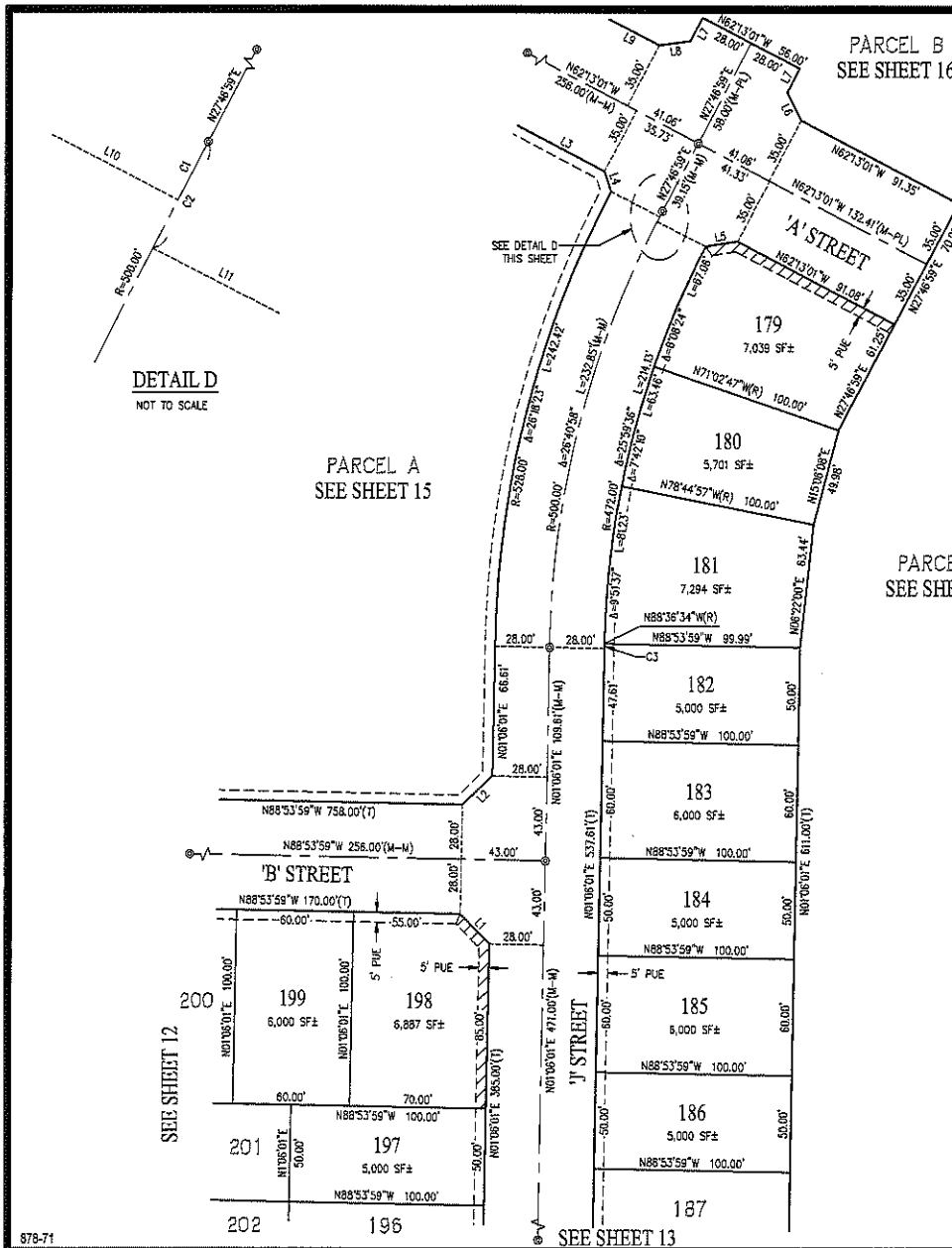
BASIS OF BEARINGS:

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LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EASEMENT LINE
	CENTERLINE
	RELINQUISHED ABUTTER'S RIGHTS
(T)	TOTAL
(R)	RADIAL
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
⊙	FOUND STANDARD STREET MONUMENT
⊙	SET STANDARD STREET MONUMENT, LS 7560
●	FOUND IRON PIPE OR REBAR AS NOTED
LE	LEVEE EASEMENT
PUE	PUBLIC UTILITY EASEMENT

PRELIMINARY



LINE TABLE		
NO	BEARING	LENGTH
L1	N43°53'59"W	21.21'
L2	N46°08'01"E	21.21'
L3	N62°13'01"W	422.20' (T)
L4	N17°40'46"W	10.87'
L5	N81°17'32"E	16.53'
L6	N26°27'47"W	16.09'
L7	N27°46'59"E	13.80'
L8	N82°01'45"E	16.09'
L9	N62°13'01"W	173.89' (T)
L10	N62°33'35"W	28.00' (R)
L11	N62°54'23"W	28.00' (R)

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	500.00'	0°22'34"	3.29'
C2	500.00'	0°41'22"	6.02'
C3	472.00'	0°17'25"	2.39'

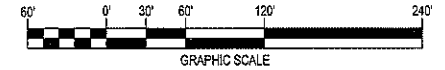
SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE I

CONSISTING OF 16 SHEETS
BEING A SUBDIVISION OF SERIES NUMBER 2015-0179205,
CONTRA COSTA COUNTY RECORDS,
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

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SAN RAMON, CALIFORNIA

SCALE: 1" = 60' MAY 2016



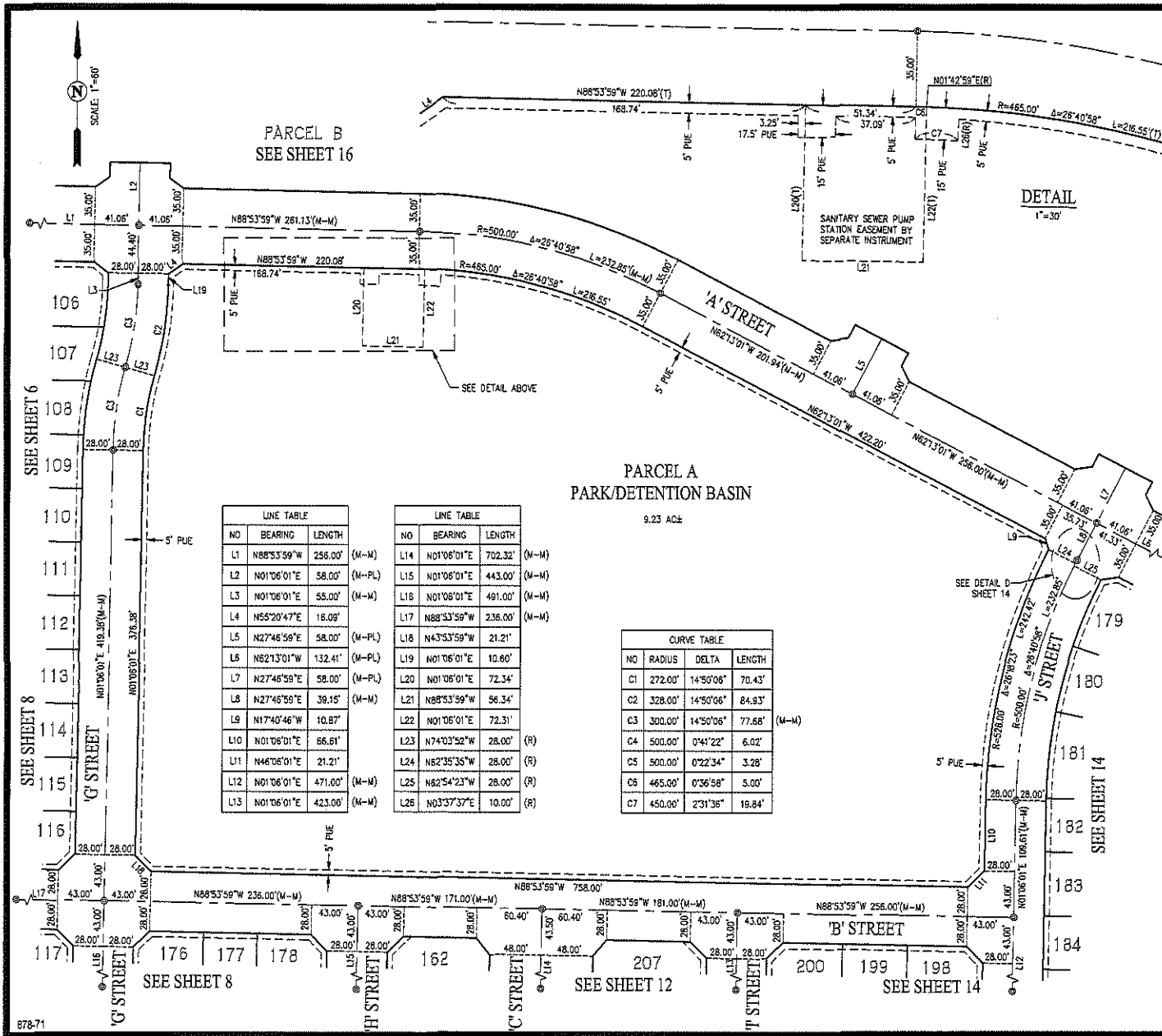
BASIS OF BEARINGS:

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LEGEND

- SUBDIVISION BOUNDARY LINE
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- EASEMENT LINE
- CENTERLINE
- RELINQUISHED ABUTTER'S RIGHTS
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- FOUND STANDARD STREET MONUMENT, LS 7960
- FOUND IRON PIPE OR REBAR AS NOTED
- LE LEVEL EASEMENT
- PUE PUBLIC UTILITY EASEMENT

PRELIMINARY



LINE TABLE		
NO	BEARING	LENGTH
L1	N88°53'59"W	256.00'
L2	N01°06'01"E	58.00'
L3	N01°06'01"E	55.00'
L4	N55°20'47"E	16.00'
L5	N27°46'59"E	58.00'
L6	N62°13'01"W	132.41'
L7	N27°46'59"E	58.00'
L8	N27°46'59"E	39.15'
L9	N17°40'46"W	10.87'
L10	N01°06'01"E	66.61'
L11	N46°06'01"E	21.21'
L12	N01°06'01"E	471.00'
L13	N01°06'01"E	423.00'

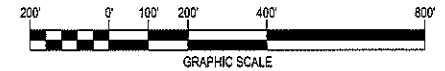
LINE TABLE		
NO	BEARING	LENGTH
L14	N01°06'01"E	702.32'
L15	N01°06'01"E	443.00'
L16	N01°06'01"E	491.00'
L17	N88°53'59"W	236.00'
L18	N43°53'59"W	21.21'
L19	N01°06'01"E	10.60'
L20	N01°06'01"E	72.34'
L21	N88°53'59"W	56.34'
L22	N01°06'01"E	72.31'
L23	N74°03'52"W	28.00' (R)
L24	N62°35'35"W	28.00' (R)
L25	N62°54'23"W	28.00' (R)
L26	N03°37'37"E	10.00' (R)

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	272.00'	14°50'08"	70.43'
C2	328.00'	14°50'08"	84.93'
C3	300.00'	14°50'08"	77.68'
C4	500.00'	0°41'22"	6.02'
C5	500.00'	0°22'34"	3.28'
C6	465.00'	0°56'58"	5.00'
C7	450.00'	2°31'36"	19.84'

SUBDIVISION NO. 9033 GILBERT PROPERTY PHASE 1

CONSISTING OF 16 SHEETS
BEING A SUBDIVISION OF SERIES NUMBER 2015-0179205,
CONTRA COSTA COUNTY RECORDS,
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA
Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 200' MAY 2016



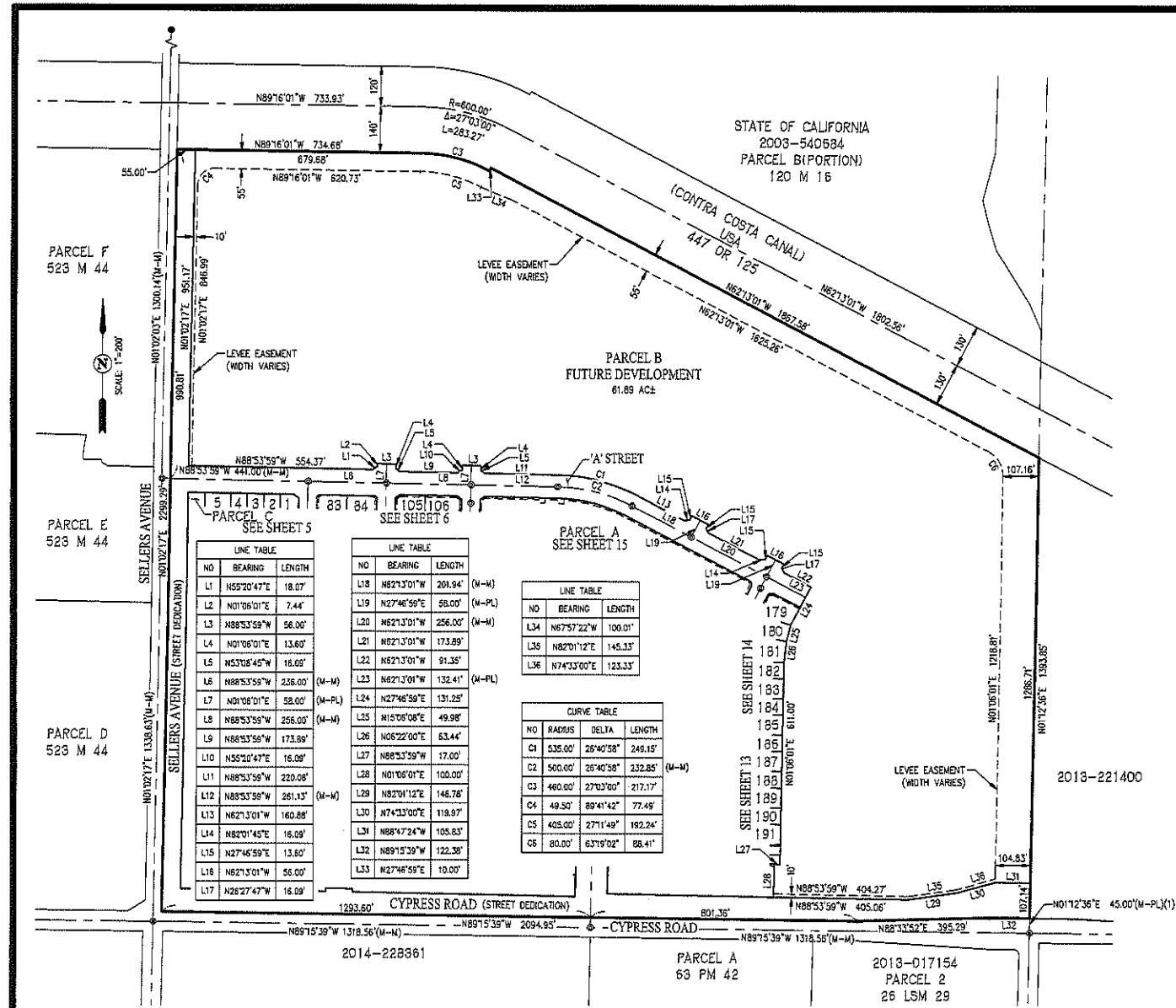
BASIS OF BEARINGS:

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LEGEND

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- CENTERLINE
- RELINQUISHED ABUTTER'S RIGHTS
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- FOUND STANDARD STREET MONUMENT, LS 7950
- FOUND IRON PIPE OR REBAR AS NOTED
- LE LEVEE EASEMENT
- PUE PUBLIC UTILITY EASEMENT

PRELIMINARY



LINE TABLE		
NO	BEARING	LENGTH
L1	N55°20'47"E	18.07'
L2	N01°06'01"E	7.44'
L3	N88°53'59"W	56.00'
L4	N01°06'01"E	13.60'
L5	N53°08'45"W	16.09'
L6	N88°53'59"W	236.00' (M-M)
L7	N01°06'01"E	58.00' (M-PL)
L8	N88°53'59"W	256.00' (M-M)
L9	N88°53'59"W	173.89'
L10	N55°20'47"E	16.09'
L11	N88°53'59"W	220.08'
L12	N88°53'59"W	261.13' (M-M)
L13	N62°13'01"W	160.88'
L14	N82°01'45"E	16.09'
L15	N27°46'59"E	13.60'
L16	N62°13'01"W	55.00'
L17	N26°27'47"W	16.09'

LINE TABLE		
NO	BEARING	LENGTH
L18	N62°13'01"W	201.94' (M-M)
L19	N27°46'59"E	58.00' (M-PL)
L20	N62°13'01"W	256.00' (M-M)
L21	N62°13'01"W	173.89'
L22	N62°13'01"W	91.35'
L23	N62°13'01"W	132.41' (M-PL)
L24	N27°46'59"E	131.25'
L25	N15°05'08"E	49.98'
L26	N06°22'00"E	63.44'
L27	N88°53'59"W	17.00'
L28	N01°06'01"E	100.00'
L29	N82°01'12"E	146.78'
L30	N74°33'00"E	119.97'
L31	N88°47'24"W	105.63'
L32	N89°15'39"W	122.38'
L33	N27°46'59"E	10.00'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	535.00'	26°40'58"	249.15'
C2	500.00'	26°40'58"	232.85'
C3	460.00'	27°03'00"	217.17'
C4	49.50'	89°41'42"	77.49'
C5	405.00'	27°11'49"	192.24'
C6	80.00'	63°19'02"	98.41'

OAKLEY



CALIFORNIA

Agenda Date: 07/12/2016
Agenda Item: 3.9

STAFF REPORT

Approved and Forwarded to the City Council:

A handwritten signature in black ink, appearing to read 'B. Montgomery', is written over a horizontal line.

Bryan Montgomery, City Manager

Date: July 12, 2016

To: Bryan H. Montgomery, City Manager

From: Deborah Sultan, Finance Director
Troy Edgell, Code Enforcement Manager

Subject: Annual Resolution Confirming Costs for Abatements of Mandatory Subscriptions for Garbage Service and Directing Special Assessments and Liens Upon Each Parcel

Background and Analysis

The City's Municipal Code includes provisions to protect the health and safety of the community. One of these provisions is the requirement for every owner of real property that generates solid waste, refuse, green waste or recyclables to subscribe with the franchisee (Oakley Disposal Service) for the collection and disposal of such material.

Exhibit A contains a list of properties identified as not having a mandatory subscription for garbage service. These property owners were provided twenty (20) days to self-correct and failed to obtain the required service. When the property owner fails to subscribe for service within the time frame provided, the City automatically pays for and subscribes the property to a six (6) month subscription. The property owner is then required to reimburse the City for its costs. If reimbursement is not made voluntarily, the City will seek to collect by enrolling a direct assessment onto the County tax roll to recover the subscription fee and an administrative charge to recoup the Staff cost associated with noticing the property owner and processing the enrollment with Oakley Disposal Service.

Direct assessment collections of abatements must be confirmed by the City Council therefore the purpose of this resolution is to ensure the City's expenses for performing the abatement are recovered.

It is important to note the property owners have been notified via both First Class Mail and the physical posting of the Notice on the property that they have one more opportunity to voluntarily reimburse the City by July 27, 2016 or submit a written appeal to this action no later than July 24, 2016. If a reimbursement is received or a property owner files an appeal and the Hearing Officer does not sustain the amount for collection, the property address will be removed from Exhibit A prior to being transmitted to the County Tax Collector.

Subject: Annual Resolution Confirming Costs for Abatements of Mandatory Subscriptions for Garbage Service and Directing Special Assessments and Liens Upon Each Parcel

Date: July 12, 2016

Page 2 of 2

Fiscal Impact

Adoption of the Resolution will authorize Staff to lien the properties and collect the amounts due via direct assessment on the 2016-2017 tax roll.

Recommendation

Staff recommends the Council adopt the attached Resolution confirming the costs for subscribing the nuisance properties to garbage service and directing a special assessment and lien upon such parcel if the amount due is not paid in full by July 27, 2016.

Attachments

Resolution
Exhibit A

RESOLUTION NO. __-16

A RESOLUTION OF THE OAKLEY CITY COUNCIL CONFIRMING THE COSTS FOR ABATEMENTS OF MANDATORY SUBSCRIPTIONS FOR GARBAGE SERVICE; AND DIRECTING SPECIAL ASSESSMENTS AND LIENS UPON EACH PARCEL

WHEREAS, the Oakley Municipal Code establishes standards in Law to protect the health and safety of the Community; and

WHEREAS, the City's Code Enforcement Division is tasked with addressing violations of these codes, so as to ensure the health and safety of the Community; and

WHEREAS, the list of properties in Exhibit A attached have violations which required abatement by the City through the Code Enforcement Division; and

WHEREAS, the costs incurred by the City to abate the violations is shown in the Exhibit, and such costs remain unreimbursed to date; and

WHEREAS, the City seeks to confirm these costs, and if they remain unpaid after July 27, 2016, seeks authorization to lien the property and collect the amounts via direct assessment on the Fiscal Year 2016-2017 property tax roll.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby confirms the cost for each property, and for those remaining unreimbursed after July 27, 2016, authorizes Staff to lien the property and submit them as direct assessments for collection on the 2016-2017 property tax roll.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 12th of July, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

Parcels and Amounts for Direct Assessment Collections
For Inclusion on the 2015-2016 Tax Roll
For City Council Approval July 12, 2016

Exhibit A

Property Address	Assessors Parcel Number	Amount for Collection
16 CLARE COURT	034-390-009	\$ 450.77
18 ESCHER CIRCLE	037-520-012	\$ 450.77
512 SODA ROCK PLACE	037-382-016	\$ 439.55
534 MALICOAT AVENUE	033-370-028	\$ 439.55
830 SOUVERAIN COURT	037-302-004	\$ 439.55
960 WEST CYPRESS ROAD	035-404-011	\$ 450.77
1085 QUAIL VALLEY RUN	033-271-060	\$ 450.77
1111 DONATELLO WAY	033-430-085	\$ 450.77
1275 QUAIL VALLEY RUN	033-280-056	\$ 439.55
2090 MEADOWLARK LANE	033-271-076	\$ 450.77
2119 MEADOWLARK LANE	033-271-092	\$ 450.77
4636 BAYSIDE WAY	035-730-041	\$ 450.77



STAFF REPORT

Date: July 12, 2016
To: City Council
From: Nancy Marquez-Suarez, Asst. to the City Manager/HR Manager
SUBJECT: **Adopt a Resolution Amending Portions of Resolutions 62-12, 38-13, 88-13, 61-14, 86-15. Pertaining to the Job Classification and Salary/Compensation Schedules, to Consolidate Multiple Council Actions onto One Schedule per Fiscal Year**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Summary and Background

The City of Oakley is a California Public Employee Retirement System (CalPERS) participating employer. As such, like all other participating public agency employers, we are subject to periodic audits from CalPERS staff. The audit performs comprehensive reviews of public agency employers to evaluate practices and procedures with regard to reporting of special compensation, payroll processes, retired annuitant issues, part-time employee enrollment, and independent contractor designation.

Oakley was audited in 2015 which resulted in a handful of minor findings that needed to be addressed. These findings are all being resolved; however, one requires City Council action. This finding stated that the City of Oakley's pay annual schedule did not always meet the strict CalPERS requirements. (In August 10, 2011 CalPERS adopted new regulations that have very specific criteria as to the proper format of pay schedules).

As you know, pay for the Council, City Manager, and City Staff are typically not addressed as one action, but rather occur at different times of the year. However, CalPERS requires that one single pay schedule exist that captures all CalPERS eligible positions and their associated payrates as *one single document*. Per this requirement, we are to bring forth one aggregated schedule that shows all positions and payrates each time, even if there is only a change to one salary (adding of a position, for example).

This item, would reapprove previously approved pay schedules (and pay related actions/agreements) that have now been consolidated into one single pay schedule for Fiscal Years 2012-13, 2013-14 and 2014-15, and 2015-16.

Your approval of the revised pay schedules secures compliance and closes this audit finding

Fiscal Impact

None. These actions do not change the salary of any City official or employee, but only consolidate all salary and compensation schedules into one for each of the mentioned fiscal years (since the CalPERS regulations were changed).

Recommendation

Adopt the resolution amending portions of resolutions 62-12, 38-13, 88-13, 61-14, 86-15 pertaining to the city-wide classification and compensation index, to consolidate multiple council actions onto one schedule per fiscal year

Attachment

1. Amended Classification and Pay Schedules
2. Resolution
3. Previous Resolutions

CITY OF OAKLEY
Salary Ranges FY 2012-2013

Approved: 06.26.2012

Effective: 07.27.2012

Revised: 07.12.2016

Position	Minimum Monthly Salary	Maximum Monthly Salary	Minimum Annual Salary	Maximum Annual Salary
Accounting Manager	\$ 7,078	\$ 8,684	\$ 84,936	\$ 104,208
Accounting Technician	\$ 3,997	\$ 4,880	\$ 47,964	\$ 58,560
Administrative Assistant I	\$ 2,918	\$ 3,558	\$ 35,016	\$ 42,696
Assistant to the City Manager	\$ 6,529	\$ 8,019	\$ 78,348	\$ 96,228
Assistant Planner	\$ 4,622	\$ 5,642	\$ 55,464	\$ 67,704
Associate Planner	\$ 5,254	\$ 6,460	\$ 63,048	\$ 77,520
City Clerk	\$ 6,967	\$ 8,257	\$ 83,604	\$ 99,084
City Manager		\$ 15,897.51		\$ 190,770
Community Development Director	\$ 9,973	\$ 12,224	\$ 119,676	\$ 146,688
Councilmember		\$ 435		\$ 5,220
Economic Development Coordinator/Human Resources Administrator	\$ 6,529	\$ 8,019	\$ 78,348	\$ 96,228
Economic/Redevelopment Director	\$ 8,892	\$ 10,895	\$ 106,704	\$ 130,740
Finance Director	\$ 9,638	\$ 11,824	\$ 115,656	\$ 141,888
Legal Assistant	\$ 4,414	\$ 5,459	\$ 52,968	\$ 65,508
Management Analyst	\$ 5,157	\$ 6,284	\$ 61,884	\$ 75,408
Parks & Landscape Maintenance Manager	\$ 4,654	\$ 5,714	\$ 55,848	\$ 68,568
Parks & Landscape Maintenance Foreman	\$ 4,585	\$ 5,572	\$ 55,020	\$ 66,864
Parks & Landscape Supervisor	\$ 5,118	\$ 6,263	\$ 61,416	\$ 75,156
Park Maintenance Worker	\$ 3,405	\$ 4,146	\$ 40,860	\$ 49,752
Police Services Assistant	\$ 3,078	\$ 3,793	\$ 36,936	\$ 45,516
Public Works Maintenance Worker I	\$ 3,405	\$ 4,146	\$ 40,860	\$ 49,752
Public Works Maintenance Worker II	\$ 3,797	\$ 4,624	\$ 45,564	\$ 55,488
Recreation Leader *	\$ 1,517	\$ 1,733	\$ 18,200	\$ 20,800
Recreation Manager	\$ 5,585	\$ 6,749	\$ 67,020	\$ 80,988
Recreation Specialist	\$ 3,685	\$ 4,479	\$ 44,220	\$ 53,748
Senior Accountant	\$ 6,464	\$ 7,981	\$ 77,568	\$ 95,772
Senior Planner	\$ 6,499	\$ 7,961	\$ 77,988	\$ 95,532
* Position is part-time and salary approved is based on 100%FTE (40 hours a week)				

City of Oakley FY 2013-2014 Salary Schedule

Approved 05.28.2013

Effective 06.24.2013

Revised 07.12.2016

Position	2013-14 Range	
	Minimum Monthly	Maximum Monthly
Accounting Technician	\$ 4,178	\$ 5,176
Administrative Assistant ¹	\$ 3,273	\$ 4,048
Assistant to the Chief of Police	\$25 per hour (established July 2010, adj of 3% in 2011 and 3% in 2012)	
Assistant to the City Manager	\$ 7,540	\$ 9,480
City Clerk/Paralegal	\$ 8,518	\$ 10,729
City Manager	\$ 16,667	
City Councilmember	\$ 435	
Economic Development/HR Administrator	\$ 7,540	\$ 9,480
Finance Director	\$ 10,889	\$ 13,557
General Laborer	\$ 2,464	\$ 3,093
Maintenance Custodian	\$ 2,464	\$ 3,093
Parks and Landscape Maintenance Manager ²	\$ 4,654	\$ 5,714
Parks and Landscape Maintenance Foreman ³	\$ 4,585	\$ 5,572
Parks and Landscape Maintenance Worker	\$ 3,581	\$ 4,389
Police Services Assistant ⁴	\$ 3,347	\$ 4,157
Public Works Maintenance Worker	\$ 3,718	\$ 4,606
Records Management Clerk ³	\$ 3,451	\$ 4,287
Recreation Leader *	\$ 1,517	\$ 1,950
Recreation Manager	\$ 6,156	\$ 7,567
Recreation Technician	\$ 3,106	\$ 3,824
Senior Accountant	\$ 6,518	\$ 8,047
Senior Planner	\$ 7,475	\$ 9,359

** Position is part-time and salary approved is based on 100%FTE (40 hours a week)*

1 Positions are .625 FTE (data shows FTE salary)

2 Position is .625 FTE (data shows FTE salary)

3 Salary and position established in FY 12-13

4 One PSA position is .750 FTE (data shows FTE salary)

City of Oakley
FY 2013-2014 Salary Schedule

Approved 10.8.2013
Effective 10.11.2013
Revised 07.12.2016

Position	FY 2013-2014 Salary Ranges	
	Minimum Monthly	Maximum Monthly
Accounting Technician	\$ 4,178	\$ 5,176
Administrative Assistant ¹	\$ 3,273	\$ 4,048
Assistant Engineer	\$ 6,032	\$ 7,465
Assistant to the Chief of Police	\$25 per hour (established July 2010, adj of 3% in 2011 and 3% in 2012)	
Assistant to the City Manager	\$ 7,540	\$ 9,480
Associate Engineer	\$ 6,563	\$ 8,080
Building Inspector I	\$ 5,237	\$ 6,489
Building Inspector II	\$ 5,719	\$ 6,951
Capital Projects Coordinator	\$ 6,563	\$ 8,080
Chief Building Official	\$ 9,072	\$ 11,302
City Clerk/Paralegal	\$ 8,518	\$ 10,729
City Manager	\$ 16,666.67	
City Councilmember	\$ 435	
Code Enforcement/Building Inspector II	\$ 5,719	\$ 6,951
Code Enforcement Officer	\$ 4,805	\$ 5,965
Finance Director	\$ 10,889	\$ 13,557
General Laborer	\$ 2,464	\$ 3,093
Maintenance Custodian	\$ 2,464	\$ 3,093
Parks and Landscape Maintenance Manager ²	\$ 4,654	\$ 5,714
Parks and Landscape Maintenance Foreman	\$ 4,585	\$ 5,572
Parks and Landscape Maintenance Worker	\$ 3,581	\$ 4,389
Permit Technician	\$ 4,668	\$ 5,768
Police Services Assistant ³	\$ 3,347	\$ 4,157
Public Works Director/City Engineer	\$ 11,020	\$ 13,730
Public Works Office Coordinator	\$ 4,668	\$ 5,768
Public Works Inspector I	\$ 5,289	\$ 6,515
Public Works Inspector II	\$ 6,086	\$ 7,398
Public Works Maintenance Worker	\$ 3,718	\$ 4,606
Records Management Clerk	\$ 3,451	\$ 4,287
Recreation Leader *	\$ 1,517	\$ 1,950
Recreation Manager	\$ 6,156	\$ 7,567
Recreation Technician	\$ 3,106	\$ 3,824
Senior Accountant	\$ 6,518	\$ 8,047
Senior Engineer	\$ 7,770	\$ 9,634
Senior Planner	\$ 7,475	\$ 9,359

^{*} Position is part-time and salary approved is based on 100% FTE (40 hours a week)

¹ Positions are .625 FTE (data shows FTE salary)

² Position is .625 FTE (data shows FTE salary)

³ One PSA position is .750 FTE (data shows FTE salary)



City of Oakley FY 2014-2015 Salary Schedule

Approved 06.30.2014
Effective 07.25.2014
Revised 07.12.2016

Position	FY 2014-2015 Salary Ranges	
	Minimum Monthly	Maximum Monthly
Accounting Technician	\$ 4,178	\$ 5,176
Administrative Assistant	\$ 3,273	\$ 4,048
Assistant Engineer	\$ 6,032	\$ 7,465
Assistant to the Chief of Police	\$25 per hour (established July 2010, adj of 3% in 2011 and 3% in 2012)	
Assistant to the City Manager	\$ 7,540	\$ 9,480
Associate Engineer	\$ 6,563	\$ 8,080
Building Inspector I	\$ 5,237	\$ 6,489
Building Inspector II	\$ 5,719	\$ 6,951
Capital Projects Coordinator	\$ 6,563	\$ 8,080
Chief Building Official	\$ 9,072	\$ 11,302
City Clerk/Paralegal	\$ 8,518	\$ 10,729
City Manager	\$ 17,000	
City Councilmember	\$ 435	
Code Enforcement Coordinator *	\$ 4,714	\$ 5,730
Code Enforcement Technician *	\$ 2,925	\$ 4,157
Code Enforcement/Building Inspector II	\$ 5,719	\$ 6,951
Code Enforcement Officer	\$ 4,805	\$ 5,965
Economic Development Manager *	\$ 7,837	\$ 9,859
Finance Director	\$ 10,889	\$ 13,492
General Laborer	\$ 2,464	\$ 3,093
Human Resources Manager ^{1*}	\$ 7,540	\$ 9,480
Human Resources Assistant *	\$ 3,765	\$ 4,782
Housing & Economic Development Manager ^{2*}	\$ 7,475	\$ 9,359
Maintenance Custodian	\$ 2,464	\$ 3,093
Parks and Landscape Maintenance Manager	\$ 4,654	\$ 5,714
Parks and Landscape Maintenance Foreman	\$ 4,585	\$ 5,572
Parks and Landscape Maintenance Worker	\$ 3,581	\$ 4,389
Permit Technician	\$ 4,668	\$ 5,768
Police Services Assistant *	\$ 3,347	\$ 4,157
Public Works Director/City Engineer	\$ 11,020	\$ 13,730
Public Works Office Coordinator	\$ 4,668	\$ 5,768

Public Works Inspector I	\$ 5,289	\$ 6,515
Public Works Inspector II	\$ 6,086	\$ 7,398
Public Works Maintenance Worker	\$ 3,718	\$ 4,606
Records Management Clerk	\$ 3,451	\$ 4,287
Recreation Leader **	\$ 1,690	\$ 2,167
Recreation Manager	\$ 6,156	\$ 7,567
Recreation Technician	\$ 3,106	\$ 3,824
Recreation & Events Coordinator *	\$ 3,958	\$ 4,855
Senior Accountant	\$ 6,518	\$ 8,047
Senior Engineer	\$ 7,770	\$ 9,634
Senior Planner	\$ 7,475	\$ 9,359
<i>1 Position now filled by the Assistant to the City Manager</i> <i>2 Position now filled by the Senior Planner</i> <i>* New Employee Classification and Range</i> <i>** Position is part-time and salary approved is based on 100% FTE (40 hours a week)</i>		



City of Oakley
FY 15-16 Salary Schedule

Effective Date 07.31.2015 at noon

Approved 06.23.15

Revised: 07.12.2016

Position	2015-16 Range	
	Monthly Minimum	Monthly Maximum
Administrative Assistant	\$ 3,575	\$ 4,405
Administrative Specialist (Public Works)	\$ 4,902	\$ 6,029
Assistant Engineer	\$ 6,132	\$ 7,590
Assistant to the City Manager (1)	\$ 8,346	\$ 10,293
Associate Engineer	\$ 6,970	\$ 8,579
Building Inspector I w/Cert (2)	\$ 5,370	\$ 6,618
Building Inspector II w/Combo Cert	\$ 5,976	\$ 7,366
City Clerk (3)	\$ 8,261	\$ 9,562
City Councilmembers	\$456.76	
City Manager	\$17,476	
Code Enforcement Manager	\$ 6,744	\$ 8,197
Code Enforcement Officer	\$ 4,825	\$ 5,622
Code Enforcement Technician (4)	\$ 3,619	\$ 4,217
Economic Development Manager	\$ 8,427	\$ 10,453
Facilities Maintenance Worker(4)	\$ 3,431	\$ 4,208
Finance Director	\$ 10,546	\$ 13,492
Human Resources Technician (5) *	\$ 4,339	\$ 5,371
Human Resources Manager (1)	\$ 8,406	\$ 10,519
Paralegal (3)	\$ 5,475	\$ 6,655
Parks & Landscape Maintenance Division Mgr	\$ 7,610	\$ 9,487
Parks & Landscape Maintenance Foreman	\$ 5,466	\$ 6,429
Parks Laborer I	\$ 3,122	\$ 3,997
Parks Laborer II	\$ 3,590	\$ 4,597
Permit Technician	\$ 4,734	\$ 5,849
Planning Manager	\$ 8,524	\$ 10,734
Police Chief *	\$ 13,250	\$ 15,000

Police Lieutenant *	\$ 11,000	\$ 12,500
Police Officer *	\$ 7,000	\$ 8,800
Police Records Coordinator *	\$ 6,134	\$ 7,567
Police Records Technician *	\$ 3,780	\$ 4,595
Police Sergeant *	\$ 8,500	\$ 10,500
Police Services Assistant	\$ 3,413	\$ 4,232
Program Coordinator (5)	\$ 4,310	\$ 5,306
Public Works Dir./City Engineer	\$ 11,507	\$ 14,612
Public Works Inspector I	\$ 5,282	\$ 6,573
Public Works Inspector II	\$ 6,208	\$ 7,677
PW Maintenance Laborer I	\$ 3,187	\$ 3,934
PW Maintenance Laborer II	\$ 3,665	\$ 4,524
Records Management Clerk	\$ 3,997	\$ 4,455
Recreation Manager (6)	\$ 6,708	\$ 8,220
Recreation & Events Coordinator	\$ 4,310	\$ 5,306
Senior Accountant	\$ 7,029	\$ 8,619
Senior Accounting Technician	\$ 4,907	\$ 6,073
Senior Civil Engineer	\$ 7,932	\$ 9,842
Senior Planner	\$ 7,093	\$ 8,838
Streets Maintenance Foreman *	\$ 5,466	\$ 6,429
Tree Laborer	\$ 3,049	\$ 3,705

*** New Job Classification**

1- Employee serves in two positions (Human Resources Manager)

2- One of two employee serves in both positions (Code Enforcement Officer)

3- Employee serves in two positions (Paralegal)

4- Employee serves in two positions (Code Enforcement Technician)

5- Employee serves in two positions (YMWO Program Coordinator)

6- Employee serves in added capacity of webmaster



City of Oakley

Approved 06.23.15

FY 15-16 Salary Schedule

Effective Date: 07.31.2015 at noon

Revised 07.12.16

Position	2015-16 Range	
	Minimum Hourly	Maximum Hourly
Accounting Assistant	\$ 15.00	\$ 20.00
Administrative Assistant	\$ 14.00	\$ 19.00
Assistant to the Chief of Police	\$ 18.50	\$ 30.05
Facilities Attendant	\$ 10.00	\$ 12.00
Intern	\$ 10.00	\$ 12.00
Seasonal Public Works Laborer	\$ 11.00	\$ 15.00
Park Monitor	\$ 10.50	\$ 14.00
Receptionist	\$ 11.00	\$ 15.50
Recreation Aide	\$ 10.00	\$ 12.00
Recreation Leader	\$ 11.00	\$ 13.50
Sports Field Maintenance	\$ 10.00	\$ 12.00
Senior Recreation Leader	\$ 11.50	\$ 15.50
Lifeguard	\$ 10.50	\$ 12.50

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING CERTAIN PORTIONS OF RESOLUTIONS NOS. 62-12, 38-13, 88-13, 61-14, AND 86-15 PERTAINING TO THE CITY'S SALARY SCHEDULES TO CONSOLIDATE MULTIPLE COUNCIL ACTIONS ONTO ONE SCHEDULE PURSUANT TO CCR 570.5

WHEREAS, the City Council of the City of Oakley established compensation classifications and pay rates; and

WHEREAS, California Government Code Section 20636 and California Code of Regulations Section 570.5 outline certain requirements as it pertains to employee compensation and related information that must be available for public viewing; and

WHEREAS, the City Council had previously adopted employment agreements and salary benefits schedules at regularly scheduled Council meetings; and

WHEREAS, the California Public Employees' Retirement System requested, for clarification, the City of Oakley to consolidate multiple council actions onto one schedule per Fiscal Year; and

WHEREAS, the City Council of the City of Oakley has determined that appropriate amendments be made to prior City Council resolutions establishing specific salary schedules; and

WHEREAS, the City Council of the City of Oakley authorizes certain amendments to portions of City of Oakley City Council Resolutions Nos. _____, and _____ to bring into compliance pay schedules pursuant to California Code of Regulations Section 570.5; and

WHEREAS, in authorizing these specific amendments, the City Council of the City of Oakley will fulfill the recommended changes to salary schedules (attached and incorporated as though fully set forth herein) as requested by California Public Employees' Retirement System.

NOW, THEREFORE, BE IT RESOLVED that the following amendments to certain portions of Resolutions Nos. **62-12, 38-13, 88-13, 61-14**, and 86-15 be adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Oakley held on the 12th day of July 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

RESOLUTION NO. 62-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
AMENDING THE EMPLOYEE FURLOUGH PROGRAM FOR FISCAL YEAR
2012-13

WHEREAS, the City of Oakley has taken a range of actions to address reduced City revenues including adjustments to salaries and benefits for employees; and

WHEREAS, on February 10, 2009 the City Council adopted an Employee Furlough Program; and

WHEREAS, on June 22, 2010 the City Council extended and amended the Employee Furlough Program; and

WHEREAS, the City has determined that the Employee Furlough Program has been effective in reducing operational expenditures; and

WHEREAS, the City Council believes it is a business necessity to extend and amend the Employee Furlough Program for the upcoming fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley does hereby amend the Employee Furlough Program as outlined in Exhibit A, attached hereto.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Oakley held on the 26th day of June, by Vice Mayor Rios, who moved its adoption, which motion being duly seconded by Councilmember Anderson was upon voice vote carried and the resolution adopted by the following vote:

AYES: Anderson, Frazier, Pope, Rios, Romick

NOES:

ABSENT:

ABSTENTION:

APPROVED:

Kevin Romick
Kevin Romick, Mayor

ATTEST:

for Libby Vreonis
Libby Vreonis, City Clerk

6-29-12
Date



EMPLOYEE FURLOUGH PROGRAM

I. PURPOSE

To define and establish an Employee Furlough Program ("Program") that includes a Family Day Furlough, Thanksgiving Week, and Year-End Furlough, and setting forth a policy and procedure for Program implementation.

II. POLICY

The City of Oakley will have the authority to implement the Program when a financial necessity is declared by the City Council. The number of hours when employees may be required to take time off without pay will be determined at the time of implementation.

The City Manager will meet with employees to review the proposed policy and implementation procedure and to discuss any concerns or questions. In the interest of efficiency, this meeting will be take place at least 30 days prior to the proposed implementation date of the Program.

Family Day Furlough: All employees, except certain Police Department and Limited Service employees designated by the City Manager and employees who have voluntarily reduced their work hours as approved by the City Manager, will be furloughed from work on an unpaid basis the third Friday of every month through June 21, 2013. Vacation, sick, or administrative leave, or floating holiday or compensatory time may not be used by the employees as part of the Family Day Furlough. An employee who is on furlough does not give rise to any grievance or appeal rights.

Deleted: June 17, 2011

Thanksgiving Week Furlough: All employees, except certain Police Department employees designated by the City Manager, will be furloughed from work beginning November 16, 2012 through November 21, 2012. During the Thanksgiving Week Furlough, employees may utilize vacation leave, administrative leave, floating holiday hours or compensatory time, if available. Any employee who does not utilize leave accruals for these days will have such time designated as leave without pay. Employees will be paid for any City-recognized holidays that fall within the Thanksgiving Week Furlough.

Deleted: November 22, 2010 through November 24, 2010

Deleted: In acknowledgement for the various reductions to salary imposed by the Employee Furlough Program and other salary and benefit adjustments, employees will be compensated for the Thanksgiving Week Furlough period for fiscal year 2010-11 including any City-recognized holidays that fall within the Thanksgiving Week furlough period.

Year-End Furlough: All employees, except certain Police Department employees designated by the City Manager, will be furloughed from work beginning December 20, 2010 through January 1, 2011. During the Year-End Furlough, employees may utilize vacation leave, administrative leave, floating holiday hours or compensatory time, if available. Any employee who does not utilize leave accruals for these days will have such time designated as

leave without pay. Employees will be paid for any City-recognized holidays that fall within the Year-End furlough period.

III. PROCEDURE

City Hall Closure:

City Hall will be closed on the third Friday of every month through June 21, 2013, during the Thanksgiving Week, and during the period from December 21, 2012 through January 4, 2013.^{*} During this period, most City facilities will be closed and all but essential services will cease.

Deleted: Targeted Furlough Days: The City Manager may designate additional furlough days for specific job classifications as presented in the upcoming fiscal year budget. ¶

Deleted: June 17, 2011

Deleted: December 20, 2010 through January 1, 2010.

Compensation:

During the furlough periods, Non-Exempt FLSA hourly employees will be paid only for hours worked and will not work on furlough days, except with prior written permission of the City Manager.

FLSA Exempt employees have had a permanent salary reduction of 4.615% since it was placed into effect in March 2009.

During the Year-End Furlough both FLSA Exempt and Non-Exempt employees may use vacation leave, administrative leave, or floating holiday hours; however, if those leave hours are not available, an additional salary reduction of .0385% per day shall apply.

Leave Accruals:

Vacation, sick leave, and administrative leave shall accrue during the furlough periods as though the employee were on paid status.

Deleted: Employees who are affected by the targeted furloughs will receive a reduction in pay of an additional 4.615% (.0385% per day). ¶

Probationary Period:

Furlough time shall apply toward time for completion of probation and furlough time will not affect an employee's anniversary date.

Benefits:

There will be no change in benefits because of the Employee Furlough Program.

CalPERS:

PERS contributions will continue to be based on compensation paid to the employee.

Overtime:

Overtime will not be paid unless an employee actually works more than forty (40) hours in any designated work week.

Working on Furlough Day:

Police Department and Limited Service employees, as designated by the City Manager, may be required to work the third Friday of the month, during the Thanksgiving Week and Year-End Furlough. Any days worked during the regularly scheduled furlough will be exchanged for another day off and will be counted as the furlough for the affected employee.

Non-exempt employees requested to respond to an emergency or who are otherwise required to perform work on a day while other employees are furloughed or during the Thanksgiving Week and/or Year-End Furlough, will be compensated for at least two (2) hours of pay and will be paid one and one-half (1.5) times the employee's hourly rate of pay for hours worked.

Exempt employees requested to respond to an emergency or who are otherwise required to perform work on a day while other employees are furloughed or during the Thanksgiving Week and/or Year-End Furlough, will not see an increase in salary but may upon request, exchange the day worked for another day on which to be furloughed.

The City may at its sole discretion use part-time employees to respond to after-hours and weekend call outs. In an emergency, all employees remain subject to recall as Disaster Service Workers pursuant to California Government Code 3100 et. seq.

Unemployment:

Employees are not eligible for unemployment benefits as a result of this furlough.

Workers' Compensation:

Furlough time shall not be used in conjunction with Worker's Compensation or other leave without pay.

**Family Medical Leave Act/
California Family Rights Act:**

Furlough time will be calculated as part of the rolling 12-week FMLA/CFRA leave.

**The City of Oakley is aligning its year-end furlough with the schedule of the Oakley Elementary Union School District.*

RESOLUTION NO. 38-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY SETTING FORTH THE CITY OF OAKLEY'S EMPLOYEE POSITION CLASSIFICATIONS, UPDATED SALARY RANGES AND 2013-14 COMPENSATION AND BENEFITS PROGRAM

WHEREAS, the City Council adopted a Compensation Policy on June 25, 2001 and that was amended on June 24, 2008 establishing the City of Oakley's policy regarding employee compensation in conformance to City Ordinance 17-00; and

WHEREAS, pursuant to the provisions of the Compensation Policy, the City has conducted a comparative salary and benefit study using the six comparative cities of Antioch, Benecia, Brentwood, Hercules, Pleasant Hill and Pittsburg; and

WHEREAS, the City Council desires to update the employee position classifications and the salary ranges for each classification pursuant to the Compensation Policy and the results of the survey; and

WHEREAS, the City Council also desires to set forth the compensation and benefits program for Fiscal Year 2013-14.;

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

- 1) the Employee Position Classifications and Salary Ranges found in Exhibit A; and
- 2) the Fiscal Year 2013-14 Compensation and Benefits Program shall not include a cost of living adjustment or merit increase, but shall be the payment of an additional 2% of the Employee share of the California Public Employee Retirement System (PERS) benefit, and an additional \$35 per month for the health insurance benefit effective with the first pay period of the fiscal year.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Oakley held on the 28th day of May 2013 by the following vote: 4-0

AYES: Burgis, Hardcastle, Pope, Romick

NOES:

ABSENT: Rios

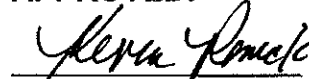
ABSTENTIONS:

ATTEST:



Libby Vreonis, City Clerk

APPROVED:


Kevin Romick, Mayor

5-29-13

Date

ATTACHMENT A

Position	2008-09 Range		Proposed 2013-14 Range	
	Minimum Monthly	Maximum Monthly	Minimum Monthly	Maximum Monthly
Accounting Technician	\$ 3,997	\$ 4,880	\$ 4,178	\$ 5,176
Administrative Assistant 1	\$ 2,918	\$ 3,558	\$ 3,273	\$ 4,048
Assistant to the City Manager	\$ 6,529	\$ 8,019	\$ 7,540	\$ 9,480
City Clerk/Paralegal	\$ 6,967	\$ 8,257	\$ 7,854	\$ 9,903
Economic Development/HR Administrator	\$ 6,529	\$ 8,019	\$ 7,555	\$ 9,579
Finance Director	\$ 9,638	\$ 11,824	\$ 10,889	\$ 13,557
Maintenance Custodian	\$ 2,370	\$ 3,028	\$ 2,869	\$ 3,604
Parks and Landscape Maintenance Laborer (renamed from General Laborer)	\$ 2,370	\$ 3,028	\$ 2,869	\$ 3,604
Parks and Landscape Maintenance Manager 2	New Classification created in February 2012		\$ 7,447	\$ 9,142
Parks and Landscape Maintenance Foreman	New Classification created in April 2013		\$ 4,585	\$ 5,572
Parks and Landscape Maintenance Worker	\$ 3,405	\$ 4,146	\$ 3,581	\$ 4,389
Police Services Assistant 3	\$ 3,078	\$ 3,793	\$ 3,347	\$ 4,157
Public Works Maintenance Worker	\$ 3,405	\$ 4,146	\$ 3,718	\$ 4,606
Records Management Clerk	New Classification created in April 2013		\$ 3,451	\$ 4,287
Recreation Manager	\$ 5,585	\$ 6,749	\$ 6,156	\$ 7,567
Recreation Technician	\$ 2,942	\$ 3,596	\$ 3,106	\$ 3,824
Senior Accountant	\$ 6,464	\$ 7,981	\$ 6,518	\$ 8,047
Senior Planner	\$ 6,499	\$ 7,961	\$ 7,475	\$ 9,359
1 Positions are .875 FTE (data shows FTE salary) 2 Position is .625 FTE (data shows FTE salary) 3 One PSA position is 750 FTE (data shows FTE salary)				

RESOLUTION NO. 88-13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING CERTAIN JOB CLASSIFICATIONS AND
CORRESPONDING SALARY RANGES**

WHEREAS, pursuant to Ordinance No. 17-00 the City Council adopted a personnel system that calls for the establishment and maintenance of a job classification plan; and

WHEREAS, the job positions that have been contracted through Delta Municipal Consulting, Inc., have not been included as part of the City's job classification plan; and

WHEREAS, to ensure a smooth transition of the provision of the services formerly provided by Delta Municipal Consulting, Inc., it is now desired to include these job positions within the City's job classification plan; and

WHEREAS, the City's Compensation Policy establishes the policy and provides guidelines in the setting of salary ranges; and

WHEREAS, Exhibit A, attached hereto, sets forth the job positions to be added and the corresponding salary ranges.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the job classifications and corresponding salary ranges.

PASSED AND ADOPTED, by the City Council of the City of Oakley at a meeting held on the 8th day of October, 2013 by the following vote:

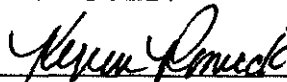
AYES: Burgis, Hardcastle, Pope, Rios, Romick

NOES:


ABSTENTIONS:

ABSENT:

APPROVED:


Kevin Romick, Mayor

ATTEST:



Libby Vreonis, City Clerk

10-9-13

Date

Exhibit A
 City of Oakley
 Proposed Additions to Employment Salary Classification Plan
 October 8, 2013

Position	Status	Minimum Salary Range	Maximum Salary Range
Assistant Engineer		\$ 6,032	\$ 7,465
Associate Engineer	Vacant	\$ 6,563	\$ 8,080
Building Inspector I	Vacant	\$ 5,237	\$ 6,489
Building Inspector II ¹		\$ 5,719	\$ 6,951
Capital Projects Coordinator ²	Vacant	\$ 6,563	\$ 8,080
Chief Building Official ³		\$ 9,072	\$ 11,302
Code Enforcement/ Bldg Insp II ⁴		\$ 5,719	\$ 6,951
Code Enforcement Officer	Vacant	\$ 4,805	\$ 5,965
Permit Technician		\$ 4,668	\$ 5,768
PW Director/City Engineer	Vacant	\$ 11,020	\$ 13,730
PW Office Coordinator ⁵		\$ 4,668	\$ 5,768
PW Inspector I	Vacant	\$ 5,289	\$ 6,515
PW Inspector II ⁶		\$ 6,086	\$ 7,398
Senior Engineer ⁷		\$ 7,770	\$ 9,634

¹ Pittsburg deduct 10% (benchmark position is Senior Bldg Inspector)

² Uses Associate Engineer range

³ Antioch Community Dev Director has pervue over Code Enforcement used CDD salary as benchmark

⁴ Uses Building Inspector II range

⁵ Uses Permit Technician range

⁶ Benicia add 15% to PWI inspector to derive PWII Inspector comparable

⁷ Antioch add 20% to Sr. Traffic Engineer to derive Sr. Engineer comparable

RESOLUTION NO. 61-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE 2014-15 COMPENSATION AND BENEFITS PROGRAM AND APPROVING NEW EMPLOYEE POSITION CLASSIFICATIONS AND ASSOCIATED SALARY RANGES

WHEREAS, the City Council adopted a Compensation Policy on June 25, 2001 and that was amended on June 24, 2008 establishing the City of Oakley's policy regarding employee compensation in conformance to City Ordinance 17-00; and

WHEREAS, pursuant to the Compensation Policy, the City conducts at least every two years a comparative salary and benefit study using the six comparative cities of Antioch, Benicia, Brentwood, Hercules, Pleasant Hill and Pittsburg; and

WHEREAS, a comparative salary and benefit study was conducted last year and a new study was not conducted for Fiscal Year 2014-15; and

WHEREAS, the City Council also desires to set forth the compensation and benefits program for Fiscal Year 2014-15; and

WHEREAS, the City Council desires to approve new employee classifications and the corresponding salary ranges pursuant to the Compensation Policy.

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

- 1) the Fiscal Year 2014-15 Compensation and Benefits Program shall include a 2% cost of living adjustment for employees effective the first pay period in July, and a \$500 one-time payment to all employees in good standing during the first pay period in December; and
- 2) the new Employee Position Classifications and Salary Ranges found in Exhibit A

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 30th day of June 2014 by the following vote: 4-0


AYES: Burgis, Pope, Rios, Romick

NOES:

ABSENT: Hardcastle


ABSTENTIONS:

ATTEST:



Libby Vreonis, City Clerk

APPROVED:



Randy Pope, Mayor

7 JUL 14

Date

New Employee Classifications & Salary Ranges

Position	Proposed 2014-15 Range	
	Minimum Monthly	Maximum Monthly
Human Resources Manager	\$ 7,540	\$ 9,480
Human Resources Assistant	\$ 3,765	\$ 4,782
Economic Development Manager	\$ 7,837	\$ 9,859
Housing & Economic Development Analyst	\$ 7,475	\$ 9,359
Code Enforcement Coordinator	\$ 4,714	\$ 5,730
Code Enforcement Technician	\$ 2,925	\$ 4,157
Recreation & Events Coordinator	\$ 3,958	\$ 4,855
<i>1 Position now filled by the Assistant to the City Manager</i>		
<i>2 Position now filled by the Senior Planner</i>		

RESOLUTION NO. 86-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE 2015-16 COMPENSATION AND BENEFITS PROGRAM AND APPROVING NEW EMPLOYEE POSITION CLASSIFICATIONS AND ASSOCIATED SALARY RANGES

WHEREAS, the City Council adopted a Compensation Policy on June 25, 2001 and that was amended on June 24, 2008 establishing the City of Oakley's policy regarding employee compensation in conformance to City Ordinance 17-00; and

WHEREAS, pursuant to the Compensation Policy, the City conducts at least every two years a comparative salary and benefit study using the six comparative cities of Antioch, Benicia, Brentwood, Hercules, Pleasant Hill and Pittsburg; and

WHEREAS, a comparative salary and benefit study was conducted for Fiscal Year 2015-16; and

WHEREAS, the City Council also desires to set forth the compensation and benefits program for Fiscal Year 2015-16; and

WHEREAS, the City Council desires to approve new employee classifications and the corresponding salary ranges pursuant to the Compensation Policy.

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

- 1) The Fiscal Year 2015-16 Compensation and Benefits Program shall include a 0% to 6% employee merit increase dependent upon supervisor recommendation after a comprehensive employee performance evaluation. Any adjustments will be effective the first pay period of August; and,
- 2) An additional \$200 per month towards the employee health insurance benefit; and
- 3) A 1% match toward a deferred compensation program intended to provide funds and encourage employees to set aside funds for post-retirement health related costs; and
- 4) The new Employee Position Classifications and Salary Ranges attached as Exhibit A. (New classifications primarily reflect staffing needs stemming from the establishment of Oakley's Municipal Police Department).

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 23rd of June 2015 by the following vote:

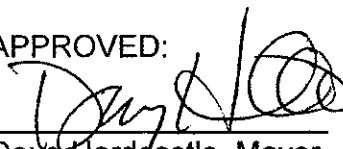
AYES: Hardcastle, Higgins, Perry, Pope, Romick

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:



Doug Hardcastle, Mayor

ATTEST:



Libby Vreonis, City Clerk

6-29-15

Date

Employee Classifications & Salary Ranges 2015-16

Position	Current Range		Proposed 2015-16 Range	
	Minimum	Maximum	Minimum	Maximum
Administrative Assistant	\$ 3,273	\$ 4,048	\$ 3,575	\$ 4,405
Administrative Specialist (Public Works)	\$ 4,668	\$ 5,768	\$ 4,902	\$ 6,029
Assitant Engineer	\$ 6,032	\$ 7,465	\$ 6,132	\$ 7,590
Assistant to the City Manager (1)	\$ 7,540	\$ 9,480	\$ 8,406	\$ 10,517
Associate Engineer	\$ 6,563	\$ 8,080	\$ 6,970	\$ 8,579
Building Inspector I w/Cert (2)	Vacant		\$ 5,370	\$ 6,618
Building Inspector II w/Combo Cert	\$ 5,719	\$ 6,951	\$ 5,976	\$ 7,366
City Clerk (3)	\$ 7,854	\$ 9,903	\$ 8,261	\$ 9,562
Code Enforcement Manager	\$ 5,892	\$ 7,162	\$ 6,744	\$ 8,197
Code Enforcement Officer	Vacant		\$ 4,825	\$ 5,622
Code Enforcement Technician (4)	\$ 3,347	\$ 4,157	\$ 3,619	\$ 4,217
Economic Development Manager	\$ 7,837	\$ 9,859	\$ 8,427	\$ 10,453
Facilities Maintenance Worker (4)	\$ 2,869	\$ 3,604	\$ 3,431	\$ 4,208
Finance Director	\$ 10,889	\$ 13,557	\$ 10,546	\$ 13,366
Human Resources Technician (5) *	\$ 3,765	\$ 4,782	\$ 4,339	\$ 5,371
Human Resources Manager (1)	\$ 7,540	\$ 9,480	\$ 8,406	\$ 10,519
Paralegal (3)	\$ 7,854	\$ 9,903	\$ 5,475	\$ 6,655
Parks & Landscape Maintenance Div. Manager	\$ 7,447	\$ 9,142	\$ 7,610	\$ 9,487
Parks & Landscape Maintenance Foreman	\$ 4,585	\$ 5,572	\$ 5,466	\$ 6,429
Parks Laborer I	Vacant		\$ 3,122	\$ 3,997
Parks Laborer II	\$ 3,333	\$ 4,146	\$ 3,590	\$ 4,597
Permit Technician	\$ 4,668	\$ 5,768	\$ 4,734	\$ 5,849
Planning Manager	\$ 8,647	\$ 10,692	\$ 8,524	\$ 10,734
Police Chief *	Vacant		\$ 13,250	\$ 15,000

Police Lieutenant *	Vacant		\$ 11,000	\$ 12,500
Police Officer *	Vacant		\$ 7,000	\$ 8,800
Police Records Coordinator *	Vacant		\$ 6,134	\$ 7,567
Police Records Technician *	Vacant		\$ 3,780	\$ 4,595
Police Sergeant *	Vacant		\$ 8,500	\$ 10,500
Police Services Assistant	\$ 3,347	\$ 4,157	\$ 3,413	\$ 4,232
Program Coordinator (5)	\$ 3,813	\$ 3,813	\$ 4,310	\$ 5,306
Public Works Dir./City Engineer	\$ 11,020	\$ 13,730	\$ 11,507	\$ 14,612
Public Works Inspector I	Vacant		\$ 5,282	\$ 6,573
Public Works Inspector II	\$ 6,086	\$ 7,398	\$ 6,208	\$ 7,677
PW Maintenance Laborer I	\$ 2,340	\$ 3,553	\$ 3,187	\$ 3,934
PW Maintenance Laborer II	Vacant		\$ 3,665	\$ 4,524
Records Management Clerk	\$ 3,451	\$ 4,287	\$ 3,997	\$ 4,455
Recreation Manager (6)	\$ 6,156	\$ 7,567	\$ 6,708	\$ 8,220
Recreation & Events Coordinator	\$ 3,957	\$ 4,855	\$ 4,310	\$ 5,306
Senior Accountant	\$ 6,518	\$ 8,047	\$ 7,029	\$ 8,619
Senior Accounting Technician	\$ 4,758	\$ 5,888	\$ 4,907	\$ 6,073
Senior Civil Engineer	\$ 7,770	\$ 9,634	\$ 7,932	\$ 9,842
Senior Planner	\$ 7,475	\$ 9,359	\$ 7,093	\$ 8,838
Streets Maintenance Foreman *	Previously Vacant		\$ 5,466	\$ 6,429
Tree Laborer	\$ 2,166	\$ 2,513	\$ 3,049	\$ 3,705

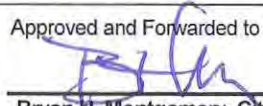
* *New Job Classification*

- (1) *Employee serves in two positions (Human Resources Manager)*
- (2) *One of two employee serves in both positions (Code Enforcement Officer)*
- (3) *Employee serves in two positions (Paralegal)*
- (4) *Employee serves in two positions (Code Enforcement Technician)*
- (5) *Employee serves in two positions (YMWO Program Coordinator)*
- (6) *Employee serves in added capacity of Webmaster*



STAFF REPORT

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Date: July 12, 2016
To: Bryan H. Montgomery, City Manager
From: Lindsey Bruno, Recreation Manager
SUBJECT: **Approve Purchase Order with EKC Enterprises, dba Advanced Communication Technology, for Audiovisual System Services for the City Council Chambers**

Background and Analysis

The current audiovisual system in the City Council Chambers is 7 years old and has started to malfunction. Newer technologies are available that will improve the overall quality of the sound, cameras and display monitors. EKC Enterprises is a company that has been called in for similar services, including the City of Brentwood, and has proposed a scope of work to not only bring the system back into shape, but provide a number of improvements.

If approved, these services would commence after the August 9th City Council Meeting and should be complete before the next scheduled Council Meeting, which is September 13th.

Fiscal Impact

The total cost is \$90,000 and funds are available in the Capital Facilities Maintenance and Replacement Reserve Fund for these services.

Recommendation

Staff recommends that the City Council adopt the resolution approving the purchase order with EKC Enterprises for audiovisual system services in the City Council Chambers.

Attachments

1. Scope of Work proposal from EKC
2. Resolution approving the purchase order

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING THE PURCHASE ORDER WITH EKC ENTERPRISES,
DOING BUSINESS AS ADVANCED COMMUNICATION TECHNOLOGY,
FOR AUDIO VISUAL SYSTEM SERVICES FOR THE CITY COUNCIL
CHAMBERS**

BE IT RESOLVED by the City Council of the City of Oakley approves the purchase order with EKC Enterprises for \$90,000 of services and authorizes the use of and appropriates funds from the Capital Facilities Maintenance and Replacement Fund for this purchase.

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Oakley held on the 12th day of July, 2016, 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:

Kevin Romick., Mayor

ATTEST:

Libby Vreonis, City Clerk

Date



STAFF REPORT

Approved and Forwarded to the City Council:


Bryan Montgomery, City Manager

Date: July 12, 2016
To: Bryan H. Montgomery, City Manager
From: Deborah Sultan, Finance Director
Subject: Annual Review and Approval of the City's Investment Policy

Background and Analysis

California Government Code Section 53646 and good financial practice dictate that local agencies prepare a written investment policy and that the governing body review and approve the policy on an annual basis. The attached proposed investment policy for Fiscal Year 2016-2017 includes only one change from last year: in Section 9 collateralization will be required for certificates of deposit over \$250,000, an increase from \$99,000 to reflect the higher FDIC insurance amount.

The Policy presented incorporates all required elements of the Government Code as well as recommendations of the Municipal Treasurers Association of the United States and Canada and the California Municipal Treasurers Association. It identifies Safety, Liquidity and Yield, in that order, as the City's Investment objectives; incorporates the "prudent investor" standard; and limits investments to those specifically approved by Government Code.

As a practical matter for the near term, Investments of funds for operations will remain in short and intermediate term holdings in State Treasurer's Local Agency Investment Fund (LAIF), CalTRUST, and deposits with Wells Fargo (the City's primary bank).

Fiscal Impact

There is no direct fiscal impact.

Recommendation

Staff recommends the Council adopt the attached Resolution approving the City's Investment Policy for Fiscal Year 2016-2017.

Attachments

Statement of Investment Policy
Resolution

CITY OF OAKLEY
STATEMENT OF INVESTMENT POLICY

1. Purpose:

This statement provides guidelines for the prudent investment of the temporary idle cash of the City of Oakley (hereafter referred to as City), and outlines the policies for maximizing the efficiency of the City's cash management system. The goal is to enhance the economic status of the City while protecting its pooled cash.

2. Scope:

This investment policy applies to all financial assets of the City. For purposes of this policy, the City of Oakley includes the City, as Successor Agency to the Oakley Redevelopment Agency, and the Oakley Financing Authority, which are component units of the City of Oakley, controlled by the City Council, share the same administrative services of the City, and are "related entities" of the City. These funds are accounted for in the City's Comprehensive Annual Financial Report and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Project Funds
- Internal Service Funds
- Trust and Agency Funds

The investment of bond proceeds held with trustees is directed by the City, but is governed by the restrictions on permitted investments in the applicable bond indenture or similar agreements.

The City retirement plans are with the California Public Employees Retirement System, and the City has no authority or oversight over the investments in any of the plans. Further, the City administers a deferred compensation plan through the ICMA-Retirement Corporation (ICMA-RC). Assets held in the ICMA plan are held in trust for the participants, and are not assets managed by the City. The City does not have any authority over the investments held in these trusts.

3. Policy:

The City's cash management system should accurately monitor and forecast expenditures and revenues, and allow the City to invest funds to the fullest extent possible. The City attempts to obtain the highest possible yield while meeting the criteria established for safety and liquidity.

It is the policy of the City of Oakley, a general law city, to invest public funds in a manner which will provide maximum security with the highest investment return while meeting the daily cash flow demands of the City. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for

speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (Govt. Code Section 53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4. Objectives:

The primary objectives, in priority order, of the City's investment activities shall be:

4.1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

4.2. Liquidity: The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.

4.3. Return on investment: The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio.

5. Delegation of Authority:

Authority to manage the City's investment program is derived from the California Government Code Sections 53600 through 53609. Management responsibility for the investment program is hereby delegated to the Finance Director, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include reference to: safekeeping, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the established procedures. The Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

6. Ethics and Conflicts of Interest:

The investment responsibility carries with it the added duties of insuring that investments placed are done so without the appearance of improper influence.

Finance personnel involved in the investment function shall adhere to the state's Code of Economic Interest and to the following:

6.1. All persons authorized to place or approve investments shall not personally or through a close relative maintain any accounts, interest, or private dealings with any firm through which the City places investments, with the exception of regular savings, checking and money market accounts, or other similar transactions that are offered on a non-negotiable basis to the general public. Such accounts shall be disclosed annually to the City Clerk in conjunction with annual disclosure statements of economic interest.

6.2. All persons authorized to place or approve investments shall report to the City Clerk, kinship relations with principal employees of firms with which the City places investments.

6.3. Return on Investment: The investment portfolio of the City of Oakley shall be designed to attain a market average rate of return during budgetary and economic cycles, taking into account the City's investment risk constraint and the cash flow characteristics of the portfolio. The City should strive to maintain a high investment level of idle funds, less required reserve, through projected cash flow determinations. Cash management of idle funds is the responsibility of the Finance Department.

6.4. Maintaining the Public Trust: All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction that might impair public confidence in the City of Oakley's ability to govern effectively.

7. Authorized Financial Dealers and Institutions:

Should the City engage in investments outside of the use of savings, money market funds, and policy compliant investment pools (LAIF and CalTrust), the Director will establish and maintain a list of financial institutions authorized to provide investment services, and a list of approved security broker/dealers selected by credit worthiness, who maintain an office in the State of California. These may include "primary" dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule). No public deposit shall be made except in a qualified public depository as established by State laws.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions on the Director's list, must supply the Director with the following: Proof of National Security Dealers certification, trading resolution, proof of State of California registration, personal resume, certification of having read the City's investment policy, and depository contracts.

At a minimum, the task of maintaining a list of financial institutions and approved security broker/dealers shall include the Director's annual review of the financial condition and registrations of qualified bidders.

In addition, a current audited financial statement is required to be on file for each financial institution and broker/dealer in which the City invests.

Before engaging in investment transactions with a broker/dealer, the Director shall have received from said firm a signed letter, attesting that the individual responsible for the City's account with that firm has reviewed the City of Oakley's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the City that are appropriate under the terms and conditions of the Investment Policy.

8. Authorized & Suitable Investments:

The City of Oakley is empowered by California Government Code 53601 et seq. to generally invest in the following types of securities¹:

- United States Treasury notes
- United States Treasury bonds
- United States Treasury bills or
- United States Treasury certificates of indebtedness.

Bonds, notes or other evidence of indebtedness issued or guaranteed by an agency of the United States government. Agencies that are not the direct obligation of the U.S. Treasury but involve Federal sponsorship or guarantees:

- Federal Home Loan Bank
- Federal National Mortgage Association
- Federal Farm Credit Bank
- Federal Home Loan Mortgage Corporation
- Student Loan Marketing Association
- Government National Mortgage Association

Registered state warrants or treasury notes or bonds issued by the State of California.

Certificates of Deposit (CDs) or Time Deposits placed with commercial banks and savings and loans.

Medium Term Corporate Notes issued by corporations operating in the United States, of the highest ranking or of the highest letter and number rating as

¹ Section 53601 provides additional guidance for the authorized investment of the City's money and should be referred to for specific restrictions on these, and any other, permitted investments.

provided for by Moody's Investors Service, Inc. (Moody's), Standard & Poors (S&P), or Fitch Financial Services, Inc. (Fitch).

Banker's Acceptances with a term not to exceed 180 days.

Repurchase Agreements.

Local Agency Investment Fund Demand Deposits (State Pool)

Shares issued by the Investment Trust of California (CalTRUST), a pooled investment program authorized for local agency investment pursuant to California Government Code Section 53601(o).

Passbook Savings Account Demand Deposits

Money market funds which invest solely in securities issued by the U. S. Treasury and agencies of the federal government, and repurchase agreements collateralized with U. S. Treasury and federal agency obligations.

Prohibited Investments: Under the provisions of Government Code Sections 53601.6 and 53631.5, the City shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

9. Collateralization:

Collateralization will be required on two types of investments: certificates of deposit over \$250,000 and repurchase agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be one hundred two percent (102%) of market value of principal and accrued interest.

Collateral must be held by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the City and retained.

The right of collateral substitution is granted.

10. Safekeeping and Custody:

All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third party custodian designated by the Director and evidenced by safekeeping receipts.

11. Diversification:

The City will diversify its investments by security type and institution. With the exception of U. S. Treasury securities and authorized pools, no more than 33% of the

City's total investment portfolio will be invested in a single security, U.S. Government agency, or with a single financial institution.

12. Maximum Maturities:

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow and approved by the City Council, the City will not directly invest in securities maturing more than 5 years from the date of purchase.

13. Reporting:

The Director is charged with the responsibility of including investment activities in the City's Comprehensive Annual Financial Report, as well as a quarterly summary report to the City Council. Reports will include performance, market sector and interest accruals, and shall be on the basis of both cost and market.

The policy recognizes that reporting on a market basis will periodically cause market gains or losses to be reported. In most instances such gains or losses will not be realized since individual securities with specific maturities are purchased based upon projected cash flows and normally will not be liquidated prior to maturity.

14. Investment Policy Review:

The City's investment policy shall be reviewed annually by the City Council.

15. Other Constraints:

The City shall operate its investment pool within the many State and self imposed constraints. It shall buy no stocks, shall not speculate, nor shall it deal in futures or options, or buy on margin. The City will not purchase inverse floaters, range notes, interest only strips or any security having an interest rate derived from an index, commodity price or other variable i.e. securities commonly know as derivatives.

RESOLUTION NO. ___-

**A RESOLUTION OF THE OAKLEY CITY COUNCIL APPROVING THE
INVESTMENT POLICY FOR FISCAL YEAR 2016-17**

WHEREAS, the City Council has established and each year approves an Investment Policy regarding the investment of the City's temporary idle cash; and

WHEREAS, the Policy delegates authority for investing the City's funds to the Finance Director; and

WHEREAS, the Policy specifies the City's investment objectives in accordance with California Law and provides a framework for managing and investing the City's funds in accordance with these objectives; and

WHEREAS, the Investment Policy itself requires the City's Investment Policy be reviewed and approved by the City Council each year; and

WHEREAS, the Finance Director has reviewed the existing policy and recommends the City Council approve the attached policy for FY 2016-17.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the Investment Policy for FY 2016-17 attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 12th of July, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

OAKLEY



CALIFORNIA

Agenda Date: 07/12/2016
Agenda Item: 3.13

STAFF REPORT

Approved and Forwarded to City Council:

A handwritten signature in blue ink, appearing to read 'BHM', is written over a horizontal line.

Bryan H. Montgomery, City Manager

Date: July 12, 2016
To: City Council
From: Bryan Montgomery, City Manager
SUBJECT: **Resolution of Support for Excluding USS-POSCO from the Final Dumping Order for Imported Hot-Rolled Steel Flat Products from the Republic of Korea**

Background and Analysis

The U.S. Department of Commerce announced the initiation of antidumping and countervailing duty investigations of hot-rolled steel flat products (“hot bands”) from seven different countries – including the Republic of Korea on September 1, 2015. As part of these investigations, the International Trade Commission (“ITC”) must determine whether the importation of hot-bands from Korea is causing material injury, or a threat of material injury, to the domestic steel industry. Should the ITC issue a final affirmative “declaration of material injury,” it could preclude USS-POSCO Industries (“UPI”) in Pittsburg from obtaining its essential supply of hot bands for its continuing operations. UPI currently employs 650 residents in Contra Costa and Solano counties, most of which are union members and a large number live in Oakley.

The Department of Commerce is currently conducting on-site verifications of the information provided by UPI during the preliminary investigation. The next ITC hearing is set for August 4, 2016.

On June 6, 2016, the Pittsburg City Council adopted Resolution No. 16-13195 supporting the exclusion of USS-POSCO Industries from the final anti-dumping order that is currently being considered by the International Trade Commission. Due to the potential negative impact on Oakley residents, this resolution is also being proposed for your consideration.

Here are links to more information relating to the Department of Commerce’s considerations: <http://enforcement.trade.gov/download/factsheets/factsheet-multiple-hot-rolled-steel-flat-products-ad-prelim-031516.pdf>

<https://www.federalregister.gov/articles/2016/01/15/2016-00750/countervailing-duty-investigation-of-certain-hot-rolled-steel-flat-products-from-the-republic-of>

Fiscal Impact

Approval of the resolution has no fiscal impact; however, the proposed action of the Department of Commerce could do great harm to USS-POSSCO and there would be a resulting negative impact on the local economy.

Recommendation

Staff recommends that the City Council adopt the resolution of support for excluding USS-POSSCO from the Final Dumping Order for Imported Hot-Rolled Steel Flat Products from the Republic of Korea

Attachments

1. Resolution

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
OF SUPPORT FOR EXCLUDING USS-POSCO FROM THE FINAL DUMPING
ORDER FOR IMPORTED HOT ROLLED STEEL FLAT PRODUCTS FROM
THE REPUBLIC OF KOREA**

WHEREAS, the City of Oakley in the County of Contra Costa has a population of over 40,000 people that depend on the health of the local, regional, and California economy; and

WHEREAS, California's largest steel finishing company, USS-POSCO Industries ("UPI") is located near the City of Oakley and employs over 650 people, including many Oakley residents; and

WHEREAS, UPI contributes approximately \$130 million of economic value to the local and regional economy through the payment of local taxes (\$5 million), its employee payroll (\$50 million), and the purchase and sale of goods and services (\$75 million) which benefits community services and businesses in the County, including Oakley; and

WHEREAS, UPI imports most of its basic raw material, high quality steel coils, from its joint venture parent Pohang Iron & Steel Company, Ltd. ("POSCO"); and

WHEREAS, a final determination of material injury, or the threat of material injury, by the U.S. International Trade Commission ("ITC") in the case of imported hot-rolled steel flat products from the Republic of Korea would cause UPI's operations to be severely threatened and dependent on uncertain and unreliable sources of hot band supplies; and

WHEREAS, the City of Oakley and this region would be severely impacted by this result with loss of substantial jobs and essentially 3 million square feet of vacant heavy industrial land.

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1.

All the recitals above are true and correct and incorporated herein.

Section 2.

The City Council hereby adopts this Resolution supporting the exclusion of UPI from the final anti-dumping order in Investigation Numbers 701-TA-545-547 and 731-TA-1291-1297.

Section 3.

The City Manager is hereby authorized to take such further actions as may be necessary or appropriate to carry out City's obligations pursuant to this Resolution.

Section 4.

This Resolution shall take effect immediately upon adoption.

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Oakley held on the 12th day of July, 2016, 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:

Kevin Romick, Mayor

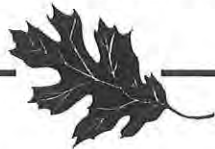
ATTEST:

Libby Vreonis, City Clerk

Date

OAKLEY

Agenda Date: 07/12/2016
Agenda Item: 4.1



CALIFORNIA

STAFF REPORT

Date: July 12, 2016
To: Bryan Montgomery, City Manager
From: Kenneth W. Strelo, Senior Planner

Approved and Forwarded to City Council:

A handwritten signature in blue ink, appearing to read 'B. Montgomery', is written over a horizontal line.

Bryan Montgomery, City Manager

SUBJECT: Daub 4 Kidz Bingo Hall (CUP 01-16) – Continued Public Hearing

Summary

This is a continued public hearing on a request by Francine McMahon (“Applicant”) for approval of a Conditional Use Permit to operate a non-profit Bingo Hall (Assembly, Public) within a 6,000 square foot space located at 2105-2107 Main Street (former Diablo Water District Offices within the Cypress Square Shopping Center) (“Project”). The applicant proposes to operate up to four sessions a week, including Tuesday and Friday nights, and Saturday and Sunday afternoons. Up to 100 players, 12 volunteers, and 1 security guard may be present during any given sessions. The site is zoned C (General Commercial) District.

Modification to Project Description – During the June 28, 2016 public hearing, the property owner representative, Mr. Bob Garrison of Sierra Pacific Properties, declared a change to the size of the tenancy for the proposed use. Due to a new karate studio tenant leasing a portion of the space proposed to be occupied by the bingo hall, the use is now proposed to occupy less space at approximately 4,421 square feet, which would be addressed as only 2107 Main Street.

Staff recommends the City Council adopt the proposed resolution approving the request for a Conditional Use Permit to operate a bingo hall located at 2107 Main Street (CUP 01-16), as conditioned.

Background

This project was originally presented to the City Council on April 26, 2016 as a public hearing item. At that time, Staff recommended denial of the project. The Council deliberated on the project with different opinions for and against the proposal. It was moved to prepare a resolution for approval addressing the concerns raised of accommodating parking and increased security. The motion failed to be approved and no additional motion was made.

The project was brought back to the City council for a second public hearing on June 28, 2016 with the same Staff recommendation for denial. At that hearing, the applicant and her representatives presented some changes to the proposed use, as described above, as well as presented other details of the draft lease agreement, such as delegated parking areas for bingo players. After receiving the Staff report and additional testimony, the Council deliberated on the project and eventually there was a motion (which passed 4 ayes, 1 no) to direct Staff to bring back a resolution for approval of the conditional use permit, with added conditions.

The Council directed Staff to implement the following items into a resolution for approval:

- Limit the timeframe for the conditional use permit for 2 years of operation.
- In the event of an unusual drain on the Oakley Police Department caused by either direct or indirect operation of the use, provide the ability to either bill the operator for additional police calls, require additional security provided by the operator, or consider revocation of the conditional use permit.
- It was suggested whether a conditional use permit can be limited to a specific operator and be conditional to disallow transfer to another operator. The City Attorney committed to researching the request.

Environmental

This project is exempt from requiring an Initial Study analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (Class 1 - Existing Facilities).

Analysis

In order to approve a conditional use permit, the [City Council] must make all of the following findings ([OMC Section 9.1.1602\(f\)](#)):

1. That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adapt the use with land and uses in the neighborhood;
2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
3. The proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the general plan and the applicable zoning ordinances;
4. That the proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the general plan;

5. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.

Findings 1 and 2 can be made because the proposed location is already existing. Size, shape, yards, spaces, etc. do not constitute any need for additional analysis. Also, access to the site is well established and a parking analysis shows there to be surplus parking available in and around the use and the surrounding uses within the shopping center to accommodate overlapping operation times.

Findings 3 and 4 were the subject of Staff's original recommendation for denial. Based on deliberations by the City Council at the June 28, 2016 public hearing, the project will not result in any inconsistencies with either finding. In summary, the Council found that the specific assembly use of a bingo hall at this specific location would support the findings because the tenant location was not in a main part of the shopping center, the commercial property manager representative provided testimony to difficulty in leasing out the space to a retail, office, or food related business.

Finding 5 requires compliance with the California Environmental Quality Act (CEQA). As stated previously, the project complies with CEQA in that it is categorically exempt from further CEQA analysis.

The proposed resolution includes conditions of approval to address some of the amendments recommended to be included by the City Council, including:

- Placing a two (2) year limit on the life of the conditional use permit. The conditions allows the applicant to request an extension to the conditional use permit at least 60 days prior to the two (2) year expiration. An extension of up to two (2) additional years may be approved at staff level, or brought to the City Council for consideration.
- Validating the conditional use permit only for a bingo hall as approved and under operation by the applicant. In order to transfer the conditional use permit to another operator, the new operator would be required to submit a signed letter to the Planning Division stating they have read, understand, and agree to abide by and implement all conditions of approval in the project resolution.
- Giving the City discretion to require additional security personnel or requiring the operator to reimburse the City for additional police calls beyond an average of one (1) per month if caused by the operation, whether directly or indirectly.

Findings

Draft findings are included in the proposed resolution.

Recommendation

Staff recommends the City Council adopt the proposed resolution approving the request for a Conditional Use Permit to operate a bingo hall located at 2107 Main Street (CUP 01-16), as conditioned.

Attachments

1. Applicant's Original Project Description and Company Background
2. Staff Report from June 28, 2016 Public Hearing without Attachments
3. Proposed Resolution for Approval



Daub4KidsBingo.com

January 6, 2016



City of Oakley
Planning and City Council Members
Oakley, CA 94561

Re: Conditional Use Permit - 2105 & 2107 Main Street, Oakley Cypress Square Shopping Center (former water department).

Dear Planning and City Council Members:

Daub 4 Kidz Inc. is a newly formed non-profit organization formed solely for the purpose of helping the children in our local community by donating to the local schools and community sports programs. We are a registered 501(C)(3) charity organization, registered with the State of California, Department of Justice and the Internal Revenue. Our Tax Id #47-1599528. We are compliant with the California Bingo Regulations 326.5.

Our organization was founded in August of 2014. As the President, I have been involved in charitable, non profit organizations since 1999, including Good Shepard, St. Peter Martyr School, Terrapins Swim Team, Love 2 Dance and most recently resigned from the East County Hot Shots, to open my own non profit organization. We have been their fiscal sponsor and donated large sums of money, we felt our time and efforts could be utilized more efficiently reaching out to more organizations than be exclusive to one. We now can reach out to our local schools and local sports programs.

Our goal is to reach out to more children, schools and sports programs by providing the additional assistance and funds needed. We will help pay for new uniforms, travel, equipment, field repairs, hardship tuitions, scholarships, indoor training facilities that the kids can go to practice and improve there skills. We are very proud of all our previous accomplishments to date and would love to make our new home in Oakley, CA.

Every year in October, we kick off our canned food drive, every player comes in with a canned food item and receives \$ 5.00 off there buy in for bingo, to date all canned food items have gone to Shelter Inc. in Bay Point, CA. In November and December each year we do our " Toys for Tots ", again each player brings in a toy, receives a discount on there buy in. If no toy is brought in, a donation goes into the kitty that is used to

purchase bikes and helmets for the less fortunate children in our community. In Mid December, we take the toys and bikes to the local "Toys for Tots" location to be distributed.

We have worked together with Sam Billeci, President at the Flor-Do Oakley Bingo Hall in Oakley, Ca. We have a verbal agreement in place not to operate on each others nights. Flor- Do Oakley Bingo operates on Monday and Thursday evenings. Should you have any questions, please feel free to contact Sam at 916-801-2546, he fully supports our operations and can speak on behalf of our organization.

Our request is to have 4 sessions a week of Bingo. Our preference is to operate Tuesday and Friday Nights and Saturday and Sunday afternoons. During our evening sessions, doors open at 4:00 p.m., with bingo beginning at 6:30 p.m., and ending between 10:30 p.m and 11:30 p.m. For our afternoon sessions, doors open at 11:00 a.m, bingo begins at 1:00 p.m. and ending between 5:30 and 6:30 p.m. Based on the attendance we receive at the new location, we might change the afternoon session to Saturday and Sunday evenings. This to be determined at a later time. We typically run special events 3-4 times per year, New Years Eve, New Years Day, Presidents Day, and 4th of July.

Our use is for regular bingo sessions and compliant with the California Bingo Regulations section 326.5. On any given session, our attendance ranges from 50-100 players. Many have been our regular players for years.

We are staffed with 10-12 volunteers, including myself, our Board of Directors and Members. We have 1 paid security guard on the premises at all times during bingo.

We truly believe that we are a perfect fit at this location, our customers will use the local shopping center for food, grocery shopping, we will use the local restaurants for our special events that will generate additional money to the City of Oakley. We hope to have a fair opportunity to have our permit request reviewed and approved by the City of Oakley Planning and Council members. We would love to begin donating to the local Oakley schools and sports programs helping to keep kids off the streets and live there dreams.

We look forward to making this a wonderful place for our bingo players to come and enjoy come an afternoon or evening of fun and in a safe environment.

We would be happy to answer any questions you may have regarding our request and would be happy to have you visit this location and discuss our operations.

Please do not hesitate to contact me via e-mail at francinemcmahon53@aol.com or (925) 726-6211.

Sincerely,

A handwritten signature in blue ink that reads "Francine McMahon" with a long horizontal flourish extending to the right.

Francine McMahon
President
Daub 4 Kidz, Inc.

OAKLEY

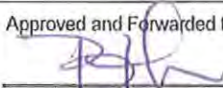


CALIFORNIA

STAFF REPORT

Date: June 28, 2016
To: Bryan Montgomery, City Manager
From: Kenneth W. Strelo, Senior Planner
SUBJECT: Daub 4 Kidz Bingo Hall (CUP 01-16) – Second Public Hearing
 (Recommendation of Denial)

Approved and Forwarded to City Council:


 Bryan Montgomery, City Manager

Summary

This is a second public hearing on a request by Francine McMahon ("Applicant") for approval of a Conditional Use Permit to operate a non-profit Bingo Hall (Assembly, Public) within a 6,000 square foot space located at 2105-2107 Main Street (former Diablo Water District Offices within the Cypress Square Shopping Center) ("Project"). The applicant proposes to operate up to four sessions a week, including Tuesday and Friday nights, and Saturday and Sunday afternoons. Up to 100 players, 12 volunteers, and 1 security guard may be present during any given sessions. The site is zoned C (General Commercial) District.

Staff recommends the City Council adopt the proposed resolution denying the request for a Conditional Use Permit to operate a bingo hall located at 2105-2107 Main Street (CUP 01-16).

Background

This project was originally presented to the City Council on April 26, 2016 as a public hearing item. At that time, Staff recommended denial of the project. The Council deliberated on the project with different opinions for and against the proposal. It was moved by Councilmember Pope and seconded by Councilmember Hardcastle to prepare a resolution for approval addressing the concerns raised of accommodating parking and increased security. The motion failed to be approved with the following tie vote:

Ayes: Hardcastle, Pope
 Noes: Perry, Romick
 Abstained: Higgins

A second motion was not made to either approve or deny the project. During the presentation, it was stated if the project were denied at the subject location, Staff would

meet with the applicant about looking at other options in more appropriate zones or locations.

Since that meeting, Staff has communicated with the Applicant that the project was neither approved nor denied, and that direction for Staff to come back with a resolution for approval failed. Therefore, the project was still on file and action still needed to be taken in order to close the file. Options were provided to the applicant to withdraw the application, or proceed to go back for a formal action, which would be recommended the same as the original recommendation. The Applicant chose to proceed with another public hearing. Since the item was not continued on April 26, 2016, the public hearing has been re-noticed.

Since the April 26, 2016 meeting, the Applicant has not contacted Staff for assistance in seeking other potential locations, nor submitted any new information or inquiries regarding other locations. As stated in the original Staff Report from April 26, 2016 (attached), it is Staff's opinion that the use is not appropriate for a retail shopping center. The analysis for operation at the proposed location remains unchanged from the original Staff Report analysis. Staff was not directed to further look into any specific analysis; however, if it could be found that parking could be accommodated and that additional security would reduce potential for issues to arise, the use would still be inappropriate for the retail shopping center.

Recommendation

Staff recommends the City Council adopt the proposed resolution denying the request for a Conditional Use Permit to operate a bingo hall located at 2105-2107 Main Street (CUP 01-16).

Alternatively, if the City Council passes a motion directing Staff to come back with a resolution in support of the project, it is recommended the City Council include support for findings 3 and 4 from the April 26, 2016 Staff Report. The content of these findings would become part of the record, and they would need to support how the proposed use 1) is compatible with the intended character of the area, and does not change the essential character of the area from that intended by the General Plan and C (General Commercial) District, and 2) provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan. The Staff Report from April 26, 2016 provides an analysis on why Staff believes these two findings cannot be made.

Attachments

- ~~1. Applicant's Project Description and Company Background~~
- ~~2. Public Hearing Notice~~
- ~~3. Staff Report from April 26, 2016 Public Hearing without Attachments~~
- ~~4. Proposed Resolution for Denial~~

RESOLUTION NO. XX-16

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND DENYING A CONDITIONAL USE PERMIT (CUP 01-16) TO OPERATE A BINGO HALL AT 2107 MAIN STREET FOR THE PROJECT KNOWN AS “DAUB 4 KIDZ BINGO HALL” APN 037-110-026

WHEREAS, on January 13, 2016, Francine McMahon of Daub 4 Kidz, Inc. (“Applicant”) submitted an application requesting approval of a Conditional Use Permit to operate a non-profit Bingo Hall (Assembly, Public) within a 6,000 square foot space located at 2105-2107 Main Street (former Diablo Water District Offices within the Cypress Square Shopping Center) (“Project”). The applicant proposes to operate up to four sessions a week, including Tuesday and Friday nights, and Saturday and Sunday afternoons. Up to 100 players, 12 volunteers, and 1 security guard may be present during any given sessions (“Project”); and

WHEREAS, on February 12, 2016, 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 C (General Commercial) District on the City of Oakley Zoning Map; and

WHEREAS, this project is from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities); and

WHEREAS, on April 26, 2016 a duly noticed public hearing was held on the proposed project at the regular City Council meeting. At that meeting, a motion to approve the project failed to pass (2 ayes, 2 noes, and 1 abstention), and no other motion was made. The project was not continued at that time; and

WHEREAS, on June 16, 2016, a second Notice of Public Hearing for the Project was duly noticed by being 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 500-foot radius of the subject property’s boundaries, to parties requesting such notice, and to outside agencies; and

WHEREAS, on June 28, 2016, a second duly noticed public hearing was held on the proposed project at a regular City Council meeting. At that meeting, the Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote (4 ayes, 1 no) to continue the public hearing to July 12, 2016, and directed Staff to bring back a resolution for approval for the proposed project; and

WHEREAS, during the June 28, 2016 public hearing, the applicant and her representatives presented a modification to the proposed project, whereby the originally proposed 6,000 square foot tenant space was to be reduced to approximately a 4,421 square foot tenant space due to the leasing of a portion of it to a different tenant; and

WHEREAS, on July 12, 2016, the City Council continued the June 28, 2016 public hearing at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, 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, and the information submitted to the City Council at its July 12, 2016 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 project:

- A. In regards to the application requesting approval of a Conditional Use Permit (CUP 01-16) to operate a non-profit Bingo Hall (Assembly, Public) within a 4,421 square foot space located at 2107 Main Street (APN 037-110-026):
 - 1. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adapt the use with land and uses in the neighborhood; and
 - 2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use in that:
 - a. The proposed location is already existing. Size, shape, yards, spaces, etc. do not constitute any need for additional analysis. Access to the site is well established and a parking analysis shows there to be surplus parking available in and around the use and the

surrounding uses within the shopping center to accommodate overlapping operation times.

3. The proposed use will be arranged, designed, constructed, operated and maintained so as to be compatible with the intended character of the area and shall not change the essential character of the area from that intended by the general plan and the applicable zoning ordinances; and
4. The proposed use provides for the continued growth and orderly development of the community and is consistent with the various elements and objectives of the general plan in that:
 - a. The specific assembly use of a bingo hall at this specific location would support the findings because the tenant location is not in a main part of the shopping center, the commercial property manager representative provided testimony to difficulty in leasing out the space to a retail, office, or food related business.
 - b. Given the current economic status, the conditional use permit is approved with a 2-year life at which time it must be re-evaluated by Staff, and potentially the City Council.
5. The proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act.

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 a Conditional Use Permit, subject to the following Conditions of Approval:

Applicant shall comply with the requirements of the Oakley Municipal Code ("OMC"). Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division on January 13, 2016, and any subsequent documents made part of the record.

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

Planning Division Conditions

General:

1. The Conditional Use Permit is approved as proposed in the application received January 13, 2016, by the Planning Division, as modified during the June 28, 2016

City Council meeting and described in the July 12, 2016 Staff Report, and as modified by the following conditions of approval, subject to final review and approval by the Planning Division.

2. This approval shall be effectuated within a period of six (6) months from the effective date of this resolution by legally establishing the use, and if not effectuated shall expire on January 12, 2017. Prior to said expiration date, the applicant may apply for an extension of time pursuant to Oakley Municipal Code section 9.1.1602(h).
3. The Conditional Use Permit shall be valid for a period no longer than two (2) years from the effective date of this resolution, and shall expire on July 12, 2018. In order to continue operation beyond that time frame, the applicant shall notify the Planning Division at least 60 days prior to the expiration date, in writing, of their intent to continue operation of the conditional use permit. At that time, the Planning Manager will review the request and either A) administratively approve an additional extension of up to two (2) years, if he or she finds that the permittee has exhibited a record of compliance with all permit conditions, or B) refer the matter to the City Council for consideration. The applicant shall be responsible to pay the applicable fee for an administrative (Planning Manager consideration) or public hearing (City Council consideration) permit extension.
4. This conditional use permit is only valid for the specified public assembly use of a bingo hall operated in the manner described in the project record and conditioned, herein. Prior to any transfer of operator, the new operator shall submit copy of an original signed letter to the City of Oakley Planning Division stating they have read, understand, and agree to abide by all conditions of approval contained in this resolution. Failure to submit this letter prior to transferring operation of the bingo hall will constitute a failure to implement the adopted conditions of approval and may be ground for revocation of the conditional use permit.
5. If at any time the use creates the need for an average of two (2) or more police calls per month, whether directly or indirectly related to operation of the use, the applicant agrees to either A) provide additional security personnel, subject to review and approval of the Police Chief, or B) be responsible for reimbursement to the City of Oakley for any police calls that meet or exceed the two (2) per month average.
6. Any improvements drawings submitted for plan check shall be in substantial compliance with the project as presented to and approved by the City Council on July 12, 2016.
7. Hours of operation for the use shall be limited to four (4) sessions a week as follows:
 - A. Tuesdays and Fridays: 4:00 P.M. to 11:30 P.M.
 - B. Saturdays and Sundays: 11:00 A.M. to 6:30 P.M.

C. A maximum of four (4) additional special events per calendar year.

Any change to the routine hours of operation shall be made valid through modification of this conditional use permit, subject to City Council approval. Any additional special events proposed outside of the allowable four (4) per calendar year are subject to a temporary use permit, pursuant to Oakley Municipal Code section 9.1.1606, for each event.

8. Operation of each bingo event shall not exceed 100 participants, excluding the operator, volunteers not participating in the games, and security personnel.
9. 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.
10. The applicant shall indemnify, defend, and hold harmless the City of Oakley, the City Approving Authorities, and the officers, agents, and employees of the City from any and all claims, damages and liability (including, but not limited to, damages, attorney fees, expenses of litigation, costs of court).

Signage:

11. All permanent and temporary signage shall be subject to Oakley Municipal Code Chapter 9.5 (Regulation of Signs and Outdoor Advertising) and require a building permit when applicable.

Building Division Conditions

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

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 permits.
- B. Comply with the requirements of the Ironhouse Sanitary District.
- C. Comply with the requirements of the East Contra Costa Fire Protection District.

OAKLEY

Agenda Date: 07/12/2016

Agenda Item: 4.2



CALIFORNIA

STAFF REPORT

Date: July 12, 2016

To: Bryan Montgomery, City Manager

From: Kenneth W. Strelo, Senior Planner

Subject: **Residential Front Yard Improvements and Shipping Containers Text Amendments (RZ 01-16)**

Approved and Forwarded to City Council:


Bryan Montgomery, City Manager

Summary

This is a public hearing on a request for text amendments to portions of the zoning ordinance and other parts of the Oakley Municipal Code to address 1) regulations addressing improved surfaces and parking in residential front yards, and 2) regulations addressing standards for allowing shipping containers as accessory buildings within the City of Oakley. Applicable parts of the municipal code proposed to be amended include:

- Residential Front Yards: Sections 4.29.302 (Definitions); 4.29.402 (Landscape Requirements); 4.29.408 (Prohibited Activities), and 9.1.1122 (Yards); and
- Shipping Containers: Article 18 (Accessory Structures).

Staff recommends the City Council waive the first reading and introduce the ordinance approving 1) zoning ordinance text amendments to Chapter 1 of Title 9 and Article 18 of Title 9 of the Oakley Municipal Code (RZ 01-16), and 2) municipal code text amendments to Chapter 29 of Title 4 of the Oakley Municipal Code.

Background

On May 10, 2016 the City Council held a work session on "Donation Bins, Sea/Cargo Containers, and Residential Front Yard Improvements". Staff presented all three areas of focus separately, and the City Council provided discussion and direction for Staff to further look into text amendments and additions to address regulations surrounding all three topics. Since that work session, Staff has focused attention on the two items that are more immediately relevant, which are residential front yard improvements and sea/cargo containers. Proceeding with a new ordinance for donation bins will require additional research and Staff time since it will require City Attorney involvement and an entirely new ordinance. There is no further discussion on donation bins at this time.

Project Description

Residential Front Yard Improvements

Regulations related to how residential front yards can be improved can be found in both the zoning ordinance and the neighborhood preservation ordinance, Chapter 9.1 and Chapter 4.29, respectively, of the Oakley Municipal Code ("OMC"). In handling code enforcement cases or inquiries at the counter related to residential front yard improvements, the existing regulations are not always consistently applicable to all lots. There may be situations where the proposed improvement makes sense, but would not be allowed under the existing codes. Also, there may be a situation where the proposed improvement complies with the regulations, but not the intent of the codes. Staff brought this area of focus to the City Council in order to receive further direction prior to proceeding with any proposed amendments.

Feedback from the May 10th work session was to continue to allow recreational vehicles to be parked on materials such as decomposed granite, which is currently regarded as an unimproved surface in the neighborhood preservation ordinance. Vehicles may not be parked on unimproved surfaces. Also, it was suggested that improvements to properties be allowed that result in a 3-car wide driveway. The 50% maximum parking area was supported.

The proposed modifications will result in language where the intent is upheld, the allowances are clearly stated, and the municipal code is internally consistent. In order to accomplish that, one section in the zoning ordinance (OMC Section 9.1.1122 (Yards)) and three sections in the neighborhood preservation ordinance (Sections 4.29.302 (Definitions); 4.29.402 (Landscape Requirements); 4.29.408 (Prohibited Activities)) are proposed to be amended.

Shipping Containers

After the May 10, 2016 Work Session the Council directed staff to look into ways to allow cargo containers as accessory structures on residential properties through repurposing and redesign so as to comply with the Oakley Residential Guidelines, and/or be located in the rear yard and screened from public view. The desire was to have any cargo containers designed to look like the residential structure, and at the minimum have the same design quality as an accessory structure such as a backyard shed. In order to accomplish this, Staff is recommending the "Accessory Structure" article of the zoning ordinance (OMC Article 18) be amended to address "design standards" and specifically include language addressing cargo containers. Also, the containers are now referred to as "Shipping Containers" which is a more universally used term. It is also recommended Article 18 be renumbered to contain only one section so as to be consistent with how other portions of the zoning ordinance are numbered.

A redline version of the amended sections of the Oakley Municipal Code is attached for reference. The proposed ordinance contains the finalized versions of each section.

Environmental

This project is exempt from further analysis under the California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3) in that adoption of the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Analysis

Residential Front Yard Improvements

Part 1 of OMC Section 9.1.1122(f) already addresses maximum driveway widths and additional driveway coverage quite specifically. However, it limits the additional driveway to the side of the house adjacent to the garage, and seems to state it must be for recreational vehicle access to the side of the house. Also, it does not call out a total maximum front yard coverage. Part 2 addresses the larger residential lots. It leaves the details to the discretion of staff so long as the total paved area does not exceed 50% of the front yard. Part 3 provides language allowing a Hollywood driveway, which inherently includes a second curb cut, for R-15 and larger lots.

In order to amend the municipal code to achieve the desired results, part 1 would require text amendments. The intent would be to restrict any front yard driveway in part 1 to no more than a three car wide driveway, which would be changed from 26 feet to 30 feet wide, or 50% of the required front yard, whichever is greater. This would allow options as to where the additional parking area is placed, because in some cases rear or side yard access for vehicles is only available on the side of the house opposite the garage. Part 2 would no longer be needed since it would be redundant with the revised part 1, which would allow a lot to be improved with up to 50% of the required front yard.

Part 3 would be renumbered as part 2 and be amended to replace "curved driveway (Hollywood driveway)" with "second curb cut". The intent here is to allow access to side and rear yards that may not be located in the same area as the primary driveway, but without limiting the onsite improvement to a curved driveway. This would give an option to maintain the original driveway to access the garage, and install a second curb cut on the other side of the house, for instance, to access a large side yard, or to park a recreational vehicle. Also, "(ii)" would be replaced with the appropriate reference "(1)".

Subsections found in the Neighborhood Preservation Ordinance (Chapter 4.29 OMC) are also proposed for amendments. One part declares a nuisance if any applicable property has improved surface covering more than 50% of the front yard setback. The code defines an improved surface as "... any surface which has been improved with pavement, asphalt, cement, brick, interlocking pavers or other similar material and maintained in such a manner as to provide for a mud-free and dustless surface." Another part of the same chapter prohibits the parking of any motor vehicle, trailer, boat, or camper on any unimproved surface, unless it is located behind the front yard setback. When looking at these two regulations, it is interpreted that the intent is to prevent improvement for the purposes of parking vehicles on more than 50% of a front yard setback. Unfortunately, as the code currently is written, it technically prohibits property owners from making decorative hardscape improvements to their front yards when those improvements may result in over 50% improved surface coverage.

The Council directed Staff to look at ways to allow the parking of vehicles on materials such as decomposed granite. A discrepancy arises because by definition, it can be argued that decomposed granite is not an improved surface, since it has the potential to create mud and/or dust, and the parking of a vehicle on it would be prohibited. In order to allow the parking of vehicles on certain unimproved surfaces, the language must be modified and also made consistent with the previous modifications to the zoning ordinance.

In order to achieve these changes, 1) the definition for "Improved Surface" has been updated to include materials such as compacted decomposed granite, 2) the landscape section has been amended to allow decorative landscaping and refer back to the zoning ordinance for driveway width allowances, and 3) the allowance to park a vehicle on an unimproved surface if behind the front yard setback has been amended to require that vehicle to be behind a minimum six (6) foot tall fence.

Shipping Containers

While amending OMC Article 18, Staff is proposing to renumber it in a manner more consistent with the rest of the zoning ordinance. In doing so, there will one section (OMC 9.1.1802) with several subsections, rather than several separate sections. As part of the regulatory amendments, it is proposed that a design standard subsection be added for all accessory structures, and for that to contain additional specific language for shipping containers. In summary, the standards would require any accessory structure to be consistent with the Oakley Residential Design Guidelines, and match the materials and architectural style of the primary unit. Except, pre-build or pre-fabricated accessory structures whose original intent was for a residential accessory structure may be allowed to not match the material of the primary unit. This would allow for backyard metal "tool" sheds, aluminum detached patio covers, etc. Shipping containers would only be allowed if they were repurposed to appear as a functional residential accessory structure through the addition of a pitched roof matching the house roof color and material, texture coating or exterior veneer that matches the color of the house, and the addition of at least one man-door that can be unlocked and opened from inside the structure. A shipping container that does not meet the first two criteria may still be allowed if it is screened from public and private view by a solid fence as seen from adjacent ground level. All shipping containers would be subject to review and approval by the Community Development Director.

Recommendation

Staff recommends the City Council waive the first reading and introduce the ordinance approving 1) zoning ordinance text amendments to Chapter 1 of Title 9 and Article 18 of Title 9 of the Oakley Municipal Code (RZ 01-16), and 2) municipal code text amendments to Chapter 29 of Title 4 of the Oakley Municipal Code.

Attachments

1. Redline versions
2. Proposed Ordinance

Proposed Text Amendments Redline Version

Residential Front Yard Improvements

Oakley Municipal Code Section 9.1.1122(f)

f. Front Yards – Driveway Width and Coverage.

1) Driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage, except for 3-car garages where the width shall not exceed ~~30~~26 feet. ~~In addition, if a lot only has a two car driveway, an additional 10-foot-wide driveway may be located in the front yard to allow~~ access to a side or rear yard or for additional front yard parking area. Any lot may increase the driveway width and parking area of the required front yard above the allowances within this subsection, so long as the total driveway and parking area does not exceed 50% coverage of the required front yard. Additional driveways and parking shall not result in a second curb cut or widened curb cut beyond that allowed by this code. ~~recreational vehicle storage area adjacent to a garage, a maximum 10-foot wide driveway may be located on the side of the lot with the garage, but shall not have a second curb cut;~~

~~2) For lots 70 or more feet in width, the Community Development Director may approve a greater driveway width if the Community Development Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development, and will not create a pedestrian or vehicular hazard. For single family homes, the total paved surface for vehicle parking, storage, and access in required front yard shall not exceed 50 percent;~~

~~3) For single-family homes, a second curb cut~~ curved driveway ("Hollywood driveway") is permitted on lots that are zoned R-15 or larger, and where paragraph ~~(#1)~~ of this section is met.

Oakley Municipal Code Chapter 4.29

4.29.302 Definitions.

I. "Improved Surface" shall mean any surface which has been improved with pavement, asphalt, cement, brick, interlocking pavers or other similar material and maintained in such a manner as to provide for a mud-free and dustless surface. Compressed decomposed granite or other similar compressed material may be considered an improved surface when it is kept in a mud-free and dustless state and used for the purposes of additional parking in a required front yard. Loose gravel, bark, rocks, and other similar materials may not be considered an improved surface for the purposes of additional parking.

4.29.402 Landscaping Requirements.

a.—It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:

ia. Overgrown, diseased, dead or decayed trees, shrubbery, weeds, lawns or other vegetation that:

(1)i. Constitutes a fire hazard or other condition that is dangerous to the public peace, health, safety, welfare; or

(2)ii. Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances; or

(3)iii. Is overgrown onto a public right-of-way at least six (6) inches.

ii**b.** Any trees, shrubbery, or other vegetation that overhang onto streets and sidewalks and are not trimmed or maintained in accordance with the following standards:

(1)i. At least twelve (12) feet above the street and gutter along streets which are not used for bus routes.

(2)ii. At least eight (8) feet above the entire sidewalk.

iii.(3) At least sixteen (16) feet above the street and gutter along streets which are used for bus routes.

iii**c.** Any trees, shrubbery or other vegetation that is completely dead, over eight (8) inches in height and covers more than fifty percent (50%) of the front or side yard visible from any public street.

iv**d.** A violation of any landscaping requirement under an applicable development permit.

be. ~~A property on which t~~The improved surface of the property exceeds 50% of the required front yard area setback (including the driveway), except when the property is developed in a manner consistent with Section 9.1.1122(f), or enhancements to required front yards include improved surfaces consisting of drought tolerant and decorative hardscape that is designed and located in a manner where it may not be

accessed for the parking of vehicles, subject to review and approval of the Code Enforcement Manager.

ef. A property on which the unimproved surfaces are not maintained in good condition or repair, including without limitation any property which contains excessive weeds, rubbish or debris. Landscaping shall be installed and maintained in any unimproved portion of the front and side yards that is visible from any public right of way. If only Decorative Landscaping is used to meet the requirements of this section, "Weed Block" shall also be used.

4.29.408 Prohibited Activities.

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to engage in or allow others to engage in any one or more of the following activities on such property:

b. The parking of any motor vehicle, trailer, camper or boats on any unimproved surface, unless it is located behind the front yard or side yard setback and screened by a minimum six foot tall solid fence.

Shipping Containers

Oakley Municipal Code Article 18 of Chapter 9.1

Article 18 ACCESSORY STRUCTURES

9.1.1802 Accessory Structures Development Regulations

a. Definition, Accessory Structure.

1) "Accessory structure" is a detached building, carport, gazebo, shed, playhouse, or other similar above-ground structure, the use and size of which is subordinate and incidental to that of a main building on the same lot.

2) "Shipping Container" (also referred to as intermodal freight transport, sea container, or cargo container) is typically a 20-40 foot long durable closed steel containers capable of handling large capacity and weight loads over land and sea.

(Sec. 2, Ordinance No. 10-13, adopted August 13, 2013; Sec. 2(C), Ordinance No. 05-10, adopted March 9, 2010)

b. 9.1.1804 Maximum Size and Height.

a.— 1) Maximum Size. The maximum size of an accessory structure or combination of accessory structures on any single lot shall be whichever results in a greater allowance of accessory structure square footage between the following two options: 1) as measured in conjunction with all structures on the lot so that the total lot coverage shall not exceed forty percent (40%); or 2) five hundred (500) square feet. Square footage of structures shall be measured as follows:

1) i. For enclosed structures, such as the main house, detached garages, detached guest rooms/pool houses, enclosed patios, etc., floor area (interior walls to interior walls) shall be used to measure square footage;

2) ii. For unenclosed structures, such as gazebos, attached and detached carports, patio covers, trellises, etc., roof area coverage (as measured perpendicular to ground) shall be used to measure square footage.

b. 2) Maximum Height. The maximum height for any single accessory structure as measured to the peak of the roof or highest portion of structure, whichever is higher, shall be as follows:

1) i. Fifteen (15) feet in height when the accessory structure or portion thereof is located within any of the required yards for the applicable zoning district.

2) ii. Accessory structures completely located outside of all required yards, subject to the applicable zoning regulations, may match the height of the existing main structure. All accessory structures exceeding fifteen (15) feet in height shall use materials, design, and colors that match the main structure, subject to the review and approval of the Community Development Department.

(Sec. 2, Ordinance No. 10-13, adopted August 13, 2013; Sec. 2(C), Ordinance No. 05-10, adopted March 9, 2010)

c.9.1.1806 Minimum Setbacks.

a. 1) All Residential Lots.

1) i. Accessory structures shall be located outside of the required front yard and shall not have any portion closer than the main structure to the front property line;

2) ii. Accessory structures that are exempt from a building permit and are no higher than the height of the adjacent fence to which they are to be placed may be located within the required side or rear yard of any lot, up to the property line, only if the accessory structure maintains a minimum clearance of five feet to any other structure, excluding the fence. No accessory structure may be attached to a shared fence;

3) iii. Single structures that are one thousand five hundred (1,500) square feet or less shall maintain a minimum setback of three feet to the side and rear property lines. No portion of an accessory structure, its roof, or any other material that is a part of the accessory structure (i.e., overhang, gutter, support beam, etc.) shall project into the minimum setback; and

4) iv. Single structures that are greater than one thousand five hundred (1,500) square feet shall maintain the generally applicable setback standards for the relative zoning district.

b. 2) Nonresidential Districts. The minimum setbacks for accessory structures in nonresidential districts shall be the generally applicable setback standards for each district.

(Sec. 2, Ordinance No. 16-13, adopted December 10, 2013; Sec. 2, Ordinance No. 10-13, adopted August 13, 2013; Sec. 1, Ordinance No. 08-10, adopted May 25, 2010; Sec. 2(C), Ordinance No. 05-10, adopted March 9, 2010)

d.9.1.1808 Maximum Coverage in Required Rear and Side Yards.

1) Consistent with Section 9.1.404(f)(5), accessory structures shall occupy no more than thirty percent (30%) of a required rear yard. This shall also apply to the maximum coverage of a required side yard as measured from the front setback line to the rear property line. For structures located within both a required rear yard and required side yard, the area of coverage shall apply to the maximum allowable coverage for each required yard separately.

(Sec. 2, Ordinance No. 10-13, adopted August 13, 2013; Sec. 2(C), Ordinance No. 05-10, adopted March 9, 2010)

e. Design Standards

1) Accessory structures shall be consistent with the City of Oakley Residential Design Guidelines, which include having matching materials and architectural style to that of the primary unit.

2) Accessory structures may consist of pre-built or pre-fabricated sheds, carports, gazebos, etc. that do not match the material of the primary unit so long as the accessory structure's original design, intent, and purpose is as a residential backyard structure.

3) Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:

i. The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the additional of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit.

ii. The shipping container is structurally modified to include at least one residential man door that can be unlocked and opened from inside the container.

iii. Subject to review and approval of the Community Development Director, exceptions may be made for the standard (i) of this subsection if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

f.9.1.1810 Variance Requests.

1) Any request for an exception to this article shall be subject to Section 9.1.1602, Variance and Conditional Use Permits.

(Sec. 2, Ordinance No. 10-13, adopted August 13, 2013)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING
TEXT AMENDMENTS TO OAKLEY MUNICIPAL CODE NEIGHBORHOOD
PRESERVATION ORDINANCE (CHAPTER 29 OF TITLE 4) AND THE ZONING
ORDINANCE (CHAPTER 1 OF TITLE 9) RELATED TO RESIDENTIAL FRONT YARDS
AND SHIPPING CONTAINERS (RZ 01-16)**

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

SECTION 1. Subsection 4.29.302(I) of the Oakley Municipal Code Section 4.29.302, titled "Definitions," is hereby amended as follows:

- "I. "Improved Surface" shall mean any surface which has been improved with pavement, asphalt, cement, brick, interlocking pavers or other similar material and maintained in such a manner as to provide for a mud-free and dustless surface. Compacted decomposed granite or other similar compacted material may be considered an improved surface when it is kept in a mud-free and dustless state and used for the purposes of additional parking in a required front yard. Loose gravel, bark, rocks, and other similar materials may not be considered an improved surface for the purposes of additional parking."

SECTION 2. Section 4.29.402 of the Oakley Municipal Code, titled "Landscape Requirements," is hereby amended in its entirety as follows:

"It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any property to maintain such property in such a manner that any one or more of the following described conditions are found to exist:

- a. Overgrown, diseased, dead or decayed trees, shrubbery, weeds, lawns or other vegetation that:
- i. Constitutes a fire hazard or other condition that is dangerous to the public peace, health, safety, welfare; or
 - ii. Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances; or
 - iii. Is overgrown onto a public right-of-way at least six (6) inches.
- b. Any trees, shrubbery, or other vegetation that overhang onto streets and sidewalks and are not trimmed or maintained in accordance with the following standards:
- i. At least twelve (12) feet above the street and gutter along streets which are not used for bus routes.
 - ii. At least eight (8) feet above the entire sidewalk.

- iii. At least sixteen (16) feet above the street and gutter along streets which are used for bus routes.
- c. Any trees, shrubbery or other vegetation that is completely dead, over eight (8) inches in height and covers more than fifty percent (50%) of the front or side yard visible from any public street.
- d. A violation of any landscaping requirement under an applicable development permit.
- e. The improved surface of the property exceeds 50% of the required front yard area setback (including the driveway), except when the property is developed in a manner consistent with Section 9.1.1122(f), or enhancements to required front yards include improved surfaces consisting of drought tolerant and decorative hardscape that is designed and located in a manner where it may not be accessed for the parking of vehicles, subject to review and approval of the Code Enforcement Manager.
- f. A property on which the unimproved surfaces are not maintained in good condition or repair, including without limitation any property which contains excessive weeds, rubbish or debris. Landscaping shall be installed and maintained in any unimproved portion of the front and side yards that is visible from any public right of way. If only Decorative Landscaping is used to meet the requirements of this section, "Weed Block" shall also be used."

SECTION 3. Subsection 4.29.408(b) of the Oakley Municipal Code Section 4.29.408, titled "Prohibited Activities," is hereby amended, as follows:

- "b. The parking of any motor vehicle, trailer, camper or boats on any unimproved surface, unless it is located behind the front yard or side yard setback and screened by a minimum six foot tall solid fence."

SECTION 4. Subsection 9.1.1122(f) of the Oakley Municipal Section 9.1.1122, titled "Yards," is hereby amended, as follows:

- f. Front Yards – Driveway Width and Coverage.
 - 1) Driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage, except for 3-car garages where the width shall not exceed 30 feet. If a lot only has a two car driveway, an additional 10-foot-wide driveway may be located in the front yard to allow access to a side or rear yard or for additional front yard parking area. Any lot may increase the driveway width and parking area of the required front yard above the allowances within this subsection, so long as the total driveway and parking area does not exceed 50% coverage of the required

front yard. Additional driveways and parking shall not result in a second curb cut or widened curb cut beyond that allowed by this code.

- 2) For single-family homes, a second curb cut is permitted on lots that are zoned R-15 or larger, and where paragraph (1) of this section is met.

SECTION 5. Article 18 of the Oakley Municipal Code Chapter 9.1, titled "Accessory Structures," is hereby amended in its entirety, as follows:

"9.1.1802 Accessory Structures Development Regulations

a. Definitions.

- 1) "Accessory structure" is a detached building, carport, gazebo, shed, playhouse, or other similar above-ground structure, the use and size of which is subordinate and incidental to that of a main building on the same lot.
- 2) "Shipping Container" (also referred to as intermodal freight transport, sea container, or cargo container) is typically a 20-40 foot long durable closed steel containers capable of handling large capacity and weight loads over land and sea.

b. Maximum Size and Height.

- 1) Maximum Size. The maximum size of an accessory structure or combination of accessory structures on any single lot shall be whichever results in a greater allowance of accessory structure square footage between the following two options: 1) as measured in conjunction with all structures on the lot so that the total lot coverage shall not exceed forty percent (40%); or 2) five hundred (500) square feet. Square footage of structures shall be measured as follows:
 - i. For enclosed structures, such as the main house, detached garages, detached guest rooms/pool houses, enclosed patios, etc., floor area (interior walls to interior walls) shall be used to measure square footage;
 - ii. For unenclosed structures, such as gazebos, attached and detached carports, patio covers, trellises, etc., roof area coverage (as measured perpendicular to ground) shall be used to measure square footage.
- 2) Maximum Height. The maximum height for any single accessory structure as measured to the peak of the roof or highest portion of structure, whichever is higher, shall be as follows:

- i. Fifteen (15) feet in height when the accessory structure or portion thereof is located within any of the required yards for the applicable zoning district.
 - ii. Accessory structures completely located outside of all required yards, subject to the applicable zoning regulations, may match the height of the existing main structure. All accessory structures exceeding fifteen (15) feet in height shall use materials, design, and colors that match the main structure, subject to the review and approval of the Community Development Department.
 - c. Minimum Setbacks.
 - 1) All Residential Lots.
 - i. Accessory structures shall be located outside of the required front yard and shall not have any portion closer than the main structure to the front property line;
 - ii. Accessory structures that are exempt from a building permit and are no higher than the height of the adjacent fence to which they are to be placed may be located within the required side or rear yard of any lot, up to the property line, only if the accessory structure maintains a minimum clearance of five feet to any other structure, excluding the fence. No accessory structure may be attached to a shared fence;
 - iii. Single structures that are one thousand five hundred (1,500) square feet or less shall maintain a minimum setback of three feet to the side and rear property lines. No portion of an accessory structure, its roof, or any other material that is a part of the accessory structure (i.e., overhang, gutter, support beam, etc.) shall project into the minimum setback; and
 - iv. Single structures that are greater than one thousand five hundred (1,500) square feet shall maintain the generally applicable setback standards for the relative zoning district.
 - 2) Nonresidential Districts. The minimum setbacks for accessory structures in nonresidential districts shall be the generally applicable setback standards for each district.
 - d. Maximum Coverage in Required Rear and Side Yards.
 - 1) Consistent with Section 9.1.404(f)(5), accessory structures shall occupy no more than thirty percent (30%) of a required rear yard. This shall also apply to the maximum coverage of a required side yard as measured from the front setback line to the rear property line. For structures located within both

a required rear yard and required side yard, the area of coverage shall apply to the maximum allowable coverage for each required yard separately.

e. Design Standards.

- 1) Accessory structures shall be consistent with the City of Oakley Residential Design Guidelines, which include having matching materials and architectural style to that of the primary unit.
- 2) Accessory structures may consist of pre-built or pre-fabricated sheds, carports, gazebos, etc. that do not match the material of the primary unit so long as the accessory structure's original design, intent, and purpose is as a residential backyard structure.
- 3) Shipping containers are not permitted as residential accessory structures unless the following criteria can be met, subject to the review and approval of the Community Development Director:
 - i. The shipping container is redesigned and repurposed to appear and function as a residential accessory structure through the additional of a pitched roof that matches the color of the primary unit's roof, and the addition of texture coating or exterior veneer to disguise the industrial appearance of such structures and that matches the color of the primary unit.
 - ii. The shipping container is structurally modified to include at least one residential man door that can be unlocked and opened from inside the container.
 - iii. Subject to review and approval of the Community Development Director, exceptions may be made for the standard (i) of this subsection if the shipping container is screened from public and private view by a solid fence as seen from adjacent ground level.

f. Variance Requests.

- 1) Any request for an exception to this article shall be subject to Section 9.1.1602, Variance and Conditional Use Permits.

SECTION 6. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment.

SECTION 7. Effective Date and Posting.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date



STAFF REPORT

Date: July 12, 2016
To: Bryan H. Montgomery, City Manager
From: Deborah Sultan, Finance Director
SUBJECT: Approve Resolution Modifying the Police Services Tax Rate Schedule

Approved and Forwarded to the City Council:


Bryan Montgomery, City Manager

Background and Analysis

Prior to City incorporation, the County created a Police Services Special Tax to help pay for the cost of police services. Upon incorporation, the City continued the tax structure. In 2002, it adjusted the applicable tax rate by the change in the cost of living since incorporation and put a cost of living escalator into the tax. In 2004, the City Council approved a resolution to adjust the current tax rate and to change the method of automatically adjusting the tax rate based on the annual increase in the Sheriff's contract amount for Oakley police services. Beginning May 2016, the City established its own police department and no longer contracts with the Sheriff's office to provide public safety. A new method of determining the new tax rate each year is required. The City expects the transition from the Sheriff's contract to its own police department will allow the City to better control the cost of police services and increase the service levels.

In order to ensure that revenue grows at a rate sufficient to cover the cost of providing police services, staff is proposing to change the method of automatically increasing the rate back to a cost of living escalator while reserving the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City.

Fiscal Impact

By recalculating the Police Services Tax to a change in the cost of living, the current tax rate of \$975.84 for a single-family home would increase to \$1,002.18 annually based upon the attached schedule.

Recommendation

Staff recommends approval the attached resolution to adjust the current tax rate and to change the method of automatically adjusting the tax rate from "Cost of Service" increase to the increase in "Cost of Living" reserving the opportunity to adjust the rate the following year if the CPI adjustment is insufficient to reimburse the City.

RESOLUTION NO. __

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
APPROVING MODIFICATIONS TO SCHEDULE FOR POLICE SERVICES TAX,
PREVIOUSLY ADOPTED ON MARCH 22, 2004**

WHEREAS, on March 22, 2004, the City Council adopted a schedule for the police services tax to adjust the annual tax amount per parcel by the change in the City's cost of obtaining police services pursuant to its contract with the Contra Costa County Sheriff's Department for zones created beginning July 1, 2002; and

WHEREAS, as of May 6, 2016, the City has its own police department and no longer contracts with the Contra Costa County Sheriff's Department for its police services; and

WHEREAS, the City Council desires to revise said schedule for police services taxes to adjust the annual tax per parcel by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-Bay Area to become effective July 1, 2016 and;

WHEREAS, the City Council desires to incorporate into said schedule for police services tax an automatic adjuster by the change in the Consumer Price Index; and

WHEREAS, the purpose of this resolution is to change the basis of how increases to such tax are calculated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley hereby resolves that the schedule for police services tax, which is attached hereto as Exhibit A is adopted and effective immediately; and

BE IT FURTHER RESOLVED THAT, the tax rates shown in Exhibit A shall be automatically adjusted on July 1 of each year, beginning on July 1, 2016 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 12th of July, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

**CITY OF OAKLEY SCHEDULE FOR POLICE SERVICE TAX
FOR FISCAL YEAR 2016/2017**

PROPERTY USE CODE CATEGORY	EXPLANATION	FY15/16 TAX PER PARCEL	FY16/17 TAX PER PARCEL
11	Single Family Residence – 1 res., 1 site	\$975.84	\$1,002.18
12	Single Family Residence – 1 res., 2 or more sites	\$975.84	\$1,002.18
13	Single Family Residence – 2 res., on 1 or more sites	\$1,561.34	\$1,603.48
14	Single Family Residence – other than single fam. Land	\$975.84	\$1,002.18
15	Misc. Improvements – 1 site	\$975.84	\$1,002.18
16	Misc. Improvements – 2 or more sites	\$975.84	\$1,002.18
17	Vacant – 1 site	\$487.92	\$501.08
18	Vacant – 2 or more sites	\$487.92	\$501.08
19	Single Family Residence – Det. W/common area	\$975.84	\$1,002.18
20	Vacant – Multiple	\$487.92	\$501.08
21	Duplex	\$1,561.34	\$1,603.48
22	Triplex	\$2,342.02	\$2,405.24
23	Fourplex	\$3,122.68	\$3,206.98
24	Combinations	\$975.84	\$1,002.18
25	Apartments (5 –12 Units)	\$3,915.54	\$4,021.24
26	Apartments (13 – 24 Units)	\$10,148.68	\$10,422.68
27	Apartments (25 – 59 Units)	\$19,516.70	\$20,043.64
28	Apartments (60+ units)	\$46,840.06	\$48,104.74
29	Attached PUDs: Cluster Homes, Condos, etc.	\$975.84	\$1,002.18
30	Vacant – Commercial	\$487.92	\$501.08
31	Commercial Stores – Not Supermarkets	\$1,951.68	\$2,004.36
32	Small Grocery Stores – (7-11, etc.)	\$2,927.52	\$3,006.56
33	Office Buildings	\$1,951.68	\$2,004.36
34	Medical, Dental	\$1,951.68	\$2,004.36
35	Service Stations, Car Wash	\$1,951.68	\$2,004.36
36	Garages	\$1,951.68	\$2,004.36
37	Community Facilities (Recreational, etc.)	\$3,903.34	\$4,008.72
38	Golf Courses	\$1,951.68	\$2,004.36
39	Bowling Alleys	\$975.84	\$1,002.18
40	Boat Harbors	\$2,439.60	\$2,505.46
41	Supermarkets – (not shopping centers)	\$2,927.52	\$3,006.56
42	Shopping Centers	\$3,903.34	\$4,008.72
43	Financial Buildings – (Ins., Title, Banks, S&L)	\$975.84	\$1,002.18
44	Motels, Hotels & Mobile Home Parks	\$4,879.18	\$5,010.90
45	Theaters	\$2,195.64	\$2,254.92
46	Drive-in Restaurants	\$1,463.76	\$1,503.28
47	Restaurants	\$1,463.76	\$1,503.28
48	Multiple & Commercial	\$1,463.76	\$1,503.28
49	New Car Agencies	\$1,463.76	\$1,503.28
50	Vacant Land (not part of Ind. Park or P. & D.)	\$365.94	\$375.82
51	Industrial Park	\$2,927.52	\$3,006.56
52	Research & Development	\$1,463.76	\$1,503.28
53	Light Industrial	\$1,463.76	\$1,503.28
54	Heavy Industrial	\$1,463.76	\$1,503.28
55	Mini Warehouses (public storage)	\$2,927.52	\$3,006.56
56	Misc. Improvements	\$2,927.52	\$3,006.56
61	Rural, Res., Improvement 1A-10A	\$731.88	\$751.64
62	Rural, w/o structure 1A-10A	\$731.88	\$751.64
70	Convalescent Hospitals / Rest Homes	\$1,463.76	\$1,503.28
73	Hospitals	\$1,463.76	\$1,503.28
74	Cemeteries / Mortuaries	\$1,463.76	\$1,503.28
75	Fraternal & Service Organizations	\$1,463.76	\$1,503.28
76	Retirement Housing Complex	\$4,879.18	\$5,010.90
78	Parks & Playgrounds	\$2,927.52	\$3,006.56
85	Public & Private Parking	\$1,463.76	\$1,503.28
87	Common Area	\$1,463.76	\$1,503.28
88	Mobile Homes	\$731.88	\$751.64
89	Other (split parcels in different tax code areas)	\$731.88	\$751.64
99	Homeowner's Association Owned Common Areas	\$594.14	\$610.18

The tax rates shown in this schedule shall be automatically adjusted on July 1 of each year, beginning on July 1, 2016 by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-Bay Area and applying that rate to the prior year amounts for each property use code category. However, the City Council reserves the right to itself the opportunity to adjust the rate in the following year if the CPI adjustment is insufficient to reimburse the City for the costs of providing levels of police services as approved by the City Council.

CALCULATION OF COST OF LIVING INCREASE

Percent increase from FY 2015-16 in the San Francisco-Oakland-Bay Area Consumer Price Index for all Urban Consumers.

2.70%

OAKLEY




CALIFORNIA

STAFF REPORT

Date: July 12, 2016
To: Bryan Montgomery, City Manager
From: Lindsey Bruno, Recreation Manager
SUBJECT: **WORK SESSION regarding Oakley Recreation Buildings/ Center**

Approved and Forwarded to City Council:


Bryan Montgomery, City Manager

Background and Analysis

The property located at 1250 O'Hara Ave was dedicated to the County by the Moura family for "parks, recreation and related public purposes" prior to the incorporation of the City. Upon Incorporation, the property was transferred to the City with a vision that it would be a potential site for community-like amenities and other park and recreation activities.

The Parks and Recreation Master Plan identifies the property as a future park, recreation and open space site that could include park areas, trail connections and recreational buildings and facilities. The property totals 6.22 acres with the current temporary buildings totaling 8,012 square feet.

The City entered into a partnership agreement with the Mt. Diablo Region YMCA, who occupied the property and operated recreation programs in five temporary buildings, with a plan to build a large recreational facility on the property.

The Mt. Diablo YMCA was unable to fulfill this commitment, fell into bankruptcy and vacated the site. The City acquired the five temporary buildings and for the past five years has programmed these temporary buildings with classes, summer camps, an afterschool program and provides a space to rent for residents and community groups.

Staff worked with consultants to develop a draft building and site layout that utilize the property, while working around inherent constraints of the site size, shape and placement of the existing buildings.

The conceptual drawing of the site includes an all-inclusive ball field, open turf area, playground, gym/ hall, kitchen, after school program area, exercise room, classroom/ meeting room, offices, courtyard, trail connection and outdoor seating areas.

Recommendation

Staff recommends that the Council review the conceptual drawing and potential design of the Oakley Recreation Center site, and provide input and direction to Staff.

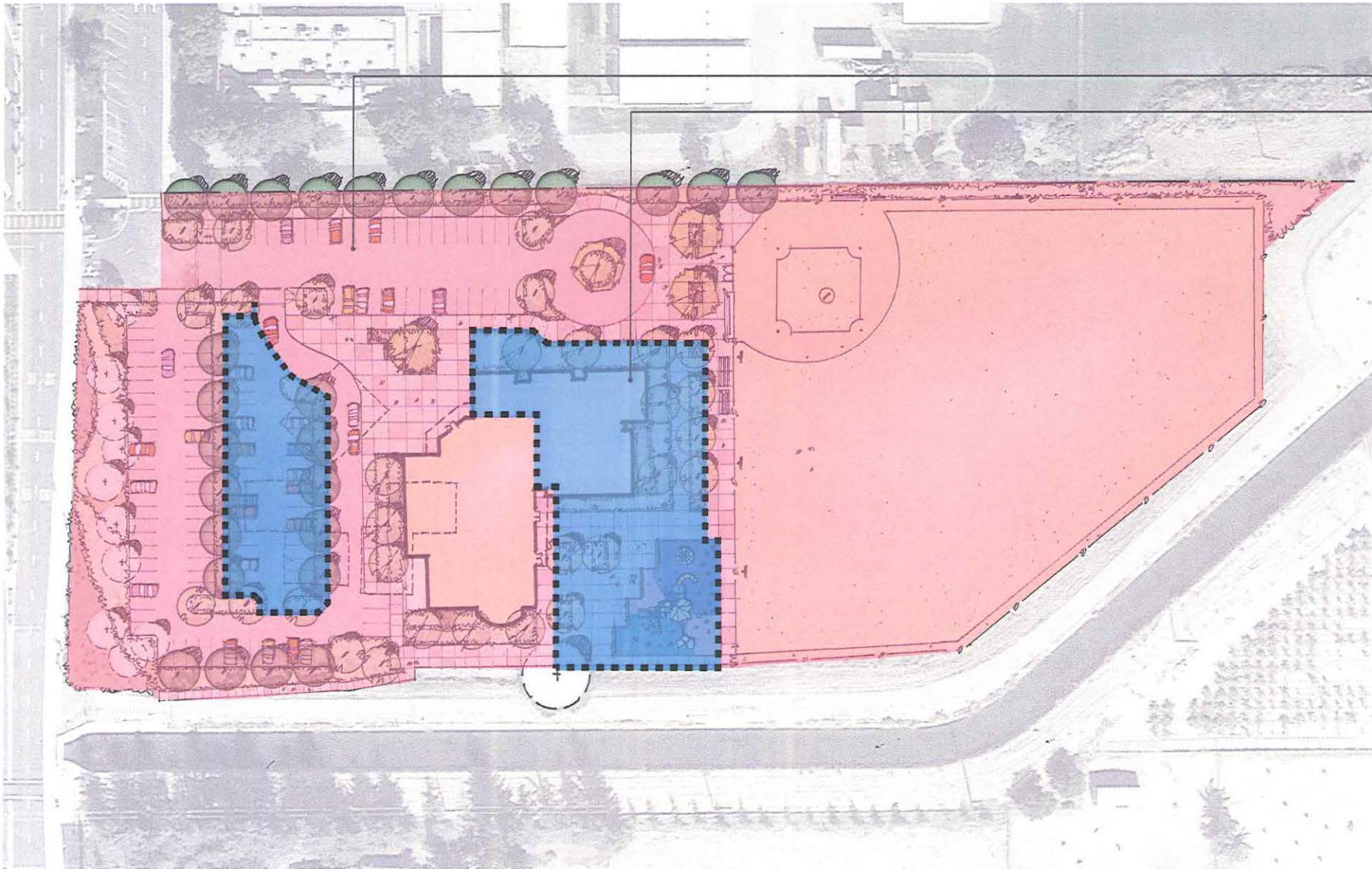
Attachments

1. Draft Recreation Center and Phasing Plan



- Curb ramp, typ.
- Parking lights, typ
- Pedestrian lights, typ.
- Backstop
- Metal bench, typ.
- Field lights, typ.
- Vehicle drop off
- Metal fence, typ.
- Challenger/ little league field
- DG walking path
- Tree, typ.
- Bleachers, typ.
- Planting area, typ.
- Open turf
- Service yard
- Seatwalls, typ.
- Courtyard
- Play area
- Existing tree, typ.
- Existing building, typ.
- Unloading spaces
- Passenger drop off lane
- Trail connection path

MASTER PLAN
OAKLEY RECREATION CENTER
 Oakley, California



PHASE 1

PHASE 2, TYP.

PHASING MAP
OAKLEY RECREATION CENTER
 Oakley, California

