AGENDA

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

Tuesday, September 08, 2020
6:30 PM
Oakley City Council Chambers, 3231 Main Street, Oakley, CA
How to View: BE ADVISED that this meeting will be live-streamed on the City's website at www.oakleyinfo.com. Due to the order of the County Health Officer, no one will be allowed to attend the meeting in person.
How to Participate:
Telephone: You may participate via telephone by calling (925) 809-9201 and using Conference ID#: 921207. Please call or text (925) 787-8454 with any difficulties with the call-in number or ID. The meeting host will call on you when it is your turn to speak. Please mute your phone until then.
E-mail: Public comments can be submitted until 5 p.m. the day of the meeting by completing an online comment form through the City's website, https://www.ci.oakley.ca.us/agendas-minutes-videos-archive/ . Comments will be distributed to the City Council via email and summarized in the meeting minutes. Please indicate on the comment form if you wish to speak during the meeting. Public comments are public records.

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/Oakley Public Financing Authority meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency or Oakley Public Financing Authority 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/electronic devices turned off during the meeting. Please be advised that City Council meetings are video recorded and attendees may appear on video.

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

1.OPENING MATTERS

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

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

1.2 Pledge of Allegiance to the Flag (Mayor Romick)

1.3 Proclamation Recognizing September as National Suicide Prevention + Action Month

Proclamation

1.4 Proclamation Honoring the 100th Anniversary of Disabled American Veterans

Proclamation

2.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/Oakley Public Financing Authority 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/Oakley Public Financing Authority 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/Oakley Public Financing Authority 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.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/Oakley Public Financing Authority 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/Oakley Public Financing Authority 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.

3.1 Approve the Minutes from the Special Meeting of the Oakley City Council held August 11, 2020 (Libby Vreonis, City Clerk)

Minutes 08-11-20 Special Meeting

3.2 Approve the Minutes from the Regular Joint City Council / City Council Acting as the Successor Agency to the Redevelopment Agency and Special Meeting of the Public Financing Authority held August 11, 2020 (Libby Vreonis, City Clerk)

Minutes 08-11-20-Regular Meeting

3.3 Waive the Second Reading and Adopt an Ordinance Amending Various Sections of Chapter 3.6 of the Oakley Municipal Code Concerning Purchasing and Enacting Chapter 3.7 of the Oakley Municipal Code Concerning the Implementation of Uniform Cost Accounting Act Procedures (Tim Przybyla, Finance Director)

Ordinance

3.4 Adopt a Resolution to Update the Conflict of Interest Code (Libby Vreonis, City Clerk)

Staff Report

1. Resolution

Exhibit A

3.5 Award of Construction Contract to JD Partners Concrete for the FY 2020/21 Curb, Gutter, & Sidewalk Repair & Replacement Project – Capital Improvement Project Number 241 (Kevin Rohani P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. Bid Summary

3.6 Adopt Resolutions Approving Regular Joint City Council / City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority Revised Meeting Dates in 2020 (Libby Vreonis, City Clerk)
Staff Report
1. Revised List of 2020 Meeting Dates
2. City Council Resolution
3. Successor Agency Resolution
4. Public Financing Authority Resolution

3.7 Resolution regarding the Regional Housing Needs Allocation (RHNA) Methodology (Bryan Montgomery, City Manager)
Staff Report
1. Resolution
2. August 6, 2020 letter from Mayors' Conference to ABAG

4.PUBLIC HEARINGS

4.1 Conduct Public Hearing and Adopt Resolution Approving the Gilbert Ranch Stormwater Improvements Reimbursement Agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)
Suggested Action: Staff Recommendation: 1) Open the Public Hearing, 2) Receive the Staff Report, 3) Receive Questions from the City Council, 4) Receive Comments from the Applicant, 5) Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate, 8) Summarize the Deliberation, and 9) Adopt the Resolution.
Staff Report
1. Signed Application
2. Reimbursement Agreement
3. Resolution Approving the Gilbert Ranch Reimbursement Agreement

4.2 Stonewood Units 1A, 1B, and 2A Design Review (DR 03-20) – Request for Design Review approval of architectural plans for 241 single-family residential lots consisting of 70 one-story and 171 two-story homes within the Stonewood subdivision. (Ken Strelo, Principal Planner)
Suggested Action: Staff Recommendation: 1) Open the Public Hearing, 2) Receive the Staff Report, 3) Receive Questions from the City Council, 4) Receive Comments from

the Applicant, 5) Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate, 8) Summarize the Deliberation, and 9) Adopt the Resolution.
Staff Report
1. Vicinity Map
2. Public Hearing Notice
3. Applicant's Plans
4. Draft Resolution
5. City Council Power Point Presentation

4.3 3350 Main Street - Design Review (DR 06-20) for approval of a new 1-story, approximately 10,000 sq. ft. building and associated site improvements. The project is located at the northwest corner of Main Street and Norcross Avenue. APN's: 037-160-006, 007 and portions of 018 and 027 (Joshua McMurray, Community Development Director)
Suggested Action: Staff Recommendation: 1) Open the Public Hearing, 2) Receive the Staff Report, 3) Receive Questions from the City Council, 4) Receive Comments from the Applicant, 5) Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate, 8) Summarize the Deliberation, and 9) Adopt the Resolution.
Staff Report
1. Vicinity Map
2. Public Hearing Notice
3. Project Plans
4. Proposed City Council Resolution
5. PowerPoint Presentation

4.4 Resolution Approving a Fee Study Regarding a Fire-Facilities Fee; Introduction and Waiver of First Reading of an Ordinance Amending Chapter 9.2 of the Oakley Municipal Code Concerning the Fire-Facilities Impact Fee; and Resolution Authorizing the City Manager to Execute an Administration Agreement with the East Contra Costa County Fire Protection District concerning the Fire-Facilities Fee (Derek Cole, City Attorney)
Staff Report

5.REGULAR CALENDAR

5.1 Authorize the City Manager to execute a Purchase and Sales Agreement with the Thomas Seeno Trust to purchase approximately 17,267 square feet of a portion of real property located at 4960 Fuschia Way in Oakley (APN 035-090-080). (Bryan Montgomery, City Manager)
Staff Report
1. Description of the Parcel
2. Purchase and Sales Agreement
3. Resolution

5.2 Adopt a Resolution Continuing the Declaration of the Existence of an Emergency Affecting the Public Health and Safety due to the Novel Coronavirus (COVID-19) Pandemic (Bryan Montgomery, City Manager)
Staff Report
1. Resolution

6.REPORTS

6.1 CITY MANAGER
(a) City Manager

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

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

(b) Requests for Future Agendas

7.WORK SESSIONS

8.CLOSED SESSION

9.ADJOURN

OAKLEY
CALIFORNIA

PROCLAMATION

September Is National Suicide Prevention + Action Month

WHEREAS; September is known around the United States as "National Suicide Prevention Awareness Month", most of us are quite aware of suicide. National Suicide Prevention + Action Month is intended to help promote and give attention to the Suicide Prevention services available to us and our community. The goal is to speak openly about the topic of suicide to help erase the stigma surrounding it, and to direct those in need to the appropriate support services; and

WHEREAS; Suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

WHEREAS; According to the American Foundation for Suicide Prevention (AFSP), more than 40,000 people die by suicide each year; and

WHEARAS; Suicide is the 10th leading cause of death among adults in the US, and nearly 20% of all suicides were completed by people ages 45-54; and

WHEREAS; Oakley, California is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents, as partners in supporting our community in simply being available to one another; and

WHEREAS; local organizations like Suicide Prevention Services (SPS), national organizations like the National Alliance on Mental Illness (NAMI) and international groups like Hope For The Day (HFTD) are on the front lines of a war that many still refuse to discuss, as suicide and mental illness remain too uncomfortable of a topic to talk about; and

WHEREAS, every member of our community should understand that throughout life's struggles we all need the occasional reminder that we are all fighting our own battles; and

WHEREAS, I encourage all residents to take the time to check in with their family, friends, and neighbors on a regular basis and to honestly communicate their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, handshake, or hug can go a long way towards helping someone realize that suicide is not the answer.

NOW, THEREFORE, be it resolved that I, Kevin Romick, Mayor of the City of Oakley do hereby proclaim the month of September 2020, as National Suicide Prevention Awareness Month in the City of Oakley, California.

_____
Kevin Romick, Mayor

P r o c l a m a t i o n

for

Disabled American Veterans Day 2020

Honoring the 100th anniversary of Disabled American Veterans

WHEREAS, Disabled American Veterans (DAV) was founded by World War I veterans on September 25, 1920, and was chartered by an Act of Congress on June 17, 1932;

WHEREAS, in 2020, DAV celebrates 100 years of serving veterans of the Armed Forces, their families and survivors, and communities;

WHEREAS, DAV is dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity;

WHEREAS, DAV accomplishes this by ensuring veterans and their families have access to the full range of benefits available to them, by fighting for the interests of America's injured heroes, and by educating the public about the needs of veterans transitioning back to civilian life;

WHEREAS, DAV provides free, professional assistance to veterans and their families in obtaining benefits and services provided by the United States Department of Veterans Affairs and other agencies;

WHEREAS, DAV also provides outreach concerning its programs and services to the American people generally, and to disabled veterans and their families specifically;

WHEREAS, DAV represents the interests of disabled veterans, their families, their widowed spouses and their orphans before the federal government, as well as state and local governments; and

NOW, THEREFORE, BE IT RESOLVED that I, Kevin Romick, Mayor of the City of Oakley on behalf of the City Council, do hereby proclaim September 8th as "Disabled American Veterans Day" in Oakley, California.

Dated: September 8, 2020

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Kevin Romick, Mayor

Minutes of the Oakley City Council Special Meeting held August 11, 2020

1) Call to Order

Mayor Kevin Romick called the meeting to order at 5:35 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. He led the Pledge of Allegiance to the Flag.

2) Roll Call

Mayor Romick, Vice Mayor Sue Higgins and Councilmember Randy Pope were present. Councilmembers Claire Alaura and Michael Krieg joined the meeting via teleconference.

3) Public Comments

None.

4) Regular Calendar

4.1 Adopt a Resolution Appointing a Representative to the Contra Costa County Advisory Council on Aging to fill a Vacancy Seat with Term Expiring October 10, 2021 (Libby Vreonis, City Clerk)

Mayor Romick read the agenda item and invited the applicants to take time to tell more about why they are qualified for the position.

Applicant Oleksii Chuiko mentioned he had been thinking about the position for a while. He shared the AARP vision of accessibility, affordability, recreation and partnerships for seniors. He mentioned there are many resources online, but he would bring an extra layer of accessibility to resources, especially during the COVID-19 pandemic. In relation to affordability, he mentioned there may be cuts in programs affecting senior citizens and he would like to create partnerships with programs to support seniors. In relation to recreation, he indicated it is important to keep seniors agile and active, and he sees cross-generational programs as positive relationships and role models for youth. In relation to partnerships, he mentioned he would create bridges between the Advisory Council and programs helping seniors.

Applicant Megan Casey shared she has been working in health care for over 16 years, 6 years of which have been specific to senior care in Contra Costa County and is aware of resources available to seniors. She commented that in the Bay Area affordable senior housing is almost impossible to find. She mentioned she has experience with seniors and can lend information and advocacy for housing, transportation, food and health care. She added that she talks to seniors daily and is very passionate about her work.

Applicant James D'Amico agreed with the comments made by previous applicants. He added that it is important for seniors to do and go because they need to stay connected. He mentioned he is retired and able to help.

City Councilmembers submitted their votes to the City Clerk.

The City Clerk tallied the votes and announced Megan Casey was selected.

It was moved by Councilmember Pope and seconded by Vice Mayor Higgins to adopt the resolution appointing Megan Casey to the Contra Costa Advisory Council on Aging to fill a vacancy seat with the term expiring October 10, 2021. Motion was unanimous and so ordered. (5-0)

5) Adjourn

There being no further business, the meeting was adjourned at 5:46 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held August 11, 2020

1) OPENING MATTERS

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

Mayor Kevin Romick called the meeting to order at 6:30 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. In addition to Mayor Romick, Vice Mayor Sue Higgins and Councilmember Randy Pope were present. Councilmembers Claire Alaura and Michael Krieg joined the meeting via teleconference.

1.2 Pledge of Allegiance to the Flag (Mayor Romick)

Mayor Romick led the Pledge of Allegiance to the Flag.

1.3 Proclamation honoring K-9 "Koda" on his retirement (Mayor Romick)

On behalf of the City Council, Mayor Romick presented the proclamation to Officer Joshua Del Prado on behalf of Koda.

Mayor Romick announced the Work Session, agenda item 7.1, would be heard following agenda item 1.4.

1.4 Update provided by East Contra Costa Fire Protection District (Brian Helmick, Fire Chief)

Fire Chief Brian Helmick provided an update to the City Council including background information regarding East Contra Costa Fire Protection District, current challenges (serving existing population and preparing to serve projected future growth), paths to correct challenges (funding, prepare infrastructure to increase services for stations # 4, 5 and 6, increase services if revenue increases, assessments, taxes, exploring alternatives, ensuring appropriate mitigation measures for Stations # 7, 8, 9 and possibly more, developer agreements, impact fees, community facility districts, and shared investments including help from State, County, Cities and residents), recent service level reductions (public education events and station tours have been canceled indefinitely and all firefighters as of July 1, 2020, have changed a defensive stance unless there is a life safety risk), and locations for additional ECCFPD information (virtual town halls and the Facebook Live schedule are on the ECCFPD website).

Councilmember Alaura commented she is glad to hear the attendance is increasing at the Facebook Live events and suggested city staff share those links on the City's Facebook page.

Chief Helmick responded that he will send the links to City Manager Bryan Montgomery.

7) WORK SESSIONS

7.1 Work Session regarding East Contra Costa Fire Protection District Fee Study and Proposed Increase in Fire Facilities Impact Fee charged to New Development (Bryan Montgomery, City Manager)

City Manager Bryan Montgomery presented the staff report.

Mayor Romick announced a letter of opposition was submitted by Shartsis Friese LLP on behalf of Discovery Builders, Inc. and West Coast Home Builders, Inc. which will be made part of the meeting record.

East Contra Costa Fire Protection District Chief Brian Helmick explained the District developed a study of fees in cooperation with the cities of Oakley and Brentwood, the County and Building Industry Association (BIA) before it went to the Fire Board for approval. He explained the fees will be continuous; however, the fees will be reviewed periodically every 3-5 years as to the amount. He introduced Joe Colgan and Nicole Kissam with NBS as well as legal counsel whom joined the call remotely. He mentioned without these fees, there will be no new stations or equipment for stations. He commented that he is aware of the criticism from Discovery Builders and for the record, the District submitted responses to the criticism. He shared that the District paused for a month and half to try and work with Discovery Builders but could not reach middle ground. He explained that the District can support its numbers and has justification it could be higher; therefore, it did not dismiss the criticism, but rather addressed it and is well-positioned to express that it could not reduce the fees to make it work.

Mayor Romick commented that he is familiar with the Fire District's situation and his concern is not fees for new housing, but rather fees for commercial property. He explained that Oakley is not comparable to Brentwood; Brentwood has a larger downtown and revenue stream coming from those businesses. He further explained that revenue from sales tax is only 8% in Oakley; therefore, it is lacking sales tax funding to provide to the General Fund. He mentioned the City is struggling now to bring commercial businesses to Oakley, Oakley does not have a large shopping mall like Brentwood, Oakley has a population less than 50,000, there are a number of competitors for shopping/sales tax in Brentwood and Antioch, and there is no major highway that goes through Oakley as there is in Antioch and Brentwood. He explained that adding more fees will make it more difficult to attract retail and commercial businesses. He commented that the City is lucky to have the Oakley Logistics Center under construction, but if it expands, the fees could make them re-think. He expressed concern that Oakley is being compared to Brentwood when in result of Proposition 13, Oakley gets 6% of property tax whereas Brentwood gets 17% and Oakley is at stronger disadvantage if compared to Brentwood.

Chief Helmick deferred to Joe Colgan for clarity. He explained that there is a larger situation than just Oakley and Brentwood in that there are other areas they represent; they have to provide protection and they have a system that is spread throughout all areas. He shared that the fees are not unique and it is not about existing or entitled commercial; it is only for new development. He expressed that the District supports responsible growth and he understands there is a cost, but that cost is providing a service.

Mayor Romick commented that the County doesn't have same responsibilities as Oakley does (unincorporated areas don't have buildings/commercial structure like the cities have); this is a disparity and it may impact Oakley being able to bring businesses to its community.

Joe Colgan explained there is no technical answer and the only thing they could do with the impact fee study would be to allocate the cost based on the demand. He mentioned if it were a single agency involved, it would be easier to reduce impact fees for commercial development and make up the difference, but here, there are many agencies involved and equities involved among agencies can become complicated; therefore it is a question of negotiation.

Chief Helmick commented that the approach taken is reasonable and indicates what is needed to provide adequate protection for new development. He explained that a deficit would have to be obtained elsewhere. He mentioned these are not random numbers; they were intentionally calculated.

Joe Colgan commented that based on the studies he sees, commercial is a less sensitive type of development impacted because location is so key with commercial businesses.

Mayor Romick emphasized that is part of Oakley's problem; with much of Oakley surrounded on one side by water and no major highway running through it, the location makes it difficult to attract businesses and the fees will only make it more difficult, especially with the ability of Antioch and Brentwood to draw business out of Oakley. He commented that the Council has to act on what is in the best interest of the City. He explained that fire services are very important, but the City struggles with how it will balance with police services, how the City will grow services when it cannot slow growth, and how it will provide services when in deficit compared to other cities. He explained that he is not opposed to fees, but he will have to consider how to support it.

City Manager Bryan Montgomery commented that unentitled properties are the focus; the intention is not to charge updated fees or to increase fees on entitled properties, although staff can encourage it. He shared that the Logistics Center is already entitled, but the commercial is mostly unentitled. He mentioned Brentwood is way far ahead and most of their businesses already paid some impact fees which is lower and Oakley will pay more; if adopted, Oakley will pay a one-time fire facility fee, but it is four-five times more than its counterpart in Brentwood for commercial. He explained that the Council may consider incentive fees as somewhere there will be a deficit.

Vice Mayor Higgins inquired how much is already collected in community facility districts.

Mr. Montgomery responded they are annual assessments to assist with operational costs.

Chief Helmick responded it is $279 per year.

Mr. Montgomery explained that this would be a one-time capital fee, not ongoing; residential fees would go from about $780 to $1,318 and commercial fees will be $.89 cents per square foot compared to the current fee of $.16 cents.

Councilmember Pope inquired about the relationship of the sunshine station and the District.

Chief Helmick responded that it is the same as it has been historically; the Amador agreement provides that the station is staffed by the County and the District pays $500k/ year to staff it half the year and they staff it the remainder of time during the fire season which is much longer now.

Councilmember Pope commented that through impact fees, Oakley has has built two stations this decade and the General Plan calls for 1 more station; he understands Brentwood and unincorporated areas will get 4 new stations.

Chief Helmick responded there are only 3 stations, 1 in each Oakley, Brentwood and unincorporated areas, assuming $1k per square foot.

Councilmember Pope inquired how the cost became inflated when the station in Oakley was built for less cost.

Chief Helmick commented that the Oakley station is not a model station, it has a disadvantaged lot and was underfunded.

Councilmember Pope inquired if inflation and a model station get us to the proposed cost.

Chief Helmick responded that the cost was higher and more aggressive than $1k per square foot and he knows what the costs were with building station #55; therefore, $1k per square foot is reasonable.

Councilmember Pope inquired if the cost excludes the land acquisition.

Chief Helmick responded that Oakley and Brentwood have land and unincorporated areas are working with developers. He explained that land is not the issue; this is an issue of building and equipment.

City Manager Bryan Montgomery announced he received a note that Angela Lowrey wishes to provide public comment.

Councilmember Alaura concurred with Mayor Romick regarding the commercial situation in Oakley. She mentioned she wants to voice support for fees as vital to provide the building and equipment needed to serve growth, but if there is a way to look at the ratio or percentage of numbers, Oakley is not comparable to Brentwood for all the factors Mayor Romick mentioned. She explained it is that much more expensive for commercial to develop in Oakley and she wants to look at the numbers in a more balanced way to provide the most possible without compromising future business in Oakley. She commented that she appreciates the methodology, but to split it in thirds doesn't work with how the regions are set up geographically and financially.

Chief Helmick commented that there is no disadvantage for future growth for Oakley or Brentwood.

Councilmember Krieg commented that the current fee structure was implemented when Oakley had a volunteer fire department and expectations are much different now. He expressed concern regarding the impact on commercial development, but also expressed times have changed and they have to move with it. He mentioned no one has a good idea how to preserve commercial development while supporting services. He invited anyone to bring their ideas to share.

Public Comment

Mayor Romick called upon Angela Lowrey to speak. There being no response, he moved on to further discussion.

City Manager Bryan Montgomery commented that they are not currently collecting any of the non-residential fees and could look at how those fees could be phased in over time (how quickly it would take to get to the .89 cents) if that mitigates some concerns. He mentioned if it that is something the Council would be supportive of, staff would be happy to explore the timing.

Mayor Romick commented he supports the District and understands the situation; the District has to grow and provide services and the only way to do it is to increase revenue; therefore, he wants to support in the best way he can.

Chief Helmick requested the Council agendize the item for the next meeting or two as every day the District does not have the Council's decision, it compounds the problem; the decision cannot be delayed. He commented it was approved by Brentwood as presented and submitted.

Mayor Romick commented he understands.

Councilmember Pope commented that Oakley is paying whereas unincorporated areas and Brentwood are not paying into community facility districts.

Chief Helmick commented that there are two parts to address growth, the community facility district fees are being calendared for September and Brentwood has approved the impact fees.

Councilmember Pope commented that new development should bear the burden of new services as it increases services needed.

Mayor Romick called upon Angela Lowrey for public comment again.

There being no response, Mayor Romick thanked Chief Helmick for his report.

Councilmember Pope inquired if staff has enough direction from the Council.

City Manager Bryan Montgomery commented that staff will explore options for the commercial fees or incentive fees. He indicated that the residential fees are about twice of what they currently are and commercial fees are even more substantial. He mentioned it will tentatively be placed on the agenda for September 8.

2) PUBLIC COMMENTS

Mayor Romick called upon Daniel Uribe to speak. There being no response, Mayor Romick moved on to the next public comment.

Pat Walsh commented that he is the founding President of the St. Vincent de Paul St. Anthony Church conference in Oakley which provides food distribution and person to person service to residents and he serves on a bond oversight committee for Oakley Union Elementary School District. He mentioned his participation in community service is rooted in his appreciation for the community and his belief that we are responsible for helping to make the world better. He thanked the City Council and City Manager for their service to the City and thanked them for the recent adoption of the resolution for Police common sense policies for use of force. He commented he appreciates the professionalism of the Police Department and that they place their lives on the line for safety. He mentioned he would like to expand review of every Police policy, including those related to use of force, including hiring, training, patrol function, implicit bias training, cultural responsiveness, supporting residents with mental illness and de-escalation of conflict. He mentioned since George Floyd, inappropriate use of force is not only what happens in that moment, but a chain of events that leads up to the moment. He quoted an *East Bay Times* article which indicated that more training is required for cosmetologists than for police officers. He suggested if our police officers need more training, it should be provided to them. He indicated at the heart of the matter is the idea of social justice to ensure every resident of Oakley feels like police officers are there to protect and serve each of them.

3) CONSENT CALENDAR

3.1 Approve Minutes of the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency and Special Meeting of the Public Financing Authority Meeting held June 23, 2020 (Libby Vreonis, City Clerk)

3.2 Accept Report out of Closed Session Memo (Derek Cole, City Attorney)

3.3 Waive the Second Reading and Adopt an Ordinance Approving the Rezone, as Conditioned for 2480 Oakley Road Residential Development Subdivision 9537 (Ken Strelo, Principal Planner)

3.4 Ratify Election: Adopt Ordinance No. 08-20 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 175 within the Oakley Special Police Tax Area for Police Protection Services for the Chevron project located at 5433 Neroly Road (APNs 051-220-052 and 054) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.5 Ratify Election: Adopt Ordinance No. 09-20 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 174 within the Oakley Special Police Tax Area for Police Protection Services for the Oakley Business Center project located at 3807 Main St. (APN 035-172-012) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.6 Ratify Election: Adopt Ordinance No. 11-20 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 176 within the Oakley Special Police Tax Area for Police Protection Services for the Twin Oaks Senior Residence project

located at 2605 Main St. (APN 035-011-030) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.7 Annexation No. 2 (The Vines – Subdivision 9507) to the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.8 Annexation No. 3 (Oakley Business Center - 3807 Main Street) to the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.9 Annexation No. 4 (Chevron – 5433 Neroly Road) to the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.10 Annexation No. 5 (Twin Oaks Senior Residence – 2605 Main Street) to the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.11 Annexation No. 21 (The Vines – Subdivision 9507) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.12 Annexation No. 22 (Oakley Business Center - 3807 Main Street) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.13 Annexation No. 23 (Chevron – 5433 Neroly Road) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.14 Annexation No. 24 (Twin Oaks Senior Residence – 2605 Main Street) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.15 Creating Zone 177 within the Oakley Special Police Tax Area consisting of the Acacia project (APNs 033-030-001 and 033-030-027) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.16 Response to Civil Grand Jury Report No. 2004, "Police Department Staffing" (Bryan Montgomery, City Manager)

3.17 City of Oakley Fourth Quarter Investment Report (Tim Przybyla, Finance Director)

3.18 City of Oakley as Successor Agency to the Oakley Redevelopment Agency Fourth Quarter Investment Report (Tim Przybyla, Finance Director)

3.19 Consideration of a Resolution Electing to have the City of Oakley become Subject to the California Uniform Public Construction Cost Accounting Procedures and Consideration of an Ordinance Amending Various Sections of Chapter 3.6 of the Oakley Municipal Code Concerning Purchasing and Enacting Chapter 3.7 of the Oakley Municipal Code Concerning the Implementation of Uniform Cost Accounting Act Procedures (Tim Przybyla, Finance Director)

3.20 Approving the Agreement with Cypress Road Self Storage LLC, for "Stormwater Management Facility Operations and Maintenance Agreement and Right of Entry" for the Cypress Self Storage project located at 207 East Cypress Road and authorizing the City Manager to execute the agreement (Kevin Rohani, P.E., Public Works Dirctor/City Engineer)

3.21 Approving the Agreement with Cypress Road Self Storage LLC, for "Agreement of Property Owner for Provision of Landscaping in the Public Right of Way Pursuant to Conditions of Approval" for Cypress Self Storage project located at 207 East Cypress Road (APN 033-012-004) and authorizing the City Manager to execute the agreement (Kevin Rohani, P.E., Public Works Dirctor/City Engineer)

3.22 Agreement with NCE for Engineering Design Services associated with CIP Project Number 250 – Laurel Road Resurfacing Project (Empire Avenue to O'Hara Avenue) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.23 Adopt a Resolution Establishing a New Fee for Short-Term Rental Applications (Joshua McMurray, Community Development Director)

3.24 Request for Proposal and Qualifications Related to Seeking a Consultant to Assist the City if Developing the City of Oakley Pre-Approved Accessory Dwelling Units (ADU) Program (Kenneth Strelo, Principal Planner)

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

4) PUBLIC HEARINGS

4.1 Teakwood Drive Parcels General Plan Amendment (GPA 02-19) – Request for approval of a General Plan Amendment to change the land use designation of four parcels totaling approximately 0.76 acres from Parks and Recreation (PR) to Single Family Residential, High Density (SH) (Kenneth Strelo, Principal Planner)

Principal Planner Ken Strelo presented the staff report.

The public hearing was opened.

Mayor Romick inquired if there is a landscape and lighting district in this neighborhood.

Mr. Strelo responded he is uncertain.

City Manager Bryan Montgomery responded he doesn't recall there being any such district.

Mayor Romick commented that building a park without money would be difficult.

Public Comment

Paul Seger commented there is a lag between the actual meeting and online meeting. He mentioned funding a park is difficult but there are groups within the county that help build parks. He added that there is a Parks & Recreation Department in Oakley and 2 members of the Council serve on its ad hoc committee (Councilmember Pope and previously Councilmember Hardcastle). He suggested the City talk to people in the neighborhoods and ask what would serve residents best. He mentioned there is no notice posted, neighbors mentioned a small sign posted for some time, and other people mentioned no notice was received. He also mentioned there are no parks in that area. He suggested the Council table the discussion until further outreach.

City Manager Bryan Montgomery inquired if notice had been posted.

Mr. Strelo responded it was been posted and published. He explained that the Government Code provides options how to notice.

Vice Mayor Higgins inquired if the City would have to ask the neighborhood to pay park impact fees or if there would be some other fee to pay for a park if a park were there.

Mr. Montgomery commented that there is a detention basin in the back of the park used for drainage that is owned by the housing development to the immediate west. He explained that if a park were built, it would be very small, the size of 4 lots and the value of lots is approximately $300k-$400k.

Mayor Romick closed the public hearing.

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

5) REGULAR CALENDAR

5.1 City of Oakley's ADA Self-Evaluation and Transition Plan (Nancy Marquez, Assistant to the City Manager/Human Resources Manager / Kevin Rohani, P.E., Public Works Director/City Engineer)

Assistant to the City Manager Nancy Marquez presented the staff report.

Public Comment

George Fuller commented the report was well done, but disabled people quickly get marginalized. He expressed concern that many events and changes have occurred since 2018 when public comments were received and the Council is going to respond to public input from 2 years ago. He mentioned he is part of a group that speaks nationwide about higher education and they hear many ADA issues of students and the world has changed. He also expressed concern that a minimal amount of $50k is being allocated toward the Plan when more funding has gone to private developers. He commented that millions of dollars are needed to open

accessibility and he hopes the Council will consider obtaining updated public input and consider it as a future public hearing item.

City Manager Bryan Montgomery invited the consultant on the phone to respond or provide input.

Josh Klipp with Sally Swanson Architects, Inc. (SSA) inquired if the Council has a copy of the presentation.

Mayor Romick confirmed the Council received it.

Mr. Klipp mentioned he is an ADA policy specialist with SSA and has been an attorney for 20 years with experience primarily in ADA, and he is a Certified Access Specialist through the California Division of State Architects.

Nico Sumowiec with SSA commented that it has been some time since the report was conducted in 2018; however, the City has already been working on mitigation over the past months.

Mr. Kilpp and Ms. Sumowiec presented a PowerPoint including the background of the ADA, the project approach, the self-evaluation process and the transition plans process.

Councilmember Pope inquired what the positive and negative ramifications are if the Council sends the item back for more public comments. He also inquired if it is a living document that the Council could approve today and modify in the future.

Mr. Klipp responded it is a living document and it shows good faith of the City to engage in the process. He explained that cities understand what needs to be done and can prioritize items depending usually on the resources cities have to dedicate to them. He mentioned public comment occurred in June 2018 and should already be in the report. He inquired if Councilmember Pope is referring to re-open public comment.

Councilmember Pope confirmed that his inquiry was regarding re-opening public comment as the public speaker had requested.

Mr. Klipp responded that the Council could do this, but it would simply add more public comment into the existing report.

Councilmember Pope inquired if it would create any legal issue if the progress were delayed by going back for additional public comment.

Mr. Klipp responded that the Council can open it back up for public comment at the same time it begins implementation.

Mayor Romick commented that it is a living document and there is no reason to go back as it will be evolving and can be updated.

Councilmember Pope commented even if adopt today, the Plan is not written in stone; it can be changed.

City Manager Bryan Montgomery responded that the Council can direct staff to include public comment to the living document in its appendix.

Councilmember Pope commented that he imagines things will change as far as priorities with financial constraints and public comment might impact that.

Mr. Montgomery responded that every budget year the Council can address and hear from the community most affected by these priorities.

Mayor Romick commented that as the Building Code evolves, changes may be required so it may be a never ending process; they can re-evaluate to ensure the Plan is current with the Code and use the living document to adjust priorities as they change within the City's budget.

Councilmember Krieg document seems comprehensive. He inquired how confident SSA is that they have everything.

Ms. Sumowiec responded it is not 100% of curb ramps; there was a slightly reduced scope and the City has it on file. She mentioned that those not collected are not in high-traffic areas; she is not sure of the exact percentage, but they looked at 1,300 curb ramps.

Councilmember Krieg inquired if they are confident the vast majority of items needing to be addressed were covered.

Ms. Sumoweic confirmed the vast majority were covered.

It was moved by Councilmember Krieg and seconded by Vice Mayor Higgins to approve item 5.1. Motion was unanimous and so ordered. (5-0)

5.2 Fiscal Year 2019/20 Fourth Report on the Capital Improvement Program (Kevin Rohani P.E. Public Works Director/City Engineer)

Public Works Director/City Engineer Kevin Rohani presented the Capital Improvement Program update.

Councilmember Pope inquired if there are plans for improving Laurel Road past Main Street to Creekside. He commented that the asphalt is in terrible condition.

Mr. Rohani responded that resurfacing and restriping will occur from Main Street to the bridge at Creekside.

No action was required of the City Council.

5.3 Designation of Voting Delegate and Alternate(s) for League of California Cities' Annual Conference Business Meeting to be held Virtually October 9, 2020 (Libby Vreonis, City Clerk)

City Clerk Libby Vreonis presented the staff report.

It was moved by Mayor Romick and seconded by Councilmember Krieg to designate Vice Mayor Sue Higgins as the voting delegate. No alternates were designated. Motion was unanimous and so ordered. (5-0)

6) REPORTS

6.1 CITY MANAGER
(a) City Manager

City Manager Bryan Montgomery announced that City Hall is closed; however staff is still available to assist; residents can call 625-7000 or email oakleyinfo@ci.oakley.ca.us for staff assistance. He mentioned the agenda provides ways the public can participate in Council meetings, emails can be submitted for the record, online comments can be made, and the City Council can accept emails. He encouraged everyone to text him at the number provided if any issues come up.

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

Councilmember Alaura reported she attended the East Contra Costa Fire Protection District (ECCFPD) Town Hall virtual meeting and commented they are doing a continuous job to get the word out about needed services and funding. She thanked them for the efforts they are making.

Councilmember Krieg reported he attended a virtual meeting of the Contra Costa Mosquito & Vector Control District in July. He shared information from the District meeting that the West Nile mosquito is about same as last year. He mentioned the District requests no standing water on properties and if residents swat mosquitoes, they can be placed in a bag and brought to the District office for evaluation if there is concern. He also shared that the District adopted a budget of $8.4 million with healthy reserves so they committed to fund initial engineering work for a capital improvement program. He also reported he attended a virtual meeting for the Delta Protection Commission and they discussed the draft environmental impact report for the tunnel project and reports on design studies for Locke and Walnut Grove as part of the Delta National Heritage areas and how to help develop tourism in these areas.

Councilmember Pope announced the next Habitat Conservancy meeting will be held virtually August 21 at 10am and information about how to participate in the Habitat Conservancy meeting can be found on Contra Costa County's website.

Vice Mayor Higgins reported Cal Fresh foods and the Contra Costa Food Bank are providing food distribution at St. Anthony Church on and off on some Saturdays and Sundays and would like to build up more people coming. She encouraged all to look at flyers and information online. She also reported she attended the virtual Mayors' Conference along with Mayor Romick during which meeting RHNA numbers were discussed and how ABAG representatives are trying not to lose local control. She also reported she attended the ECCFPD Town Hall virtual meeting which how to best approach weighs on her heavily.

Mayor Romick reported he attended the Mayors' Conference and as Vice Mayor Higgins mentioned, RHNA was the topic. He explained RHNA determines how many new housing units need to be produced in the state and where. He shared that the Los Angeles area was assigned

a 213% increase, and the nine Bay Area counties, including ours, may see a 130% increase in the next 8 years. He explained they are going through an evaluation process and the City must await our numbers which will come out later this year. He also reported he participated in the ECCFPD Town Hall virtual meeting. He also reported he attended a Reclamation District 2137 meeting this morning regarding the Dutch Slough Tidal Restoration Project. He mentioned the project grading is complete, a survey is nearly complete, the irrigation installation is complete, the tulees are doing well with about 1/3 of plants in the ground and another shipment will arrive in the fall. He also mentioned the Anderson parcel is being restored, they will eradicate non-native species and replace with native species in which the plants should self-sustain. He shared that the trucks going to the levee project are to provide dirt to the levee which will protect the future city park and property on the Gilbert side of which construction should be complete by mid-November. He commented that the trucks are paid by the load but need to slow down and obey traffic laws which has been addressed. He mentioned the design of the bridges and breeches of the levee continue through the spring and they hope to open the area in the winter of 2022. He added that Department of Water Resources, East Bay Regional Park District and the City of Oakley still have work to be done for access to the property as agreements will need to be made between the parties.

(b) Requests for Future Agendas

Councilmember Alaura requested a future agenda item for a work session with the Contra Costa County Building and Trade Council for project labor agreements for future projects. She mentioned it is difficult to have a large discussion by phone and suggested it be addressed when everyone can assemble in person.

Mayor Romick commented that Vice Mayor Higgins has been corresponding with them.

Vice Mayors Higgins commented that she has indicated to them that this climate is difficult to get together and it is something that the City will need to budget for as a study would be needed; therefore, it would be best to look at the next budget cycle in 2021.

Mayor Romick requested the item be agendized for 2021.

City Manager Bryan Montgomery commented that hopefully the spring of 2021 will be the best time.

8) CLOSED SESSION

None.

9) ADJOURN

There being no further business, the meeting was adjourned at 8:46 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

ORDINANCE NO. 14-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING VARIOUS SECTIONS OF CHAPTER 3.6 OF THE OAKLEY MUNICIPAL CODE CONCERNING PURCHASING AND ENACTING CHAPTER 3.7 OF THE OAKLEY MUNICIPAL CODE CONCERNING THE IMPLEMENTATION OF UNIFORM COST ACCOUNTING ACT PROCEDURES

THE CITY COUNCIL OF THE CITY OF OAKLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Upon the effective date of this Ordinance, Oakley Municipal Code section 3.6.06 shall be amended to read as follows:

3.6.006 Purchases By City Council – Competitive Bidding.

When the amount or value involved is at least $~~25~~50,000 and the purchase does not qualify as an exception to competitive bidding requirements per sections 3.6.010 or 3.6.028 of this ordinance, the purchase shall be made by the City Council through competitive bid as outlined below:

a. Notice inviting bids shall include a general description of the services and/or articles to be purchased or sold, where bid blanks and specifications may be obtained, the time and place for bid openings, and whether bid deposit or bond and faithful performance bond will be required.

~~b. Notice inviting bids shall be posted in at least three public places in the City that have been designated by ordinance as the place for posting public notices, at least 10 days before the date of opening the bids.~~

~~c~~b. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidder's list and may advertise the notice inviting bids in applicable publications.

~~d~~c. When deemed necessary by the Purchasing Agent or City Council, any bidder may be required to submit a bid deposit or bond in an amount determined by the Purchasing Agent or City Council. A successful bidder (and the bidder's surety, if a bond is furnished) shall be liable for any damages upon the bidder's failure to enter into a contract with the City or upon the failure to perform in accordance with the tenor of his/her bid.

~~e~~d. When deemed necessary by the Purchasing Agent or City Council, any person or entity entering into a contract with the City may be required to furnish a faithful performance deposit or bond in an amount determined by the Purchasing Agent or Council.

~~f~~e. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than 30 calendar days after the bid opening.

~~g~~f. At its discretion, the City Council may reject all bids presented and re-advertise for bids.

~~h~~g. Contracts shall be awarded by the City Council to the lowest responsible bidder, except as otherwise provided herein.

~~i~~.h. If two or more bids received from responsible bidders are for the same total amount or unit price, quality and service being equal, preference shall be given to the local vendor, or the City Council may accept the lowest bid made by negotiation with the tie bidders and the Purchasing Agent at the time of the bid opening.

SECTION 2. Upon the effective date of this Ordinance, Oakley Municipal Code section 3.6.10 shall be amended to read as follows:

3.6.010 Exception to Competitive Bidding Requirements.

a. The provisions of this chapter requiring competitive bidding shall not apply to the following:

1) Contracts involving the acquisition of professional or specialized services, such as, but not limited to, services rendered by architects, attorneys, engineers, and other specialized consultants;

2) When the City's requirements can be met solely by a single patented article or process;

3) When no bids have been received following bid announcements under other provisions of this chapter;

4) When the amount involved is less than $~~25~~50,000;

5) When an emergency requires that an order be placed with the nearest source of supply as set forth in Section 2.5.024;

6) When a purchase involves goods of a technical nature, and it would be difficult for a vendor to bid on a standard set of specifications, the Purchasing Agent shall undertake a thorough review of known products and a comparison of features which would most closely meet the City's needs at the least cost;

7) For janitorial services for City buildings and facilities;

8) For maintenance and repair of buildings and facilities;

9) For maintenance and repair of public streets, including street sweeping;

10) When another public agency has administered a competitive bidding process within the past two years for the same or substantially similar supplies, services or equipment;

11) When the City Council specifically waives the competitive bid process and authorizes staff to negotiate the purchase of vehicles by a four-fifths vote.

b. When the procurement falls into any of the categories listed above, and the amount does not exceed $~~25~~50,000, the Purchasing Agent may authorize the use of the other purchasing procedures set forth in this chapter, depending on the value of the goods or services. When the procurement falls into one of the categories listed above, and the amount exceeds $~~25~~50,000, procurement without competitive bidding must be authorized by the City Council by simple majority, except as otherwise provided above.

c. Any request for an exception under this section shall include the nature of the contract, amount of the contract, and the reasons why competitive bidding is not feasible.

SECTION 3. Upon the effective date of this Ordinance, Oakley Municipal Code section 3.6.12 shall be amended to read as follows:

3.6.012 Purchases Between $~~5~~10,000-$~~25~~50,000– Procedure.

If the amount or value involved in a purchase is $~~5~~10,000 or more, but less than $~~25~~50,000, the Purchasing Agent may make the purchase, without written bid, by informal price checking through telephone or mail inquiry, comparison of prices on file or otherwise. Every attempt shall be made to receive at least three price quotations. At the discretion of the Purchasing Agent, the acquisition of goods and services the value of which is at least $~~5~~10,000, but less than $~~25~~50,000, the formal competitive bid process may be used.

SECTION 4. Upon the effective date of this Ordinance, Oakley Municipal Code section 3.6.14 shall be amended to read as follows:

3.6.014 Purchases Between $~~1~~201 and $~~5~~10,000 – Procedure.

If the amount or value involved in a purchase is at least $~~1~~201, but less than $~~5~~10,000, the Purchasing Agent may make the purchase, without written bid, by using purchase orders or by direct purchase. The Purchasing Agent may attempt to obtain two price quotations.

SECTION 5. Upon the effective date of this Ordinance, Oakley Municipal Code section 3.6.16 shall be amended to read as follows:

3.6.016 Purchases Up To $~~1~~200 – Procedure.

If the amount or value involved in a purchase is $~~1~~200 or less, the Purchasing Agent may make the purchase, without written bid, by using direct purchase, including by using available petty cash.

SECTION 6. Upon the effective date of this Ordinance, Oakley Municipal Code section 3.6.18 shall be amended to read as follows:

3.6.018 Purchase Orders.

All purchases over $~~5~~10,000 shall be documented by a purchase order prepared by the Purchasing Agent. The original copy shall be directed to the vendor and one copy shall be retained for the purchase order file. The final copy shall be directed to the department for whose benefit the purchase is being made to be used as a receiving report.

SECTION 7. Upon the effective date of this Ordinance, Oakley Municipal Code section 3.6.28 shall be amended to read as follows:

3.6.028 Exceptions – Public Projects.

This chapter is expressly made inapplicable to bids for public projects as provided in chapter 3.7 of this Code, or as defined by Public Contracts Code Section 20161 and where the expenditure required for the public project exceeds the limit set by Public Contracts Code Section 20162. The provisions contained in chapter 3.7 of this Code or Public Contracts Code Section 20161 et seq. establish contract procedures the City shall follow regarding public projects.

SECTION 8. Upon the effective date of this Ordinance, Oakley Municipal Code Chapter 3.7 shall be enacted to read as follows:

CHAPTER 7
UNIFORM COST ACCOUNTING ACT

Section 3.7.02 Informal Bid Procedures.

Public projects, as defined by the Uniform Cost Accounting Act, and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

Section 3.7.04 Contractors List.

Whenever the City lets public projects under this Chapter, it shall first have complied with the requirements of Public Contract Code Section 22034.

Section 3.7.06 Notice Inviting Informal Bids.

Where a public project is to be performed which is subject to the provisions of this chapter, a notice inviting informal bids shall be circulated using one or both of the following alternatives:

a. Notices inviting informal bids may be mailed, faxed, or emailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with section 3.7.04.

b. Notices inviting informal bids may be mailed to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department/agency soliciting bids, provided that if the product or service is proprietary in nature such that it

can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

Section 3.7.08 Award of Contracts.

The City Manager or his or her designee is authorized to award informal contracts pursuant to this chapter.

SECTION 9. CEQA.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 10. SEVERABILITY.

The City Council of the City of Oakley hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after adoption.

SECTION 12. PUBLICATION.

The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in a newspaper of general circulation, published and circulated in the City of Oakley.

PASSED, APPROVED AND ADOPTED this 8th day of September, 2020 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

Date: September 8, 2020

To: Bryan H. Montgomery, City Manager

From: Libby Vreonis, City Clerk

SUBJECT: Adopt a Resolution Updating Job Classifications and Related Disclosure Categories as set forth in Section 2.9.008(a) of the Oakley Municipal Code Regarding the Conflict of Interest Code

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Background

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

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

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

The City's Conflict of Interest Code is provided beginning in Section 2.9.002 of the Oakley Municipal Code which provides for the disclosure of assets and income of designated employees of the City which may be materially affected by their actions and, in appropriate circumstances, to provide that designated employees should be disqualified from acting in an order that would create a conflict of interest. Section 2.9.006 provides disclosure categories that designated employees are subject to and Section 2.9.008(a) references a list on file with the City Clerk's Office of designated employees and their respective disclosure categories. In January 2014, the City Council added Section 2.9.008(c) to the Oakley Municipal Code to allow future changes to job classifications and disclosure categories to be made by resolution.

The Political Reform Act requires the City to conduct a biennial review of its Conflict of Interest Code on even-numbered years, but the City can voluntarily update more frequently as job classifications are updated. The last update was adopted in September 2019.

Staff recommends the City Council add the following approved job classifications and related disclosure categories:

Job Classification	Disclosure Categories
• Associate Engineer	2, 4 and 5
• Management Analyst	3, 4 and 5
• Engineering Technician	2, 4 and 5

Fiscal Impact

None.

Staff Recommendation

Staff recommends the City Council adopt a resolution to add the additional job classifications and related disclosure categories provided in this staff report.

Attachments

1. Resolution

RESOLUTION NO._____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY UPDATING JOB CLASSIFICATIONS AND RELATED DISCLOSURE CATEGORIES AS SET FORTH IN SECTION 2.9.008(a) OF THE OAKLEY MUNICIPAL CODE REGARDING THE CONFLICT OF INTEREST CODE

BE IT RESOLVED that the job classifications and related disclosure categories as set forth in Section 2.9.008(a) of the Oakley Municipal Code are hereby updated as provided in the attached Exhibit "A", and is hereby approved by the Oakley City Council.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th day of September, 2020 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk Date

EXHIBIT A

2.9.008 Designated employees.

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

Designated Employee	**Disclosure Categories**
Administrative Hearing Officer	Category 1
Assistant City Attorney	Category 1
Assistant to the City Manager	Categories 3 and 5
Associate Engineer	Categories 2, 4 and 5
Building Inspectors	Categories 2 and 5
Building Official	Category 1
Capital Project Coordinator	Categories 2, 4 and 5
Chief of Police	Category 1
Citizen Planning Advisors	Categories 1 and 5
City Clerk	Category 1
City Engineer / Public Works Director	Category 1
City Surveyor	Category 1
Code Enforcement Officer	Categories 2, 3 and 4
Code Enforcement Technician	Categories 2, 3 and 4
Community Development Director	Category 1
Community Program Coordinator	Category 4
Economic Development Manager	Categories 1, 3, 4 and 5
Engineering Technician	Categories 2, 4 and 5
Human Resources Manager	Categories 4 and 5
Management Analyst	Categories 3, 4 and 5
Network Manager	Categories 4 and 5
Paralegal	Categories 2, 3 and 5
Parks and Landscape Maintenance Superintendent	Categories 2, 3, 4 and 5
Permit Center Manager	Category 1
Planning Technician	Categories 2 and 5
Police Lieutenant	Category 5

Police Sergeant	Category 2, 3 and 4
Principal Planner	Categories 2, 4 and 5
Project Manager	Categories 2 and 4
Public Works Inspector	Categories 2 and 5
Recreation and Events Coordinator	Categories 4 and 5
Recreation Manager / Website Coordinator	Category 1
Senior Accountant	Categories 2, 3 and 4
Senior Accounting Technician	Categories 3 and 5
Stormwater Coordinator	Categories 2 and 5
Streets Maintenance Foreman	Category 5

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 8, 2020

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

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

SUBJECT: Award of Construction Contract to JD Partners Concrete for the FY 2020/21 Curb, Gutter, & Sidewalk Repair & Replacement Project – CIP 241

Background and Analysis

The City's adopted FY 2020/21 Capital Improvement Program Budget designates funding for various infrastructure repair and replacement projects. This is consistent with the City's goals to improve the quality of the City's public infrastructure and to enhance the quality of life for our residents.

Capital Improvement Project No. 241 includes the repair and replacement of damaged/ uplifted sidewalks or curb and gutter throughout the City of Oakley, to eliminate trip and fall hazards, and to provide safe streets and sidewalks for pedestrians in the community. Tree roots are a major cause of sidewalk uplifts, and this project is targeting some of the worst areas in the City where the tree roots have damaged the concrete beyond any temporary repair.

Additionally, this project will work in coordination with the adopted 50-50 Concrete Cost Share Program that helps the property owners in dealing with concrete curb, gutter, and sidewalk related problems, such as uplifts from tree root overgrowth. The 50-50 Concrete Cost Share Program also provides the City assistance in managing the repair and replacement contract, as well as sharing the cost with the property owners. This project will help in providing safe pedestrian facilities and reduce liability and claims for trip and fall accidents.

Fiscal Impact

JD partners Concrete was the lowest bidder for the project at a cost of $84,150. Staff is proposing a contingency amount of $10,000 which is all under the current Fiscal Year 2020/21 budget for this project of $100,000 from the General Capital projects fund.

Staff Recommendation

On August 20, 2020, six (6) bids were received for this project. Staff reviewed the bids and determined that JD Partners Concrete was the lowest responsible entity and is most responsive to the City's bid process.

Staff recommends that the City Council adopt the resolution approving the construction agreement with JD Partners Concrete, for an amount not to exceed $84,150, and authorizing the City Manager to execute said agreement.

Due to variables associated with construction projects, and to address unforeseen circumstances during the course of construction; staff further recommends that the City Council authorize staff to execute future change orders to the construction contract as necessary in an amount not to exceed $10,000 for work beyond what is defined in the base project bid.

Attachments

1) Resolution
2) Bid Summary

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH JD PARTNERS CONCRETE FOR THE CONSTRUCTION OF THE FISCAL YEAR 2020/21 CURB, GUTTER, & SIDEWALK REPAIR AND REPLACEMENT PROJECT – CIP 241

WHEREAS, City Staff prepared the plans, specifications, and estimates for the construction of the Curb, Gutter, & Sidewalk Repair and Replacement Project which includes curb, gutter, sidewalk repairs, grinding, and other related work; and

WHEREAS, the plans, specifications and special provisions were publicly advertised for bidding, with the bid period closing at 2:00 P.M. on Thursday, August 20, 2020; and

WHEREAS, six (6) bids were received prior to the close of the bidding process; and

WHEREAS, JD Partners Concrete submitted the lowest responsible bid for a total cost of $84,150 for the work; and

WHEREAS, the FY 2020/21 budget included $100,000 for the project in the General Capital Project Funds; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oakley that the Agreement with JD Partners Concrete for the construction of the FY 2020/21 Curb, Gutter, & Sidewalk Repair and Replacement Project - CIP 241, for an amount not to exceed $84,150 is approved, and the City Manager is authorized to execute said Agreement and change orders in an amount not to exceed $10,000 as necessary.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of September, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

City of Oakley Public Works Department
FY 2020/21 Curb, Gutter, Sidewalk Repair and Replacement Project #241
Certified Bid Tabulation Bid opening: August 20, 2020 at 2:00 P.M. at the Civic Center

				Engineers Estimate		Burch Construction Company 180 Mendell Street San Francisco, CA 94124		JD Partners Concrete 6645 Amber Lane Pleasenton, CA 94566		Mercoza P.O. Box 110283 Campbell, CA 95011		Kerex Engineering Inc. 93 Monte Cresta Avenue Pleasant Hill, CA 4523		Vanguard Construction Inc. 550 Greenville Road Livermore, CA 94550		TNB Construction 2620 East 18th Street Antioch, CA 94509	
Item No.	*Description*	*Quantity*	*Unit*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*	*Unit Price*	*Item Cost*
1	R&R Sidewalk	3,230	SF	20.00	64,600.00	20.00	64,600.00	20.00	64,600.00	25.00	80,750.00	30.00	96,900.00	30.00	96,900.00	22.25	71,867.50
2	R&R Curb & Gutter	170	LF	60.00	10,200.00	95.00	16,150.00	85.00	14,450.00	50.00	8,500.00	115.00	19,550.00	146.00	24,820.00	79.00	13,430.00
3	Root Prune	3	EA	1,000.00	3,000.00	2,000.00	6,000.00	500.00	1,500.00	300.00	900.00	1,500.00	4,500.00	244.00	732.00	500.00	1,500.00
4	Install Root Barrier	3	EA	1,000.00	3,000.00	1,500.00	4,500.00	1,200.00	3,600.00	200.00	600.00	1,500.00	4,500.00	435.00	1,305.00	500.00	1,500.00
	TOTAL				80,800.00		91,250.00		84,150.00		90,750.00		125,450.00		123,757.00		88,297.50

This certifies that all bids were received and opened on August 20, 2020, and that this is a copy of the bid tabulation with bids corrected for errors in addition and multiplication. By:



OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 8, 2020

TO: Bryan Montgomery, City Manager

Approved and Forwarded to the City Council

FROM: Libby Vreonis, City Clerk

SUBJECT: Regular Joint City Council / City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority Revised Meeting Dates in 2020 (Cancellation of September 22 Meeting)

Background and Analysis

The regular joint Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority meetings have traditionally been scheduled on the second and fourth Tuesdays of each month beginning at 6:30 p.m., and the second meetings in July, August, November and December have been canceled.

There are few agenda items in late September requiring discussion which have either been moved for discussion this evening or can be considered during the October 13th regulary scheduled Council Meeting, if acceptable to the Council.

Fiscal Impact

None.

Staff Recommendation

Staff recommends that the Oakley City Council, Successor Agency and Public Financing Authority approve the attached revised list of regular meeting dates for 2020, showing the September 22nd meeting canceled.

Attachments

1. Revised List of 2020 Meeting Dates for the Regular Joint Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority
2. City Council Resolution Approving Revised 2020 Meeting Dates

3. Successor Agency Resolution Approving Revised 2020 Meeting Dates
4. Oakley Public Financing Authority Resolution Approving Revised 2020 Meeting Dates

OAKLEY
CALIFORNIA

REVISED 2020 REGULAR JOINT OAKLEY CITY COUNCIL/ OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY / *PUBLIC FINANCING AUTHORITY MEETING DATES

Regular Joint Oakley City Council/Oakley City Council acting as the Successor Agency to the Redevelopment Agency meetings are held on the second and fourth Tuesdays at 6:30 pm in the Council Chambers, located at 3231 Main Street, Oakley, CA. The meeting dates for 2020 are as follows:

January 14	July 14 (Canceled)
January 28	July 28 (Canceled)
February 11	August 11
February 25	August 25 (Canceled)
March 10	September 8
March 24	September 22 (Canceled)
April 14	October 13
April 28	October 27
May 12	November 10
May 26	November 24 (Canceled)
June 9	December 8
June 23	December 22 (Canceled)

*Oakley Public Financing Authority meetings will be held jointly with the Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency meetings the second Tuesday of each month unless otherwise noticed.

RESOLUTION NO. _____-20

RESOLUTION OF THE OAKLEY CITY COUNCIL APPROVING REVISED 2020 MEETING DATES FOR THE REGULAR JOINT OAKLEY CITY COUNCIL/ OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDVELOPMENT AGENCY/OAKLEY PUBLIC FINANCING AUTHORITY

BE IT RESOLVED by the City Council of the City of Oakley that the attached revised 2020 meeting dates for the Regular Joint Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 8th day of September 2020, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

SA RESOLUTION NO. _____-20

RESOLUTION OF THE OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY APPROVING REVISED 2020 MEETING DATES FOR THE REGULAR JOINT OAKLEY CITY COUNCIL/ OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY/OAKLEY PUBLIC FINANCING AUTHORITY

BE IT RESOLVED by the Oakley City Council of the City of Oakley, acting as the Successor Agency to the Oakley Redevelopment Agency, that the attached revised 2020 meeting dates for the Regular Joint Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 8th day of September 2020, by Agencymember _____, who moved its adoption, which motion being duly seconded by Agencymember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____
Kevin Romick, Chair

ATTEST:

_____ _____
Libby Vreonis, Secretary Date

RESOLUTION NO. _____-20

RESOLUTION OF THE OAKLEY PUBLIC FINANCING AUTHORITY APPROVING REVISED 2020 MEETING DATES FOR THE REGULAR JOINT OAKLEY CITY COUNCIL/ OAKLEY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE OAKLEY REDEVELOPMENT AGENCY/OAKLEY PUBLIC FINANCING AUTHORITY

BE IT RESOLVED by the City Council of the City of Oakley that the attached revised 2020 meeting dates for the Regular Joint Oakley City Council / Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 8th day of September, 2020, by Boardmember _____, who moved its adoption, which motion being duly seconded by Boardmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____
Kevin Romick, Chair

ATTEST:

_____ _____
Libby Vreonis, Secretary Date

Agenda Date: _____

Agenda Item: _____

OAKLEY
CALIFORNIA

STAFF REPORT

Date: September 8, 2020

To: City Council

From: Bryan Montgomery, City Manager
Joshua McMurray, Community Development Director

SUBJECT: **Resolution supporting the "Plan Bay Area 2050" Housing Allocation Methodology that matches Housing Assignments proximate to Job Centers.**

Background

In 1969, the state mandated that all California cities, towns and counties must plan for the housing needs of all residents—regardless of income. This state mandate is called the Housing Element and Regional Housing Needs Allocation (RHNA). As part of RHNA, the California Department of Housing and Community Development (HCD) determines the total number of new homes each metropolitan region needs to build—and how affordable those homes need to be—in order to meet the housing needs of people at all income levels.

The Association of Bay Area Governments (ABAG) is the San Francisco Bay Area's metropolitan planning organization (MPO) and is required by state law to conduct the RHNA process every eight years. In practice, this means that ABAG would distribute the region's share of assigned housing to each of its cities and counties.

It's critical to understand that *cities are not required to build housing* but rather *plan* for it by ensuring that there are enough appropriately zoned lands to accommodate the assigned units. Each local government does so by updating the Housing Element of its general plan to show the parcels on which their assigned their housings *could be* built.

Summary/Analysis

In June 2020, State HCD determined that the Bay Area region must plan to accommodate 441,176 housing units over the upcoming 8-year housing element cycle (2022-2030). According to ABAG, this represents a 135% increase from the previous housing assignment.

ABAG's Housing Methodology Committee (HMC) – comprised of region's elected officials, jurisdictional staff, and community stakeholders – is charged with evaluating and making a recommendation on how these housing units would be allocated to the Bay Area's 101 cities and 9 counties. As a very high level, the most significant decision that is being considered by the HMC is related to what "baseline data" should be used to

allocate these housing units. Three methods have been discussed at length and Option #3 is being advanced by the HMC:

1. **"2019 Baseline Data" Methodology**: This would use the *location of existing households* (in year 2019) as the basis for allocating additional future housing units. In summary, this methodology. City Staff **does not** recommend this methodology as it would:

    - Allocate more housing units into suburban communities
    - Does not place housing units in proximity to jobs
    - Does not address transit/transportation congestion, exacerbates long commutes
    - Does not result in GHG emissions reductions
    - Continue the narrative of social inequity

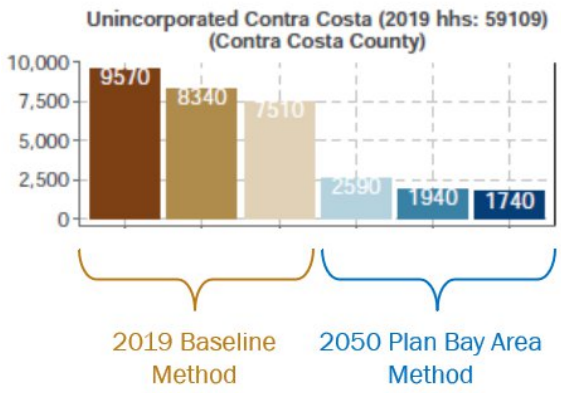
2. **"Plan Bay Area 2050" Methodology**: This would use the recently released Plan Bay Area 2050 document's growth projections as the basis for allocating the region's assigned housing units. City Staff **does** recommend this methodology as it would:

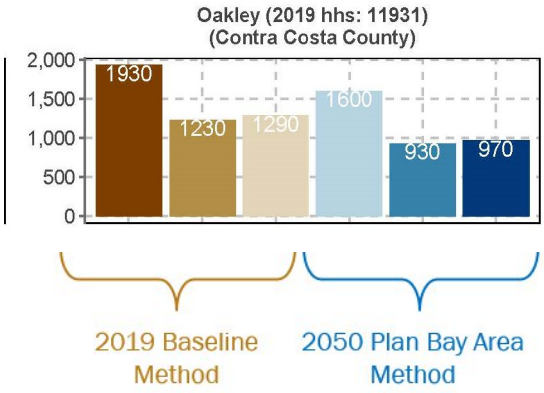
    - Be consistent with Plan Bay Area 2050 which – among other things – strives to reduce transit and transportation congestion as well as greenhouse gas emissions by placing units closer to job centers; and therefore
    - Allocates more housing units in proximity to major job centers, such as those located in south bay communities

3. **"Future Year 2050 Households (Draft Blueprint)" Methodology**: This is considered a comprise hybrid, a "middle road" between the first two methodologies. City Staff **does not** recommend this methodology as it would:

    - Assign fewer housing units to the suburban parts of the Bay Area than the "2019 Baseline Data" method, BUT the housing assignment still *far exceeds* the infrastructure capacity (water, sewer, roadways) of communities at the edges of the metropolitan region.

The graphs below illustrate the significant differences between using the "2019 Baseline Data" (shown in brown bars) and the "Plan Bay Area 2050" Methods:





Contra Costa Mayors' Conference Action

On August 6, 2020, the Contra Costa Mayors Conference unanimously approved a letter to ABAG that endorsed the use of "Plan Bay Area 2050" housing allocation methodology that better matches housing assignments that are proximate to known job centers. (The letter is Attachment 2). This approach will work to reduce transit and transportation congestion, helping to alleviate long region-wide commute times; and, will reduce greenhouse gas emissions, consistent with AB 32, SB 375 and the Metropolitan Transportation Commission's (MTC) Plan Bay Area 2050 policy framework.

Fiscal Impact

None with this action.

Recommendation

Adopt the Resolution.

Attachments

1. Resolution
2. August 6, 2020 letter from the Mayors' Conference to ABAG

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY SUPPORTING THE 'PLAN BAY AREA 2050' HOUSING ALLOCATION METHODOLOGY THAT MATCHES HOUSING ASSIGNMENTS PROXIMATE TO JOB CENTERS

WHEREAS, all jurisdictions in Contra Costa County recognize and respect the local needs and character of each community, and have a shared interest in maintaining local control of decision-making related to all aspects of the management of each jurisdiction, including but not limited to financial, land use and development, and growth-related matters; and

WHEREAS, in June 2020, the California Department of Housing and Community Development (HCD) determined that the San Francisco Bay region must plan to accommodate 441,176 housing units over the upcoming 8-year housing element cycle (2022-2030); and

WHEREAS, according to Association of Bay Area Governments (ABAG), this represents a 135% increase from the previous housing element assignment; and

WHEREAS, ABAG has formed a Housing Methodology Committee (HMC) that is charged with evaluating and making a recommendation on how these housing units would be allocated to the Bay Area's 101 cities and 9 counties; and

WHEREAS, at a very high level, the HMC is considering a variety of options and factors for allocating housing units; and

WHEREAS, selecting a 'baseline data' methodology has the greatest impact on Contra Costa communities and ensuring that there is a match between housing assignments and job centers; and

WHEREAS, the Contra Costa Mayors Conference at their August 6, 2020 meeting discussed and unanimously supported the "Plan Bay Area 2050 Baseline Data Methodology"; and

WHEREAS, the Contra Costa Mayors Conference sent a letter of support for the 'Plan Bay Area 2050 Baseline Data Methodology' on August 7, 2020 which is attached hereto as "Exhibit A"; and

N**OW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLEY DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:**

The Contra Costa Mayors' Conference letter of support for the 'Plan Bay Area 2050 Baseline Data Methodology' is affirmed. This letter is consistent with the ongoing region-wide efforts to encourage housing development proximate to job centers, which would in turn:

- reduce transit and transportation congestion, helping to alleviate long region-wide commute times; and
- reduce greenhouse gas emissions, consistent with AB 32, SB 375 and the Metropolitan Transportation Commission's (MTC) Plan Bay Area 2050 policy framework

PASSED, APPROVED AND ADOPTED this 8th day of September, 2020 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

CONTRA COSTA
COUNTY MAYORS CONFERENCE
2221 Spyglass Lane, El Cerrito, CA 94530

August 7, 2020

Mayor Jesse Arreguin, Chair
Association of Bay Area Governments
Housing Methodology Committee
375 Beale Street, Suite 700
San Francisco, CA 94105

RE: Support for the **Plan Bay Area 2050** Baseline Data Methodology

Chair Arreguin,

The Contra Costa Mayors Conference, representing all 19 cities in Contra Costa county, wishes to convey our appreciation for the Housing Methodology Committee's work on evaluating housing allocation methodologies for the next RHNA cycle (2023-2031).

We recognize that it is a daunting task, not only because of the collective recognition to provide more housing that is affordable to a wide range of income levels but also because we can't forget that ***where*** we distribute the 441,176 housing unit assignment by California Department of Housing and Community Development (HCD) to the Bay Area is just as important to the overall quality of life for all residents in the Bay Area.

In light of these considerations, the Contra Costa Mayors Conference supports and endorses the use of **Plan Bay Area 2050** as the baseline data methodology because it is consistent with the decades-long region-wide effort to:

1. **Encourage housing development in proximity to jobs**, which would in turn;

2. **Reduce transit and transportation congestion**, helping to alleviate long region wide commutes; and

3. **Reduce greenhouse gas emissions**, consistent with both AB 32 and SB 375.

It is of great concern to Contra Costa communities that the alternative "2019 Baseline Household" method would *reverse* the decades-long region-wide effort to reduce traffic congestion and GHG emissions through a greater jobs-housing balance. We appreciate your consideration of our perspective and recommendation.

Sincerely,

/Signed hard copy to follow via U. S. mail. /

Gabriel Quinto, Conference Chair
Contra Costa Mayors Conference

Contra Costa Mayors Conference Membership

City of Antioch	*City of Oakley*
City of Brentwood	*City of Orinda*
City of Clayton	*City of Pinole*
City of Concord	*City of Pittsburg*
Town of Danville	*City of Pleasant Hill*
City of El Cerrito	*City of Richmond*
City of Hercules	*City of San Pablo*
City of Lafayette	*City of San Ramon*
City of Martinez	*City of Walnut Creek*
Town of Moraga	

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 8, 2020

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

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

SUBJECT: Public Hearing on the Gilbert Ranch Stormwater Improvements Reimbursement Agreement

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Background and Analysis

As a condition of development, the City of Oakley required Denova Homes, Inc. (the "Developer") for the Gilbert Ranch project (the "Project") to construct storm drain improvements which benefit and accommodate stormwater runoff from their development and other adjacent properties once developed (the "Benefitting Properties"). The Benefitting Properties include the Baldocchi Property, Burroughs Property, Pagano Property, and an Oakley Union Elementary School parcel as shown in Exhibit B of the attached Reimbursement Agreement (the "Agreement"). The storm drain improvements (the "Improvements") constructed by the Developer that have been sized to accommodate the Benefitting Properties include large diameter pipelines extended to the southern and eastern limits of the Project, a detention lake that provides capacity of storms up to the 100-year event as well as stormwater quality treatment, a storm drain pump station and a discharge force main pipeline that discharges the excess storm flows to the Emerson Slough located at the northwest corner of the Project.

Pursuant to Oakley Municipal Code Chapter 6.06 (the "City Code"), the Developer submitted an application for approval of a reimbursement agreement related to the future reimbursement from the Benefitting Property owners for construction of the Improvements. The reimbursement amount attributed to each Benefitting Property owner is commensurate to the portion of cost for construction of the Improvements benefitting their respective properties as identified in Exhibit A of the Agreement and summarized in the fiscal impact section of this report. These amounts shall be increased by the average prime rate for the year immediately preceding each anniversary date the Agreement is in effect as determined by Bank of America, N.A. The Agreement shall remain in effect for 20 years from the date the Improvements are accepted by the City.

Documentation provided by the Developer supporting the cost of the Improvements, including but not limited to, contracts, change orders, invoices, cancelled checks, lien releases, Improvement plans, certified quantities from the design engineer, etc. were reviewed to determine the eligible amounts for reimbursement. The total construction cost for all applicable segments of the Improvements is $7,974,126.25, of which, $4,375,305.62 is eligible for future reimbursement to the Developer from the Benefitting Property owners based on the design engineer's peak flow rate calculations. A detailed cost summary including, quantities and unit prices, for each applicable segment of the Improvements is included as Exhibit C of the Agreement.

Pursuant to City Code, the City Council must hold a public hearing on the application and may subsequently adopt a resolution granting approval of the Agreement. The City notified each Benefitting Property owner in writing of the public hearing and provided a copy of the proposed Agreement and Council staff report at least 10 days prior to the hearing as required by City Code. A Benefitting Property owner may file written or oral comments or objections to the application before or at the hearing. In addition, the Developer held a Community meeting on July 15, 2020 with the Benefitting Property owners to address concerns and questions.

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the approval of the Agreement. A Benefitting Property owner shall pay the City their corresponding reimbursement amount set forth in the Agreement at the time a land use entitlement is granted. Land use entitlements shall mean the filing of a final subdivision or parcel map or issuance of a building permit. A Benefitting Property owner has no obligation to pay the reimbursement amount if the property owner does not develop during the period the Agreement is in effect. The reimbursement amounts assigned to each Benefitting Property owner is summarized as follows:

Benefitting Property Description	Assessor Parcel Number	Benefitting Property Owner	Reimbursement Amount
Baldocchi Property	032-010-002	E Cypress Partners LLC	$1,269,839.54
Burroughs Property	032-081-025	City of Oakley	$1,010,063.02
Burroughs Property	032-081-026	Burroughs Bruce & Barbara Tre Roberts	$669,634.37
Pagano Property	032-020-014	Pagano Douglas W Tre	$908,314.53
School Property	032-020-006	Oakley Union Elementary School	$517,454.16
		Total:	**$4,375,305.62**

Staff Recommendation

City staff finds the Agreement is in compliance with City Code and recommends City Council adopt a resolution granting approval of the Gilbert Ranch reimbursement agreement upon conclusion of the public hearing.

Attachments

1) Signed Application
2) Reimbursement Agreement
3) Resolution approving the Gilbert Ranch Reimbursement Agreement

APPLICATION REQUESTING THE ESTABLISHMENT
OF A REIMBURSEMENT DISTRICT IN THE CITY OF OAKLEY
PURSUANT TO TITLE 6, CHAPTER 6 OF THE CITY MUNICIPAL CODE

DATE: 7-23-19

APPLICANT INFORMATION
NAME: DeNova Homes Inc
ADDRESS: 1500 Willow Pass Ct
CITY: Concord STATE: CA ZIP: 94520

AUTHORIZED REPRESENTATIVE INFORMATION
NAME: Michael Evans
TITLE: Director
ADDRESS: 1500 Willow Pass Ct
CITY: Concord STATE: CA ZIP: 94520
TELEPHONE No: 925-852-0651 CELL No: 925-332-9603
E-MAIL ADDRESS: MEvans@DeNovaHomes.com

WHEN SUBMITTING THIS APPLICATION, PLEASE ATTACH THE FOLLOWING:

a) $25,000 Reimbursement District Formation Fee.
N/A – Developer has already submitted the fee.

b) A description and location map of the public improvements (type, length, size, etc.) to be included in the reimbursement district.

c) A map showing the properties to be included within the proposed reimbursement district. Provide benefit analysis and cost sharing information and any agreements that have been made with any of the property owners proposed to be included in the reimbursement district.

d) Information detailing cost of the public improvements for which future reimbursement is sought. Eligible reimbursable costs include, but are not limited to, labor, material, and equipment costs; cost of preparing improvement plans; fees paid to obtain permits, licenses, or other necessary governmental approvals for construction; property acquisition; and costs related to formation of the reimbursement district. All costs submitted shall be subject to approval by the City Engineer at his/her discretion.

   i. If the public improvements have been constructed, this information must reflect the actual and reasonable costs to construct the improvements as evidenced by receipts, cancelled checks, invoices and other supporting documents.

   ii. If the public improvements have not been constructed or installed, this information must reflect the estimated cost of the improvements as evidenced by bids, estimated cost of labor and materials and other supporting documents as determined by the City Engineer.

e) The date the City either accepted the public improvements or estimated date of completion.

REIMBURSEMENT AGREEMENT

STORM DRAINAGE IMPROVEMENTS
RELATED TO CONDITIONS OF APPROVAL FOR THE
GILBERT RANCH (DELANEY PARK) PROJECT

This REIMBURSEMENT AGREEMENT (***"Agreement"***) is entered into as of this _____ day of _____, 2020, by and between the CITY OF OAKLEY, a municipal corporation in the State of California (***"City"***) and DENOVA HOMES, INC., A CALIFORNIA CORPORATION (***"Developer"***). City and Developer are individually referred to as a ***"Party"*** and collectively, the ***"Parties."***

RECITALS

A. Developer has constructed certain storm drainage improvements (***"Improvements"*****)** associated with the Gilbert Ranch (Delaney Park) project as required by the City's Conditions of Approval (COAs) for the project.

B. Pursuant to Oakley Municipal Code Chapter 6.06, the Developer applied for the creation of a benefit district to be reimbursed from other benefitting property owners for a portion of the construction and ancillary costs associated with the Improvements.

C. Developer and City desire to enter into a reimbursement agreement to clearly identify the portion of Improvements eligible for reimbursement to the Developer from other benefitting property owners.

D. A description of the Improvements, summary of the total construction and ancillary costs, the Developer's benefitting share of the costs, the method for spreading the amount eligible for reimbursement to the benefitting properties within the benefit district under this Agreement, and the amount eligible for reimbursement from other benefitting property owners is attached as Exhibit "A".

E. A map showing each property included in the benefit district with the corresponding County Assessor Parcel Numbers (APNs) and the applicable segments of the Improvements for which future reimbursement is sought is attached as Exhibit "B".

F. A detailed cost and reimbursement summary including, quantities, unit prices, etc., for each applicable segment of the Improvements is attached as Exhibit "C".

AGREEMENT

1. **DEVELOPER'S OBLIGATION TO CONSTRUCT.** Developer has caused to be constructed all segments of the Improvements referenced in this Agreement. The Developer provided to the City documentation supporting the storm drain reimbursement costs including but not limited to contracts, change orders, invoices, cancelled checks, lien releases, etc.

2. **CITY'S REIMBURSEMENT OBLIGATION.** The City reviewed the Developer's application for creation of a benefit district and, in its sole and absolute discretion, approved the application. The City audited and approved the construction and ancillary costs associated with constructing the Improvements referenced in Exhibits "A" and "C", the City reviewed and approved the list of benefitting properties referenced in Exhibit "B", and the City reviewed and approved the

method of spreading the eligible reimbursement amounts to the benefitting properties within the benefit district referenced in Exhibit "A".

3. **AMOUNT AND COLLECTION OF REIMBURSEMENT.** The Developer hereby acknowledges that if no development occurs on the benefitting properties within the term of this Agreement, or if the Developer and/or its parent, subsidiary, or a related company with common ownership with the Developer, develops on the benefitting properties, no reimbursement amount may be collected. The reimbursement amounts summarized in Exhibit "A" shall only be collected by the City from the benefitting properties prior to the filing of a final subdivision map, parcel map, or issuance of a new building permit on benefitting properties. However, payment of the applicable reimbursement charge is not required for the alteration or enlargement of an existing building or structure (or the erection of an accessory building or structure) if the work meets the following criteria as determined by the City Engineer:

- Is on the same parcel of land;
- Does not create an additional dwelling unit;
- Will not change the potential for traffic generation; and
- Will not exceed one-half the value of all existing improvements on that parcel of land.

Pursuant to Oakley Municipal Code Chapter 6.06, the amounts eligible for future reimbursement summarized in Exhibit "A" shall be increased by the average prime rate for the year immediately preceding each anniversary date the reimbursement charge is in effect as determined by Bank of America, N.A.

4. **TIME OF PAYMENT OF REIMBURSEMENT.** No reimbursements collected by the City shall be distributed to the Developer until the eligible Improvements have been completed and accepted by the City. Within 30 days of receipt of payment of the reimbursement amount from a benefitting property, the City shall remit the amount directly to the Developer.

5. **TERM OF THE AGREEMENT.** The Agreement shall remain in effect for 20 years from the date the eligible Improvements were accepted by the City.

6. **INDEMNIFICATION.** Developer shall defend, indemnify and hold City, its elected official, officers, employees, and agents free and harmless from and against any and all claims, actions, causes of action, demands, expenses, costs, fines, penalties, fees, and/or liability, including loss, damage, or injury to or death of persons or property in any manner, to the extent caused by the Developer's intentional misconduct in connection with the construction and installation of the Improvements.

Reimbursement amounts collected from the benefitting properties need not be paid to the Developer if a limitations period associated with legal action seeking refund of funds paid under protest has not run and court action has been instituted. If a court action is instituted, the City shall not pay such reimbursement amounts to the Developer until the action has been completed and the authority of the City to collect and reimburse such reimbursement amounts is sustained.

7. **NOTICE.** Any notice to either Party shall be in writing and given in person or by sending the notice by registered or certified mail or express mail, return receipt requested with postage prepaid, to the Party's mailing address, or transmitted by facsimile equipment if receipt

is acknowledged. The respective mailing addresses and contact information of the Parties are, until changed, the following:

City:	**Public Works Director** **Attn: Kevin Rohani** **City of Oakley** **3231 Main Street** **Oakley, CA 94561** **FACSIMILE: (925) 625-9194**
With a Copy to:	**City Attorney** **Attn: Derek Cole** **City of Oakley** **3231 Main Street** **Oakley, CA 94561** **FACSIMILE: (925) 625-4230**
Developer:	**DeNova Homes, Inc.** **A California Corporation** **Attn: _____** **1500 Willow Pass Court** **Concord, CA 94520** **FACSIMILE: _____**

Either Party may change its mailing address at any time by giving ten (10) days' notice of such change in the manner provided in this Section. All notices shall be deemed given, received, made or communicated on the date personal delivery is effected or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.

8. **NON-ASSIGNMENT.** The license granted herein is personal to Developer and shall not be assignable.

9. **SEVERABILITY.** In the event any one or more of the provisions of the Agreement shall be held in a court of competent jurisdiction to be invalid, illegal or unenforceable, the remaining provisions of the Agreement shall remain in effect and the Agreement shall be read as though the offending provision had not been written or as the provision shall be determined by such court to be read.

10. **GOVERNING LAW.** This Agreement is made under, shall be governed by and construed in accordance with the laws of the State of California.

11. **CONSTRUCTION.** This Agreement has been reviewed and revised by legal counsel for both Developer and City and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of the Agreement.

12. **FURTHER ASSURANCES.** Each Party covenants, on behalf of itself and its successors and assigns, to take all actions and do all things, and to execute, with acknowledgement or affidavit if required, any and all documents, instruments and writings as may be necessary or proper to achieve the purposes and objectives of the Agreement.

13. **RECITALS.** All of the facts and background information set forth in the RECITALS, above, are incorporated into his Agreement and constitute a part hereof.

14. **ATTORNEY'S FEES.** In the event any action is commenced to enforce or interpret any term or condition of this Agreement, in addition to costs and any other relief, the prevailing Party shall be entitled to reasonable attorney's fees. Jurisdiction and venue in the event of any legal action shall be in Contra Costa County, California.

15. **ENTIRE AGREEMENT.** This Agreement contains the entire agreement of the Parties hereto with respect to the matters contained herein.

16. **FORCE MAJEURE.** Any prevention of or delay in the performance by a Party hereto of its obligations under this Agreement caused by governmental restrictions, regulations, controls, action or inaction, or other causes beyond the reasonable control of the Party obligated to perform, shall be excuse the performance by such Party of its obligation hereunder for a period of one day for each such day of delay.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year above written.

DEVELOPER, DeNova Homes, Inc.,
A California Corporation

By:

_____

Authorized Agent

CITY OF OAKLEY, a Municipal Corporation
in the State of California

By:

_____
Bryan H. Montgomery, City Manager

Attest:

_____
Libby Vreonis, City Clerk

Approved as to Form:

_____
Derek P. Cole, City Attorney

Exhibits: A – Description of Improvements, Construction Costs, Developer's Share of Cost, and Eligible Amounts for Reimbursement
B – Map of the Benefitting Properties and Applicable Segments of Improvements
C – Engineer's Certification of Reimbursement Quantities & Cost and Summary of Benefit Calculations

EXHIBIT A

DESCRIPTION OF IMPROVEMENTS, CONSTRUCTION COSTS, DEVELOPER'S SHARE OF COST, AND ELIGIBLE AMOUNTS FOR REIMBURSEMENT

As a condition of development, the City of Oakley required the Developer for the Gilbert Ranch (Delaney Park) project (the "Project") to construct storm drainage improvements which benefit and accommodate stormwater runoff from their development and other adjacent properties once developed (the "Benefitting Properties"). These storm drain improvements (the "Improvements") constructed by the Developer that have been sized to accommodate the Benefitting Properties include large diameter pipelines extended to the southern and eastern limits of the Project, a detention lake that provides capacity of storms up to the 100-year event as well as stormwater quality treatment, a storm drain pump station and a discharge force main pipeline that discharges the excess storm flows to the Emerson Slough located at the northwest corner of the Project. In accordance with the terms and conditions of this agreement, the Developer is seeking future reimbursement from the Benefitting Property owners for the portion of costs for constructing the Improvements that benefit their properties.

The storm drain design engineer (Carlson Barbee & Gibson, Inc.), determined the peak stormwater flow rates that are anticipated to be generated from each Benefitting Property at build-out for each segment of the Improvements. The projected peak stormwater flow rates were based on the stormwater management plan that was approved by the City as part of the comprehensive Specific Plan prepared for the Cypress Corridor planning area. This stormwater management plan included an analysis of the peak stormwater runoff estimated to be generated from the Benefitting Properties at build-out based on current City zoning. The applicable segments of the Improvements are shown in Exhibit "B" and the corresponding estimated peak flow rates are summarized in Table 1 below.

Table No. 1 - Flow Rates per Storm Drain Segment for Developer and Other Benefitting Properties

	Developer	Other Benefitting Properties				
Segment	Gilbert Property	Baldocchi Property	School Property	Pagano Property	Burroughs Property	Total Peak Flow Rate
1	0.0	18.7	7.6	13.4	0.0	39.7
2	13.4	18.7	7.6	13.4	0.0	53.1
3	0.0	0.0	0.0	0.0	23.4	23.4
4	1.0	0.0	0.0	0.0	23.4	24.4
5	5.3	0.0	0.0	0.0	23.4	28.7
6	10.1	0.0	0.0	0.0	23.4	33.5
7	12.6	0.0	0.0	0.0	23.4	36.0
8	17.0	0.0	0.0	0.0	23.4	40.4
9	57.1	18.7	7.6	13.4	23.4	120.2
10	57.1	18.7	7.6	13.4	23.4	120.2

Based on the peak flow rates summarized above, the percentages of benefit for each Benefitting Property was derived for each segment of the Improvements. These percentages of benefit are summarized in Table 2 below.

Table No. 2 - Percentage Share of Costs per Storm Drain Segment for Developer and Other Benefitting Properties						
	Developer	Other Benefitting Properties				
Segment	Gilbert Property	Baldocchi Property	School Property	Pagano Property	Burroughs Property	Total
1	0.00%	47.10%	19.21%	33.69%	0.00%	100%
2	25.24%	35.21%	14.36%	25.19%	0.00%	100%
3	0.00%	0.00%	0.00%	0.00%	100.00%	100%
4	4.10%	0.00%	0.00%	0.00%	95.90%	100%
5	18.47%	0.00%	0.00%	0.00%	81.53%	100%
6	30.15%	0.00%	0.00%	0.00%	69.85%	100%
7	35.00%	0.00%	0.00%	0.00%	65.00%	100%
8	42.08%	0.00%	0.00%	0.00%	57.92%	100%
9	47.50%	15.56%	6.34%	11.13%	19.47%	100%
10	47.50%	15.56%	6.34%	11.13%	19.47%	100%

The total construction cost for all applicable segments of the Improvements is $7,974,126.25, of which, $4,375,305.62 is eligible for future reimbursement to the Developer from other Benefitting Property owners based on the design engineer's peak flow rate calculations as summarized in Table 3 below. Pursuant to Oakley Municipal Code Chapter 6.06, the amounts eligible for future reimbursement shown in Table 3 shall be increased by the average prime rate for the year immediately preceding each anniversary date the reimbursement charge is in effect as determined by Bank of America, N.A. A detailed cost summary including, quantities and unit prices, for each applicable segment of the Improvements is included as Exhibit "C".

Table No. 3 - Storm Drain Cost Allocations for Developer and Other Benefitting Properties							
	Developer	Other Benefitting Properties					Total
Segment	Gilbert Property	Baldocchi Property	School Property	Pagano Property	Burroughs Property	Total Eligible Reimbursement Amount	Cost of Applicable Segments
1	$0.00	$83,330.36	$33,986.75	$59,605.09	$0.00	$176,922.20	$176,922.20
2	$23,832.80	$33,246.94	$13,559.39	$23,785.58	$0.00	$70,591.91	$94,424.71
3	$0.00	$0.00	$0.00	$0.00	$8,359.26	$8,359.26	$8,359.26
4	$1,933.76	$0.00	$0.00	$0.00	$45,231.12	$45,231.12	$47,164.88
5	$12,350.68	$0.00	$0.00	$0.00	$54,518.17	$54,518.17	$66,868.85
6	$20,147.26	$0.00	$0.00	$0.00	$46,676.14	$46,676.14	$66,823.40
7	$7,627.79	$0.00	$0.00	$0.00	$14,165.89	$14,165.89	$21,793.68
8	$42,110.33	$0.00	$0.00	$0.00	$57,961.75	$57,961.75	$100,072.08
9	$2,787,856.59	$913,243.13	$372,105.49	$653,238.82	$1,142,727.74	$3,081,315.18	$5,869,171.77
10	$317,373.51	$103,964.88	$42,361.01	$74,365.62	$130,089.73	$350,781.24	$668,154.75
Subtotal	$3,213,232.70	$1,133,785.30	$462,012.64	$810,995.12	$1,499,729.81	$3,906,522.88	$7,119,755.58
Professional Services (10%)	$321,323.27	$113,378.53	$46,201.26	$81,099.51	$149,972.98	$390,652.29	$711,975.56
Bonding & Financing (2%)	$64,264.65	$22,675.71	$9,240.25	$16,219.90	$29,994.60	$78,130.46	$142,395.11
Total	$3,598,820.63	$1,269,839.54	$517,454.16	$908,314.53	$1,679,697.39	$4,375,305.62	$7,974,126.25

Based on the analysis described above, the cost of the Improvements attributed to each Benefitting Property owner for future reimbursement is summarized in Table No. 4 below.

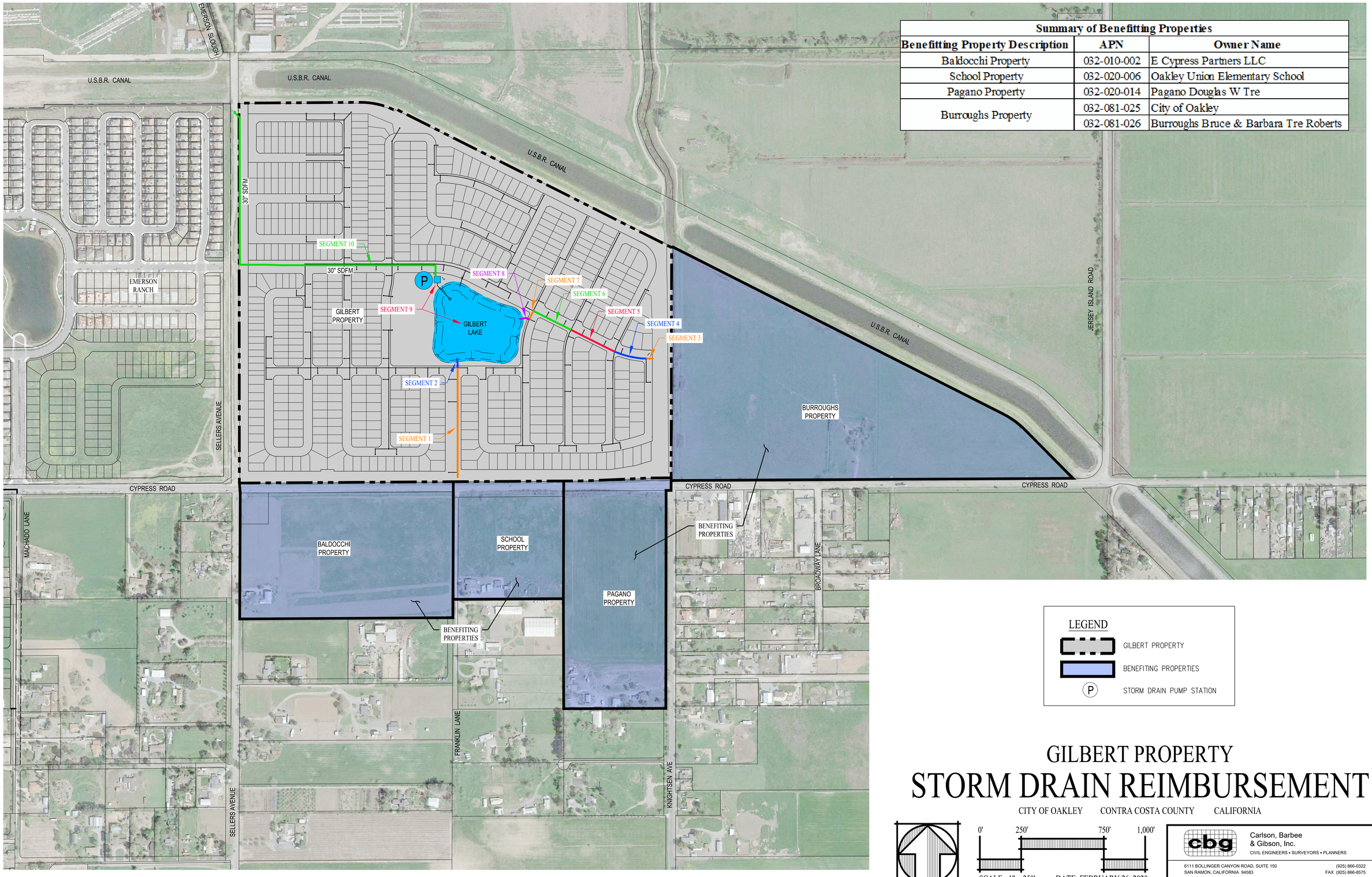
Table No. 4 - Storm Drain Cost Allocations for Each Benefitting Property Owner			
Benefitting Property Description	Assessor Parcel Number	Benefitting Property Owner	Reimbursement Amount
Baldocchi Property	032-010-002	E Cypress Partners LLC	$1,269,839.54
Burroughs Property*	032-081-025	City of Oakley	$1,010,063.02
Burroughs Property*	032-081-026	Burroughs Bruce & Barbara Tre Roberts	$669,634.37
Pagano Property	032-020-014	Pagano Douglas W Tre	$908,314.53
School Property	032-020-006	Oakley Union Elementary School	$517,454.16
		Total:	$4,375,305.62

*The reimbursement amount attributed to each parcel of the Burroughs Property is prorated based on the following parcel acreage: 27 acres for APN 032-081-025 and 17.9 acres for APN 032-081-026.

EXHIBIT B

MAP OF THE BENEFITTING PROPERTIES AND
APPLICABLE SEGMENTS OF IMPROVEMENTS

Summary of Benefitting Properties		
Benefitting Property Description	**APN**	**Owner Name**
Baldocchi Property	032-010-002	E Cypress Partners LLC
School Property	032-020-006	Oakley Union Elementary School
Pagano Property	032-020-014	Pagano Douglas W Tre
Burroughs Property	032-081-025	City of Oakley
	032-081-026	Burroughs Bruce & Barbara Tre Roberts



LEGEND

- GILBERT PROPERTY
- BENEFITING PROPERTIES
- (P) STORM DRAIN PUMP STATION

GILBERT PROPERTY
STORM DRAIN REIMBURSEMENT

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

0' 250' 750' 1,000'

SCALE: 1" = 250' DATE: FEBRUARY 26, 2020

cbg
Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
6111 BOLLINGER CANYON ROAD, SUITE 150
SAN RAMON, CALIFORNIA 94583
(925) 866-0322
FAX (925) 866-8575
SAN RAMON • LATHROP

G:\878-71\ACAD\EXHIBITS\XB_SD REIMBURSEMENT_BENEFITING PROPERTIES_2020.DWG

EXHIBIT C

ENGINEER'S CERTIFICATION OF REIMBURSEMENT QUANTITIES
& COST AND SUMMARY OF BENEFIT CALCULATIONS

ENGINEER'S CERTIFICATION OF REIMBURSEMENT QUANTITIES & COST

February 26, 2020

STORM DRAIN - BENEFIT DISTRICT

Job No.: 0878-071

GILBERT PROPERTY

CITY OF OAKLEY, CALIFORNIA

Item	Description	Quantity	Unit	Unit Price	Amount
	STORM DRAIN - SEGMENT 1 *(Cypress Road Stub to Southern Properties to Delaney Parkway)*				
1	48" Pipeline	665	LF	$ 155.50	$ 103,407.50
2	Manholes - *Type III*	1	EA	$ 9,122	$ 9,122
3	Catch Basin - *With Type III Base*	2	EA	$ 8,662	$ 17,324
3a	Dewatering	665	LF	$ 70.78	$ 47,068.70
	SUBTOTAL STORM DRAIN - SEGMENT 1				$ 176,922.20
	PERCENTAGE REGIONAL BENEFIT				
	Gilbert Property			0%	$ -
	Baldocchi Property			47.10%	$ 83,330.36
	School Property			19.21%	$ 33,986.75
	Pagano Property			33.69%	$ 59,605.09
	SUBTOTAL STORM DRAIN - SEGMENT 1 CONSTRUCTION COSTS				**$ 176,922.20**
	STORM DRAIN - SEGMENT 2 *(From Delaney Parkway to Basin Outfall)*				
4	54" Pipeline	21	LF	$ 196.25	$ 4,121.25
5	Manholes - *Type III*	1	EA	$ 9,122	$ 9,122
6	Catch Basin - *With Type III Base*	-	EA	$ 8,662	$ -
7	Outfall	1	EA	$ 35,000	$ 35,000
7a	CO #7 - Storm Outfall Rebar Mat	33%	LS	$ 9,519	$ 3,173
7b	CO #23 - Modify Manhole Top for Hatch Access	33%	LS	$ 13,509	$ 4,503
8	Sump Pump	1	EA	$ 34,471	$ 34,471
8a	Dewatering	57	LF	$ 70.78	$ 4,034.46
	SUBTOTAL STORM DRAIN - SEGMENT 2				$ 94,424.71
	PERCENTAGE REGIONAL BENEFIT				
	Gilbert Property			25.24%	$ 23,832.80
	Baldocchi Property			35.21%	$ 33,246.94
	School Property			14.36%	$ 13,559.39
	Pagano Property			25.19%	$ 23,785.58
	SUBTOTAL STORM DRAIN - SEGMENT 2 CONSTRUCTION COSTS				**$ 94,424.71**

Item	Description	Quantity	Unit	Unit Price	Amount
	STORM DRAIN - SEGMENT 3 *(Golden State Parkway Stub to Burroughs)*				
9	42" Pipeline	42	LF	$ 128.25	$ 5,386.50
9a	Dewatering	42	LF	$ 70.78	$ 2,972.76
				SUBTOTAL STORM DRAIN - SEGMENT 3	$ 8,359.26
				PERCENTAGE REGIONAL BENEFIT	
				Gilbert Property 0%	$ -
				Burroughs Property 100%	$ 8,359.26
				SUBTOTAL STORM DRAIN - SEGMENT 3 CONSTRUCTION COSTS	**$ 8,359.26**
	STORM DRAIN - SEGMENT 4 *(Golden State Parkway)*				
10	42" Pipeline	196	LF	$ 128.25	$ 25,137.00
11	Manholes - *Type II*	1	EA	$ 8,155	$ 8,155
12	Catch Basin - *With Type II Base*	-	EA	$ 7,897	$ -
12a	Dewatering	196	LF	$ 70.78	$ 13,872.88
				SUBTOTAL STORM DRAIN - SEGMENT 4	$ 47,164.88
				PERCENTAGE REGIONAL BENEFIT	
				Gilbert Property 4.10%	$ 1,933.76
				Burroughs Property 95.90%	$ 45,231.12
				SUBTOTAL STORM DRAIN - SEGMENT 4 CONSTRUCTION COSTS	**$ 47,164.88**
	STORM DRAIN - SEGMENT 5 *(Golden State Parkway)*				
13	42" Pipeline	295	LF	$ 128.25	$ 37,833.75
14	Manholes - *Type II*	1	EA	$ 8,155	$ 8,155
15	Catch Basin - *With Type II Base*	-	EA	$ 7,897	$ -
15a	Dewatering	295	LF	$ 70.78	$ 20,880.10
				SUBTOTAL STORM DRAIN - SEGMENT 5	$ 66,868.85
				PERCENTAGE REGIONAL BENEFIT	
				Gilbert Property 18.47%	$ 12,350.68
				Burroughs Property 81.53%	$ 54,518.17
				SUBTOTAL STORM DRAIN - SEGMENT 5 CONSTRUCTION COSTS	**$ 66,868.85**

Item	Description	Quantity	Unit	Unit Price	Amount
	STORM DRAIN - SEGMENT 6 *(Golden State Parkway)*				
16	48" Pipeline	255	LF	$ 155.50	$ 39,652.50
17	Manholes - *Type III*	1	EA	$ 9,122	$ 9,122
18	Catch Basin - *With Type III Base*	-	EA	$ 8,662	$ -
18a	Dewatering	255	LF	$ 70.78	$ 18,048.90
		SUBTOTAL STORM DRAIN - SEGMENT 6			$ 66,823.40
		PERCENTAGE REGIONAL BENEFIT			
		Gilbert Property		30.15%	$ 20,147.26
		Burroughs Property		69.85%	$ 46,676.14
	SUBTOTAL STORM DRAIN - SEGMENT 6 CONSTRUCTION COSTS				**$ 66,823.40**
	STORM DRAIN - SEGMENT 7 *(Stickney Way)*				
19	48" Pipeline	56	LF	$ 155.50	$ 8,708.00
20	Manholes - *Type III*	1	EA	$ 9,122	$ 9,122
20a	Dewatering	56	LF	$ 70.78	$ 3,963.68
		SUBTOTAL STORM DRAIN - SEGMENT 7			$ 21,793.68
		PERCENTAGE REGIONAL BENEFIT			
		Gilbert Property		35.00%	$ 7,627.79
		Burroughs Property		65.00%	$ 14,165.89
	SUBTOTAL STORM DRAIN - SEGMENT 7 CONSTRUCTION COSTS				**$ 21,793.68**
	STORM DRAIN - SEGMENT 8 *(From Stickney Way to Basin Outfall)*				
21	48" Pipeline	61	LF	$ 155.50	$ 9,485.50
22	Manholes - *Type III*	1	EA	$ 9,122	$ 9,122
23	Catch Basin - *With Type III Base*	-	EA	$ 8,662	$ -
24	Outfall	1	EA	$ 35,000	$ 35,000
24a	CO #7 - Storm Outfall Rebar Mat	33%	LS	$ 9,519	$ 3,173
24b	CO #23 - Modify Manhole Top for Hatch Access	33%	LS	$ 13,509	$ 4,503
25	Sump Pump	1	EA	$ 34,471	$ 34,471
25a	Dewatering	61	LF	$ 70.78	$ 4,317.58
		SUBTOTAL STORM DRAIN - SEGMENT 8			$ 100,072.08
		PERCENTAGE REGIONAL BENEFIT			
		Gilbert Property		42.08%	$ 42,110.33
		Burroughs Property		57.92%	$ 57,961.75
	SUBTOTAL STORM DRAIN - SEGMENT 8 CONSTRUCTION COSTS				**$ 100,072.08**

Item	Description	Quantity	Unit	Unit Price	Amount
	STORM DRAIN - SEGMENT 9 *(From Gilbert Lake to Outfall at Existing Force Main)*				
	Lake Construction				
26	Dewater Pond Excavation	1	LS	$ 1,000,000	$ 1,000,000
27	Rough Grading - Cut	125,000	CY	$ 3.50	$ 437,500.00
28	Lake Slope Stabilization	53,361	CY	$ 4.50	$ 240,124.50
28a	Lake Low Permeable Clay Liner	15,000	CY	$ 6.00	$ 90,000
28b	Rough Pond Finish	212,000	SF	$ 0.30	$ 63,600.00
29	Transformer	1	EA	$ 24,605	$ 24,605
30	Pond Shoreline and Planting Shelves	1	LS	$ 196,550	$ 196,550
31	Land	4.85	AC	$ 101,658.20	$ 493,042.27
32	Pump Station, Irrigation Well and Piping	1	EA	$ 3,323,750	$ 3,323,750
				SUBTOTAL STORM DRAIN - SEGMENT 9	$ 5,869,171.77
				PERCENTAGE REGIONAL BENEFIT	
				Gilbert Property 47.50%	$ 2,787,856.59
				Baldocchi Property 15.56%	$ 913,243.13
				School Property 6.34%	$ 372,105.49
				Pagano Property 11.13%	$ 653,238.82
				Burroughs Property 19.47%	$ 1,142,727.74
	SUBTOTAL STORM DRAIN - SEGMENT 9 CONSTRUCTION COSTS				**$ 5,869,171.77**
	STORM DRAIN - SEGMENT 10 *(Golden State Parkway & Sellers Avenue)*				
33	30" Force Main - *In-Tract*	1,195	LF	$ 282.25	$ 337,288.75
34	30" Force Main - *Sellers*	1,021	LF	$ 321	$ 327,741
35	Connect to Existing Force Main	1	EA	$ 3,125	$ 3,125
				SUBTOTAL STORM DRAIN - SEGMENT 10	$ 668,154.75
				PERCENTAGE REGIONAL BENEFIT	
				Gilbert Property 47.50%	$ 317,373.51
				Baldocchi Property 15.56%	$ 103,964.88
				School Property 6.34%	$ 42,361.01
				Pagano Property 11.13%	$ 74,365.62
				Burroughs Property 19.47%	$ 130,089.73

cbg

Item	Description	Quantity	Unit	Unit Price		Amount
	SUBTOTAL STORM DRAIN - SEGMENT 10 CONSTRUCTION COSTS				**$**	**668,154.75**
	SUBTOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT - BALDOCCHI				$	1,133,785.31
	10% PROFESSIONAL SERVICES				$	113,378.53
	2% BONDING AND FINANCING				$	22,675.71
	TOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT - BALDOCCHI				**$**	**1,269,840**
	(to nearest $1)					
	SUBTOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT - SCHOOL				$	462,012.64
	10% PROFESSIONAL SERVICES				$	46,201.26
	2% BONDING AND FINANCING				$	9,240.25
	TOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT - SCHOOL				**$**	**517,454**
	(to nearest $1)					
	SUBTOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT - PAGANO				$	810,995.11
	10% PROFESSIONAL SERVICES				$	81,099.51
	2% BONDING AND FINANCING				$	16,219.90
	TOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT - PAGANO				**$**	**908,315**
	(to nearest $1)					
	SUBTOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT - BURROUGHS				$	1,499,729.80
	10% PROFESSIONAL SERVICES				$	149,972.98
	2% BONDING AND FINANCING				$	29,994.60
	TOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT - BURROUGHS				**$**	**1,679,697**
	(to nearest $1)					
	TOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT				**$**	**4,375,306**

ENGINEER'S BENEFIT CALCULATION
BENEFITING PROPERTIES
GILBERT PROPERTY - WEIGHTED STORM DRAIN VALUES
CITY OF OAKLEY, CALIFORNIA

February 26, 2020
Job No.: 0878-071

			INCOMING FLOW RATES		BENEFIT PERCENTAGES		BENIFITTING PROPERTY BREAKDOWN			
Segment	**Storm Drain**	**Length**	**Gilbert Property**	**Benefiting Properties**	**Gilbert Property**	**Benefiting Properties**	**Baldocchi**	**School**	**Pagano**	**Burroughs**
1	48"	665	0.0	39.7	0%	100%	47.10%	19.21%	33.69%	-
2	54"	57	13.4	39.7	25.24%	74.76%	35.21%	14.36%	25.19%	-
3	42"	42	0.0	23.4	0%	100.00%	-	-	-	100.00%
4	42"	196	1.0	23.4	4.10%	95.90%	-	-	-	95.90%
5	42"	295	5.3	23.4	18.47%	81.53%	-	-	-	81.53%
6	48"	255	10.1	23.4	30.15%	69.85%	-	-	-	69.85%
7	48"	56	12.6	23.4	35.00%	65.00%	-	-	-	65.00%
8	48"	61	17.0	23.4	42.08%	57.92%	-	-	-	57.92%

			OUTFALL FLOW RATES		BENEFIT PERCENTAGES		BENIFITTING PROPERTY BREAKDOWN			
Segment	**Storm Drain**	**Length**	**Gilbert Property**	**Benefiting Properties**	**Gilbert Property**	**Benefiting Properties**	**Baldocchi**	**School**	**Pagano**	**Burroughs**
Total Flow Rates	Outfall A	-	26.7	-	-	-	-	-	-	-
	Outfall B	-	17.0	23.4	-	-	-	-	-	-
	Outfall C*	-	13.4	39.7	-	-	-	-	-	-
	Total	-	57.1	63.1	47.50%	52.50%	15.56%	6.34%	11.13%	19.47%
9	42"	106	57.1	63.1	47.50%	52.50%	15.56%	6.34%	11.13%	19.47%
10	30"	2,195	57.1	63.1	47.50%	52.50%	15.56%	6.34%	11.13%	19.47%

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT WITH DE NOVA HOMES INC. CONCERNING STORM DRAINAGE IMPROVEMENTS RELATED TO CONDITIONS OF APPROVAL FOR THE GILBERT RANCH (DELANEY PARK) PROJECT

WHEREAS, De Nova Homes Inc. ("Developer") was the owner of approximately 120 acres of land on which the Gilbert Ranch (Delaney Park) Project ("Project") is developed; and

WHEREAS, as part of the Project entitlements, the City Council enacted an ordinance approving the Gilbert Property Development Agreement (DA 02-13) on July 14, 2003; and

WHEREAS, the City Council further approved a vesting tentative map concerning the Project on November 13, 2007 (Subdivision 9033) following the certification of Final Environmental Impact Report (State Clearinghouse No. 2007012075) concerning the same and related Project approvals; and

WHEREAS, the City Council approved minor amendments to the Project Development Agreement in 2013 and extended the term of the Project Development Agreement by 25 years; and

WHEREAS, on September 5, 2017, the City Council approved an amendment to the Project vesting tentative map increasing the number of permitted residential units to 581 from 506; and

WHEREAS, in accordance with the Project conditions of approval, Developer has constructed certain storm drainage improvements ("Improvements") that have the capacity to serve not only the Project, but also the development of certain other properties ("Benefited Property"); and

WHEREAS, in constructing the Improvements, Developer has incurred significant costs in installing public improvements that well exceed those which are necessary to serve the Project; and

WHEREAS, Chapter 6.06 of the Oakley Municipal Code provides a process and mechanism by which developers can be reimbursed from Benefited Property owners for a portion of the construction and ancillary costs associated with the Improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley finds that public notice of the hearing concerning the approval of below-described agreement has been given to all affected property owners in accordance with Section 6.6.006(c) of the Oakley Municipal Code and other applicable law.

BE IT FURTHER RESOLVED that the City Council of the City of Oakley, after holding a duly noticed public hearing on September 8, 2020, at which all owners of affected properties and all interested parties had an opportunity to be heard, finds that:

1. The improvements for which Developer seeks reimbursement are public improvements that, upon completion, will be accepted and constructed to applicable standards, as determined by the City Engineer;

2. The improvements for which Developer seeks reimbursement have the capacity and capability of serving and are designed to serve additional properties not within the proposed development due to the supplemental size, capacity, number or length of the improvement;

3. The Benefited Property represents a geographical area of property which will benefit directly and substantially by the public improvements; and

4. The method of determining reimbursement and the amount of reimbursement is fair and reasonable to both the Developer and Benefited Property owners and fairly distributes the charge among all parcels in proportion to the estimated benefit each will receive from the Improvements.

BE IT FURTHER RESOLVED that in light of the foregoing findings, the City Council of the City of Oakley authorizes the City Manager to execute the Reimbursement Agreement with De Nova Inc. concerning Storm Drainage Improvements Related to Conditions of Approval for the Gilbert Ranch (Delaney Park) Project, as attached as **Exhibit A** to this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Oakley finds that the approval of the referenced agreement is not a project, as defined by the California Environmental Quality Act and its Guidelines, because the agreement involves a funding mechanism that does not constitute a commitment to any project and does not have any potential to result in any direct or indirect change in the environment.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of September, 2020 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 8, 2020

TO: Bryan H. Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Kenneth W. Strelo, Principal Planner

SUBJECT: **Stonewood Units 1A, 1B, and 2A Design Review (DR 03-20)** – Request for Design Review approval of architectural plans for 241 single-family residential lots consisting of 70 one-story and 171 two-story homes within the Stonewood subdivision.

Summary

This is an application by Albert D. Seeno Construction Co. ("Applicant") requesting Design Review approval of architectural plans for 241 single-family residential lots within the Stonewood Subdivision ("Project"). The plans consist of 70 one-story and 171 two-story homes ranging from 2,100 sf. to 3,272 sf. of livable area. Four plan types with three elevation types for each are proposed for the subdivision. The project is located west of Rose Avenue, south of Longhorn Way, and north of Carpenter Road, and is zoned P-1 (Planned Development) District.

Staff Recommendation

Staff recommends the City Council adopt the resolution approving "Stonewood Units 1A, 1B, and 2A Design Review (DR 03-20)", as conditioned.

Fiscal Impact

This is a developer funded account. All Staff time and City of Oakley generated materials are charged to the account.

Background

General Plan

Stonewood Units 1A, 1B, and 2A consists of three separate final maps, with two General Plan Land Use Designations as follows:

- Stonewood 1A - Final Map 7662 (82 lots) - *Single Family Residential, High Density (SH);*

- Stonewood 1B - Final Map 8760 (133 lots) - *Single Family Residential, High Density (SH);* and
- Stonewood 2A - Final Map 8734 (26 lots) - *Single Family Residential, Medium Density (SM).*

Zoning

The project site is zoned P-1 (Planned Unit Development) District related with two separate tentative map entitlements as summarized below:

- Stonewood 1A and 1B: Tentative Map 7662 approved by Contra Costa County on December 14, 1993. Final Maps 7662 (82 lots) and 8760 (133 lots) approved on January 9, 2006 (Resolution Nos. 03-06, and 05-06, respectively), and recorded on March 27, 2006.

    - Development regulations subject to R-6 (Single Family Residential) District except front setbacks shall be varied between 18 and 27 feet, side yard aggregate setbacks may be 10 feet, and all corner lots shall have side-loaded garages unless otherwise approved by the Zoning Administrator. Lots that back up to Carpenter Road or Rose Avenue shall have minimum 20-foot rear yard setbacks.

- Stonewood 2A: Tentative Map 7758 approved by Contra Costa County on October 13, 1992. Final Map 8734 (26 lots) approved by Oakley City Council on May 14, 2007 (Resolution No. 59-07), and recorded on May 25, 2007.

    - Development regulations subject to R-10 (Single Family Residential) District except front setbacks shall be varied between 20 and 25 feet and lots on cul-de-sacs may have aggregate 10-foot side yard setback (rather than 15-foot) all corner lots shall have side-loaded garages unless otherwise approved by the Zoning Administrator.

Existing Entitlements

As mentioned in the “Zoning” section above, all final maps for the applicable lots in this Design Review application have been recorded with the Contra Costa County Recorder’s Office. Any previous Design Review approvals related to house architecture are superseded with this current application, if approved.

In addition to the County-approved tentative maps and City-approved final maps, the Oakley City Council conditionally extended Tentative Map 7662 pursuant to a consent judgment resolving litigation between the City of Oakley and West Coast Homebuilders, Inc. This was done through adoption of Resolution No. 05-03 on January 27, 2003. The conditions of this resolution were mostly related to items that have already been included in the recorded final maps or that would be ensured at plan check phase of improvements plans.

Project Description

This project includes a Design Review application for 241 lots consisting of 70 one-story and 171 two-story homes. The applicant has proposed four different house plans, consisting of one one-story and three two-story plans, each with three different architectural types referred to as Tuscan (Elevation "A"), French Cottage (Elevation "B"), and Craftsman (Elevation "C").

Floor Plans and Architecture

This subsection of the Staff Report will include narrative descriptions that supplement the Applicant's Plans (attached). Figure 1 shows the cover sheet of the Applicant's Plans, which depicts one example of each floor plan and at least one example of each of the three architectural styles.

Figure 1. Stonewood Streetscape of Front Elevations



The four plans range from 2,100 sf. to 3,272 sf. of livable area. Plans 1 and 2 include front-facing two-car garages, and Plans 3 and 4 include three-car garages. Plan 4's garages are arranged with a single front-facing garage and a side-loaded two-car garage. Table 1 provides a summary of each plan's general features.

Table 1. Summary of Proposed Plans

	Square Feet (livable)	Stories	Bedrooms	Bathrooms	Garage Spaces
Plan 1	2,100	1	4	3	2
Plan 2	2,692	2	4 (+ loft)	3	2
Plan 3	2,980	2	5	4	3
Plan 4	3,272	2	5	4	3

The three proposed architectural styles shared across all four plans are: Tuscan (Elevation "A"), French Cottage (Elevation "B"), and Craftsman (Elevation "C"). There are a total of 12 color and material schemes which can be used on any of the architectural types due to each scheme allowing for either villa (Tuscan) or flat (French Cottage and Craftsman) tile roofs, and brick (Tuscan) or stone (French Cottage) and Craftsman) veneer. The allowance of any of the schemes to be applied to any plan/architectural type combination results in 144 different possibilities, excluding

left/right orientation (4 plans * 3 architectural types * 12 schemes = 144 possibilities). Each architectural type will have specific garage doors and exterior lighting in addition to the choices in colors and materials. All wainscots will wrap to the fence line.

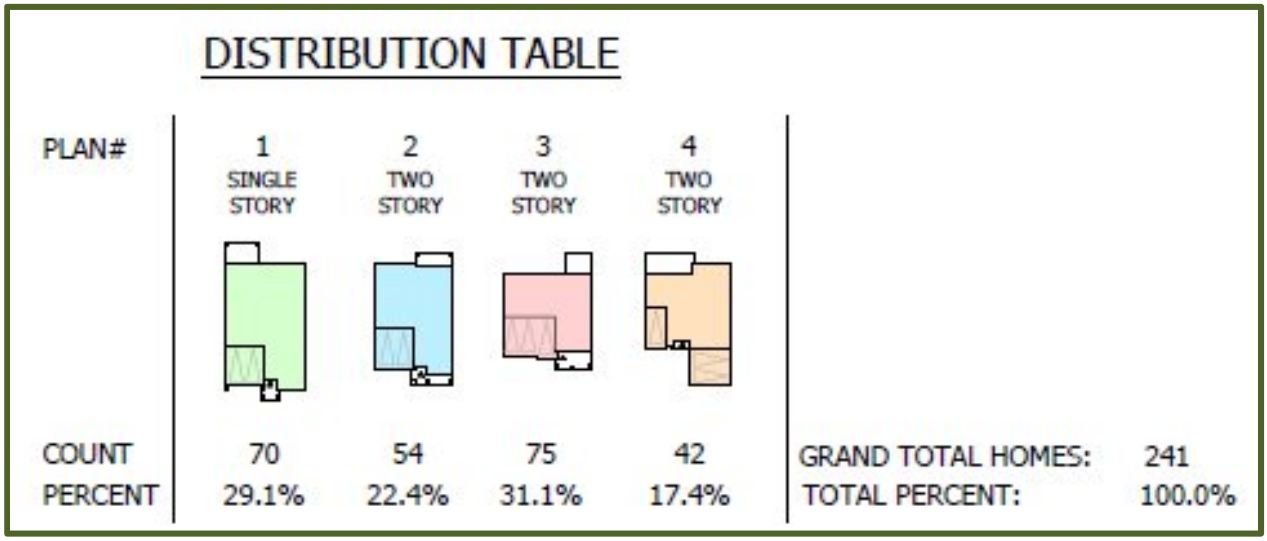
Roof lines on the same plan show variation between architectural styles. For example, with Plan 1: the Tuscan style features an overall hipped roof with front-facing gables above the garage and porch; the French Cottage style's main roofline features side gables with similar front-facing gables as the Tuscan style; and the Craftsman style's main roofline is a large front- and rear- facing gable with a smaller front-facing porch gable to match.

Each of the three architectural styles have themed materials that are commonly used on each plan. All styles have a main body of stucco and concrete tile roofs with changes to other materials as follows: The Tuscan style features villa (curved) concrete tile roofing, areas of brick veneer, and stucco covered foam corbels; the French Cottage style features flat concrete tile roofing, areas of stone veneer, and under window treatment on the front elevation; and the Craftsman style features flat concrete tile roofing, areas of stone veneer, and areas of lap and/or shingle siding.

Master Plotting Plans

The Master Plotting Plans, which show all of the lots and which house plan is proposed for each, as well as the proposed setbacks from property lines, are included in the Applicant's Plans. The plans show one sheet that includes all three final maps and the boundaries of each. In addition to that are the three separate Master Plotting Plans for Stonewood 1A, 1B, and 2A. Of the total 241 homes, there are 70 Plan 1s, 54 Plan 2s, 76 Plan 3s, and 42 Plan 4s. The product mix distribution with total number and percentage of each plan type is show in Figure 2.

Figure 2. Product Mix



As shown in the product mix, just over 29% (70 of the 241 total homes) are proposed as the only one-story (Plan 1). Twenty-four of those Plan 1s are plotted on corner lots. There are a total of 45 corner lots, which results in 53% of the corner lots as one-story homes.

Wall Design

A solid masonry wall is required along the non-frontage lots on Carpenter Road, Rose Avenue, and Grapevine Lane (previously "Stonewood Way") (CC Reso. 05-03). The applicant has confirmed that they will be installing the same wall that is used on Duarte Ranch and Live Oak Ranch, which also border Rose Avenue. This will result in a harmonious consistency for that corridor. The wall aesthetics consist of combed CMU block with an upper cap and matching row of smooth-face CMU block, and capped columns wrapped with stone veneer. Figure 3 shows the older wall along Live Oak Ranch and the newer wall along Duarte Ranch.

Figure 3. Existing Masonry Walls along Rose Avenue

Live Oak Ranch Wall	Duarte Ranch Wall
	

Environmental Analysis

The proposal for house designs and other design elements of the subdivision fall within the scope of the original subdivisions' California Environmental Quality Act (CEQA) analysis and no further environmental analysis is required.

Analysis

The proposed plans were analyzed for consistency with the adopted City of Oakley Residential Guidelines ("Guidelines"). Since the Tentative Map and Final Maps are already approved, the street layout, and lot sizes and layout are already approved. Staff has focused this analysis on the home design and other elements discussed on the Project Description section of this Staff Report.

Residential Siting and Lot Design

The applicant has plotted the homes to provide substantial variations in the garage setbacks from the front property line. Interior side yard setbacks for both Stonewood 1A and 1B are at the minimum five feet; however, the plot plan shows several instances of larger side yards either due to lot width or shape. Side yard setbacks for Stonewood 2A are significantly wider and regularly exceed the minimum requirements of five feet per side with an aggregate of 15 feet. Rear yard depths vary based on the both the plan depth and orientation on the lot, and all rear yard setbacks along Rose Avenue and Carpenter Road are at least 20 feet.

Building mass is an element of lot siting and design. The changes in roof plans among the same floor plan assist in giving the overall neighborhood more visual variety. The variation in front yard setbacks reduces the appearance of long, linear corridors even on a straight street. This also applies to the rear yards along roadways.

There is one guideline commonly referenced for residential design reviews that is not consistently implemented with this project, which is the guideline related to the setback between adjacent two-story elements being at least 15 feet. The main reason this is not commonly seen is because Stonewood 1A and 1B only have minimum side yard setbacks of five feet per side with an aggregate of 10 feet. The design standards is based on the City's conventional zoning, which has an aggregate side yard setback of 15 feet and wider lots than most P-1 Districts. However, the 26 lots in Stonewood 2A all meet this requirement with room to spare.

As currently plotted, the project meets the guideline of including one-story homes on a minimum of 20% of the total lots with 29% of all homes as one-story. The project also meets the guideline of including one-story homes on at least 50% of the corner lots with 24 of the 53 corner lots having a Plan 1, which equates to 53%. The original approvals required all corner lots to have side-loaded garages unless otherwise approved by the Zoning Administrator. Since the City Council is already considering this Design Review application, the Zoning Administrator has referred this matter to the City Council for consideration in conjunction with this application. Based on the City's Residential Design Guidelines, Staff believes enforcing this requirement would not result in a neighborhood appearance being sought after in Oakley. Since driveway cuts for corner lots are always on the interior side of the lot furthest from the street corner, side loaded garages on corner lots would result in the back of the side-loaded garage, which is much further forward than the living area of the house, facing the side street. This would potentially increase massing on corners. Staff recommends the City Council

allow the applicant to proceed without implementing that portion of the original approval. Staff has proposed a Condition of Approval that alleviates the applicant of meeting this requirement.

Architectural Character

The architectural character and design of the proposed homes went through one round of input from Staff throughout processing of the application. The final submittal of the homes includes prominent materials on the front facades, as well as appropriate wrapping of those materials to a logical location. Gables are filled with matching lap or shingle siding, where applicable. Each architectural style has a specific garage door and exterior lighting theme. The plans being presented to the City Council are consistent with the guidelines in that there is variety in the architectural elements, such as horizontal paneling, false shutters, and stone and brick veneer. Gable sidings and shutters are used on all four sides of the homes where applicable and feasible, and stone and brick veneer wraps to the side fence line, as applicable. Also, window trimming is found on all four sides of the homes.

Citizen Planning Advisors

The Oakley Citizen Planning Advisors received copies of the Applicant's Plans and project description via email on August 13, 2020. Staff received feedback from one advisor who thought the lot sizes seemed reasonable, and had questions on how we could get soil better for gardening/landscaping in the rear and side yards. The advisor also commented that while they did not know exactly when lot sizes were approved in the overall land use process, that "[they] always believed the minimum size of the lot should be 6000 sq. ft. Otherwise with smaller lot sizes this city is going to look like a city of cluster homes and more congested." The advisor had no comments directly related to the proposed house architecture.

Findings

Draft findings are included in the attached resolution.

Recommendation

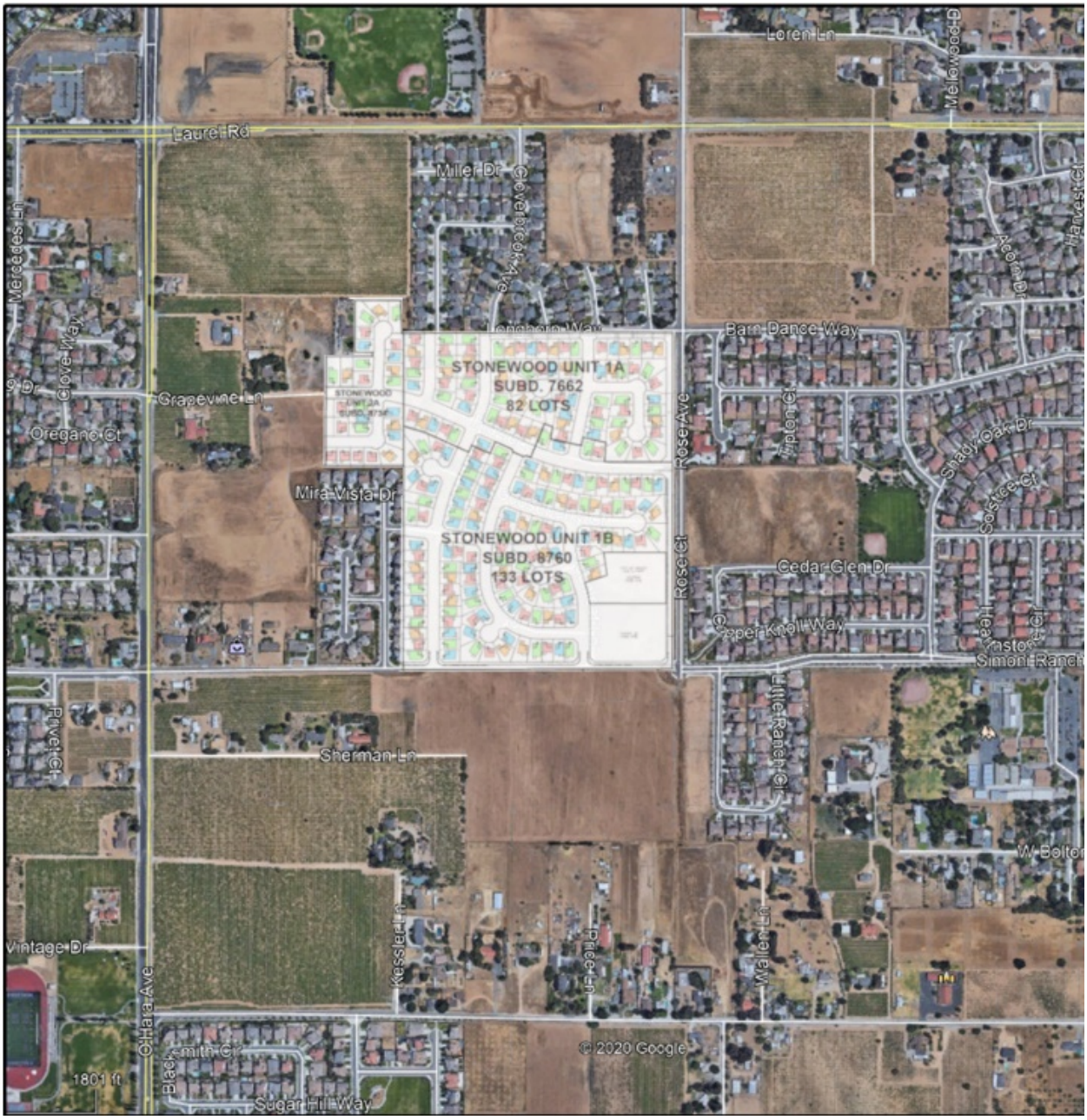
Staff recommends the City Council adopt the resolution approving "Stonewood Units 1A, 1B, and 2A Design Review (DR 03-20)", as conditioned.

Attachments:

1. Vicinity Map
2. Public Hearing Notice
3. Applicant's Plans
4. Draft Resolution
5. City Council Meeting Power Point Presentation

Vicinity Map

Stonewood Units 1A, 1B, and 2A Design Review (DR 03-20)



City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

Due to safety precautions related to Covid-19, this meeting will be phone-in only. Changes in "How to Review" are found below.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **September 8, 2020** at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a phone-in Public Hearing ~~at the Council Chambers located at 3231 Main Street, Oakley, CA 94561~~ for the purposes of considering an item for **Design Review.**

Project Name: Stonewood Units 1A, 1B, and 2A Design Review (DR 03-20).

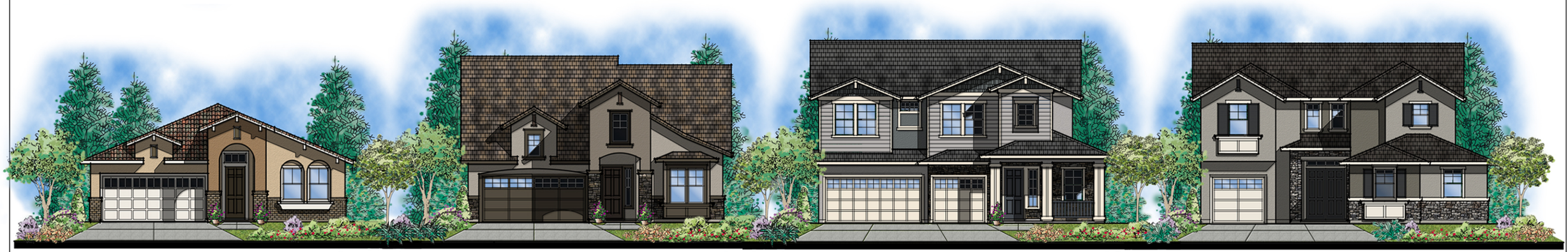
Project Location: West of Rose Avenue, south of Longhorn Way, and north of Carpenter Road, Oakley, CA 94561.

Applicant: Albert D. Seeno Construction Co., 4021 Port Chicago Hwy., Concord, CA 94520.

Request: This is a public hearing on an application by Albert D. Seeno Construction Co. ("Applicant") requesting Design Review approval of architectural plans for 241 single-family residential lots within the Stonewood Subdivision ("Project"). The plans consist of 70 one-story and 171 two-story homes ranging from 2,100 sf. to 3,272 sf. of livable area. Four plan types with three elevation types for each are proposed for the subdivision. The project is located west of Rose Avenue, south of Longhorn Way, and north of Carpenter Road, and is zoned P-1 (Planned Development) District.

How to Review: The Staff Report and its attachments will be available for public review, on or before September 4, 2020 online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the September 8, 2020 agenda and clicking the project title link. Interested persons are invited to submit written comments prior to 5:00 P.M. the day of the hearing to Ken Strelo, Principal Planner strelo@ci.oakley.ca.us. Those wishing to listen in and/or participate in the meeting may do so by calling: (925) 809-9201 and using ID# 921207. Callers are asked to mute phones unless speaking.

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.



STONEWOOD 1A, 1B, & 2A

OAKLEY CA

Oakley Planning Division
Received: July 30, 2020
Latest Update: August 26, 2020

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020

STONEWOOD UNIT 1A
SUBD. 7662
82 LOTS

STONEWOOD UNIT 1B
SUBD. 8760
133 LOTS

STONEWOOD
UNIT 2A
SUBD. 8734

VINTNER VIEW
SUBD. 8836

PHEASANT MEADOWS
SUBD. 8736

CINNAMON RIDGE
SUBD. 7681

VILLA GROVE
SUBD. 8807

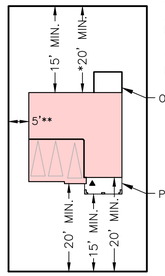
STONEWOOD 3
UNIT 2
SUBD. 9534

CITY OF OAKLEY
NOT A PART

EXISTING
PARK SITE

PARCEL 'A'
PARK SITE

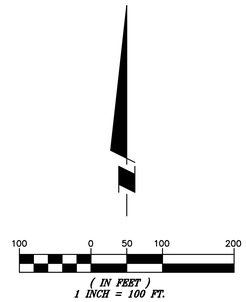
50 49 69 70 71 76 77 86 87 96



*LOTS BACKING ROSE AVENUE SHALL HAVE 20' REAR YARD SETBACKS

**CORNER SIDE YARD 15' MINIMUM SETBACK

TYPICAL MINIMUM
LOT SETBACKS
N.T.S.



DISTRIBUTION TABLE

PLAN#	1 SINGLE STORY	2 TWO STORY	3 TWO STORY	4 TWO STORY
COUNT	70	54	75	42
PERCENT	29.1%	22.4%	31.1%	17.4%

GRAND TOTAL HOMES: 241
TOTAL PERCENT: 100.0%

MASTER PLOTTING PLAN

ALBERT D. SEENO CONSTRUCTION CO.

DISCOVERY DESIGN GROUP

STONEWOOD 1A, 1B, & 2A

OAKLEY, CA

AUGUST 19, 2020

M:\Land Development\Richie Booth\DWG\2020260\DWG\MASTER PLOTTING PLAN\200260-STONEWOOD UNITS MPP_02.dwg

1"=50'

FRAZIER DRIVE

CLOVERBROOK AVENUE

LONGHORN WAY

RIVERWOOD CT

PATO LANE

AMBERWOOD CT

ROSE AVENUE

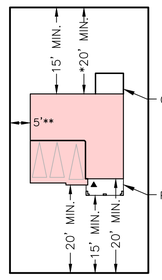
GRAPEVINE LANE

CLOVERBROOK AVENUE

DISTRIBUTION TABLE

PLAN#	1 SINGLE STORY	2 TWO STORY	3 TWO STORY	4 TWO STORY
COUNT	25	13	27	17
PERCENT	30.5%	15.8%	33.0%	20.7%

GRAND TOTAL HOMES: 82
TOTAL PERCENT: 100.0%



*LOTS BACKING ROSE AVENUE SHALL HAVE 20' REAR YARD SETBACKS

**CORNER SIDE YARD 15' MINIMUM SETBACK

TYPICAL MINIMUM LOT SETBACKS
N.T.S.

MASTER PLOTTING PLAN

ALBERT D. SEENO CONSTRUCTION CO.

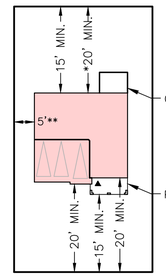
DISCOVERY DESIGN GROUP

STONEWOOD 1A

OAKLEY, CA

AUGUST 26, 2020

1"=60'



*LOTS BACKING ROSE AVENUE & CARPENTER ROAD SHALL HAVE 20' REAR YARD SETBACKS

**CORNER SIDE YARD 15' MINIMUM SETBACK

TYPICAL MINIMUM LOT SETBACKS

N.T.S.

DISTRIBUTION TABLE

PLAN#	1 SINGLE STORY	2 TWO STORY	3 TWO STORY	4 TWO STORY	
COUNT	38	36	39	20	TOTAL HOMES: 133
PERCENT	28.6%	27.1%	29.3%	15.0%	TOTAL PERCENT: 100.0%

MASTER PLOTTING PLAN

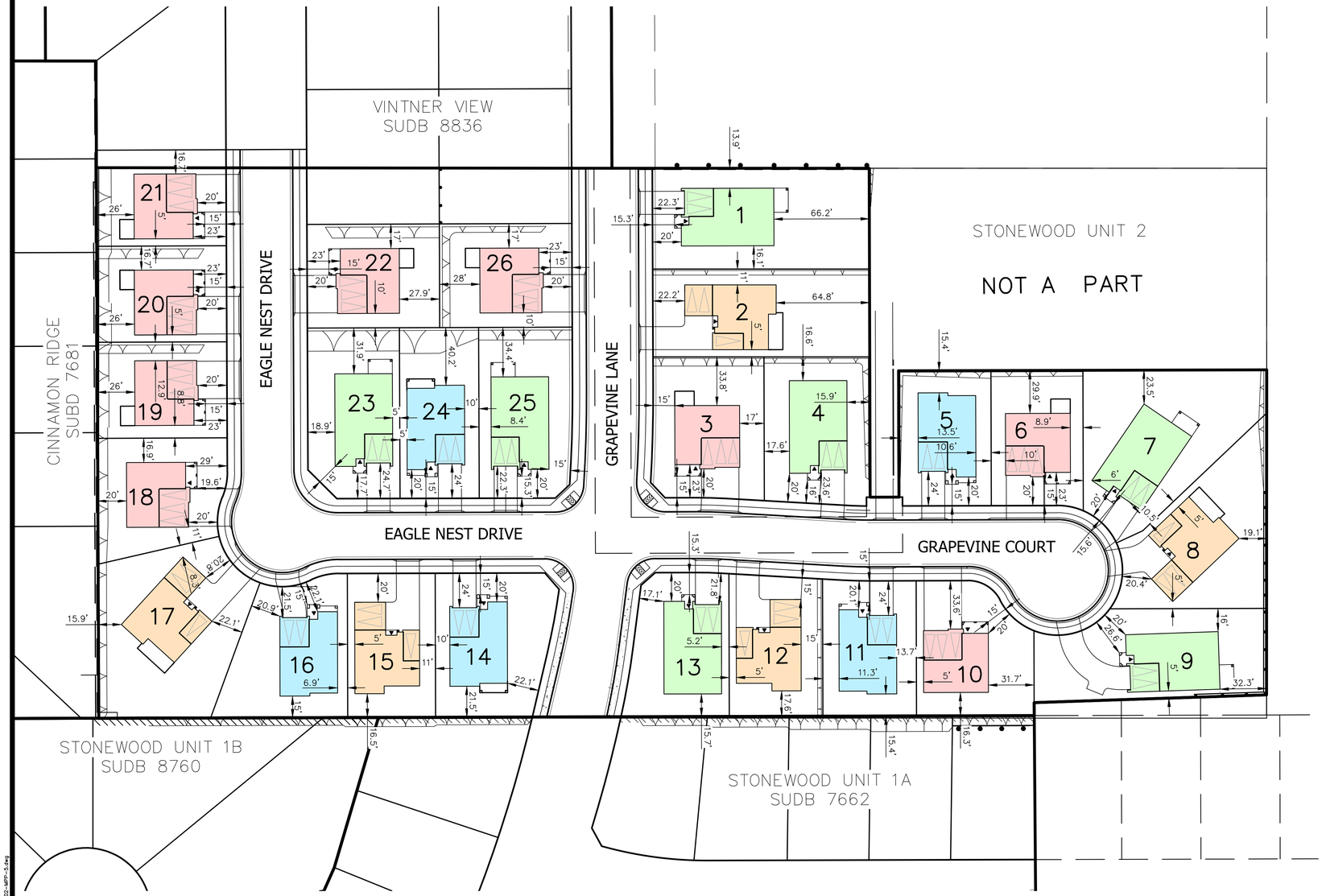
ALBERT D. SEENO CONSTRUCTION CO.

DISCOVERY DESIGN GROUP

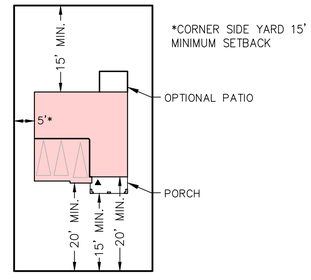
STONEWOOD 1B

AUGUST 26, 2020

OAKLEY, CA



1"=40'



TYPICAL MINIMUM LOT SETBACKS
N.T.S.

DISTRIBUTION TABLE

PLAN#	1 SINGLE STORY	2 TWO STORY	3 TWO STORY	4 TWO STORY	
COUNT	7	5	9	5	TOTAL HOMES: 26
PERCENT	27.0%	19.2%	34.6%	19.2%	TOTAL PERCENT: 100.0%

MASTER PLOTTING PLAN

ALBERT D. SEENO CONSTRUCTION CO.

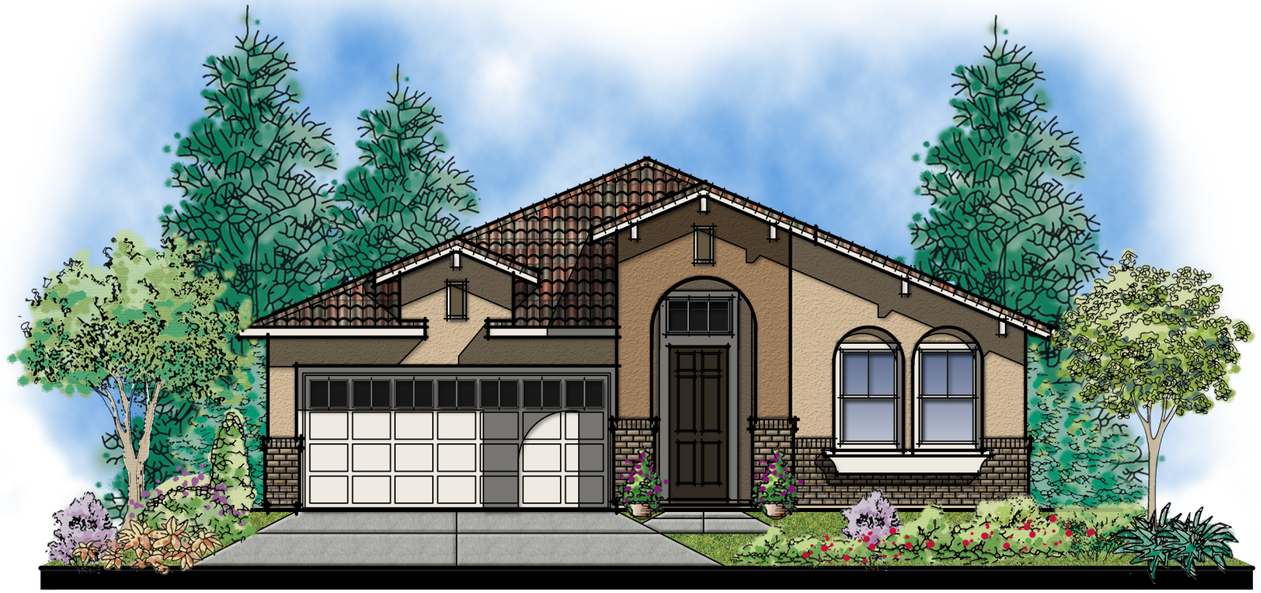
DISCOVERY DESIGN GROUP

AUGUST 14, 2020

STONEWOOD 2A

OAKLEY, CA

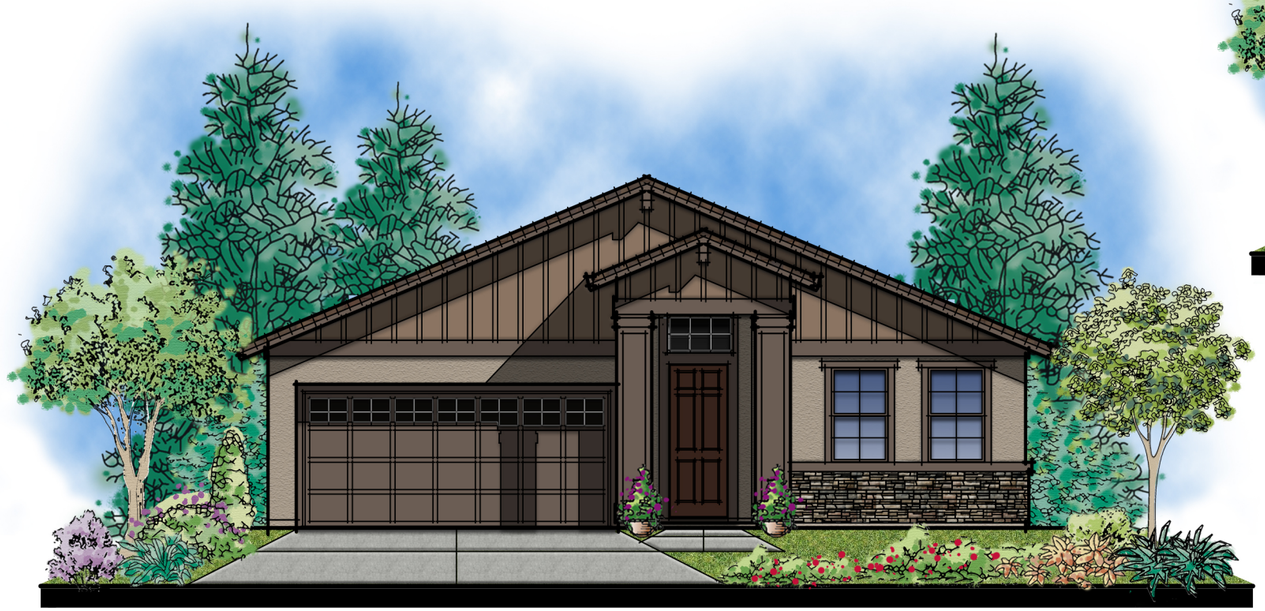
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Elevation A
'Tuscan'- Scheme #3



Elevation B
'French Cottage' - Scheme #5



Elevation C
'Craftsman' - Scheme #10

MATERIAL LEGEND

A VILLA CONCRETE TILE ROOFING
GABLE & HIP ROOFS
STUCCO BODY
STUCCO TRIM
FOAM/STUCCO CORBELS
SIMULATED BRICK VENEER
ROLL-UP GARAGE DOORS
W/ ELEVATION SPECIFIC LITES

B FLAT CONCRETE TILE ROOFING
GABLE ROOFS
STUCCO BODY
STUCCO TRIM
MOCK VENTS
SIMULATED STONE VENEER
ROLL-UP GARAGE DOORS
W/ ELEVATION SPECIFIC LITES

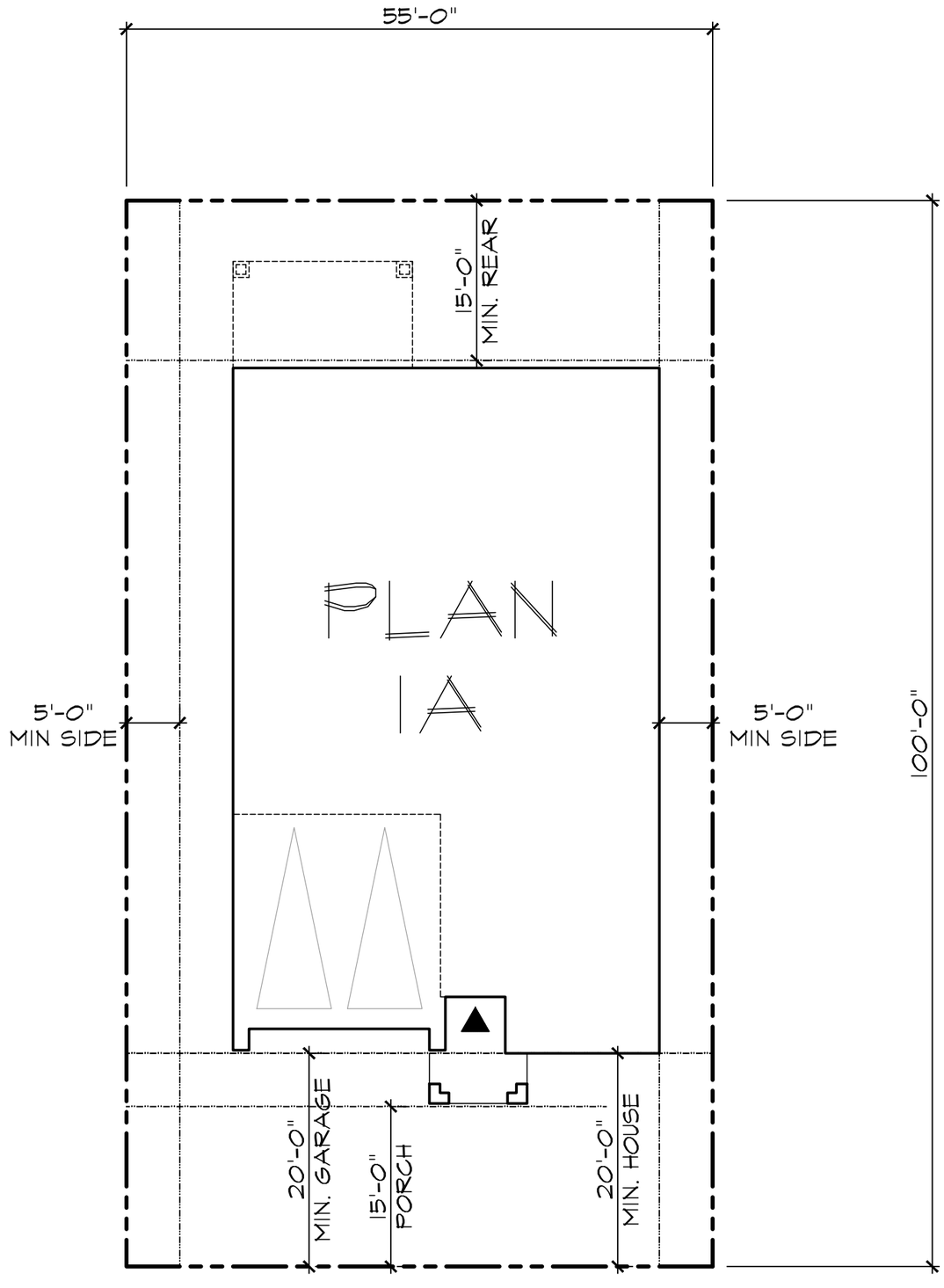
C FLAT CONCRETE TILE ROOFING
GABLE ROOFS
STUCCO BODY
STUCCO TRIM
BOARD & BATTEN SIDING
WOOD TRIM
SIMULATED STONE VENEER
ROLL-UP GARAGE DOORS
W/ ELEVATION SPECIFIC LITES

Front Elevations
Plan 1
STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



City of Oakley

R6 ZONING SETBACKS

SETBACK	
FRONT YARD:	20'
PORCH:	15'
SIDE LOAD GARAGE:	15'
REAR YARD:	15'
SIDE YARD:	5'/10' AGGR.

Plan 1

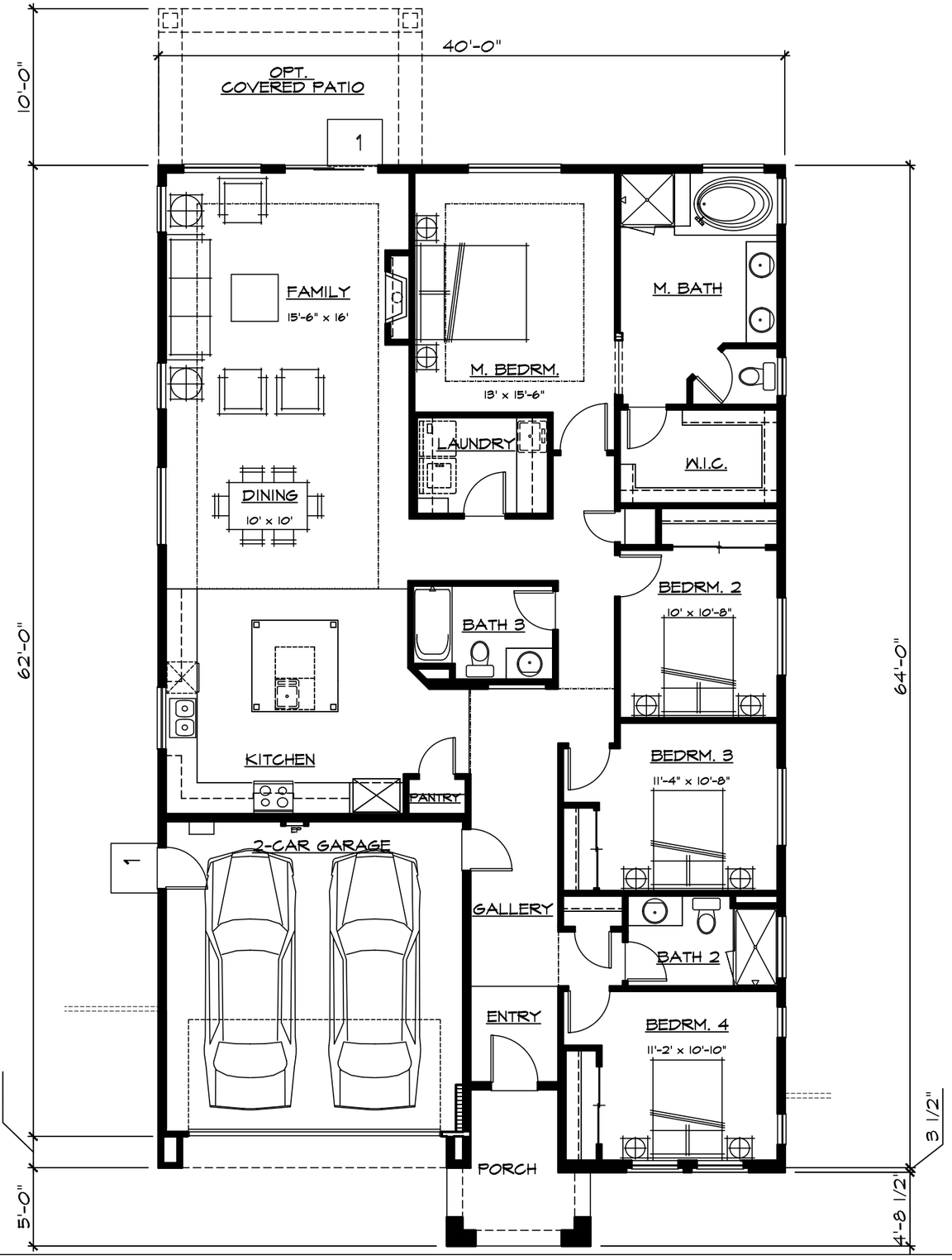
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STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Plan 1

SQUARE FOOTAGE	
TOTAL LIVING AREA	2100 SF
GARAGE	393 SF
PORCH	74 SF
FOOTPRINT	2567 SF

Floor Plan

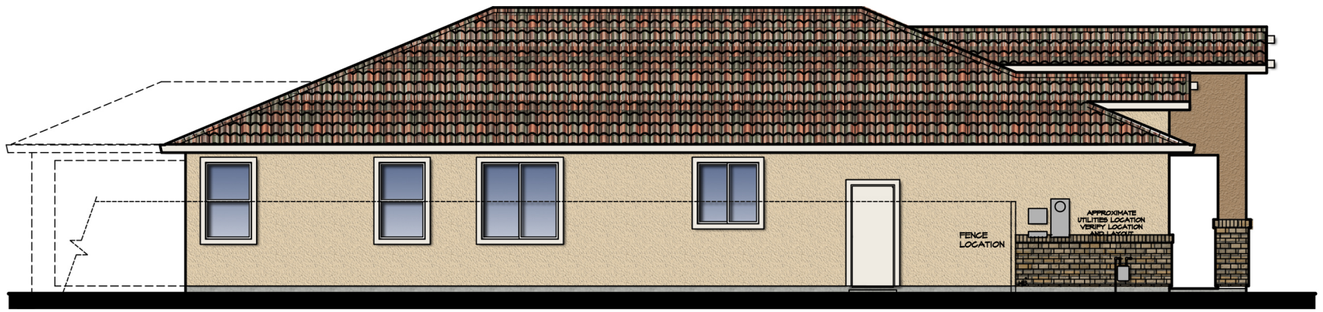
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STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

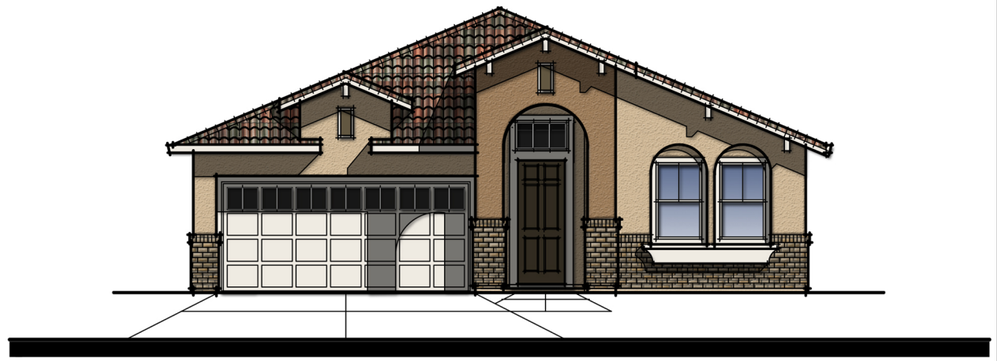
DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
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Revised Date 07/20/2020

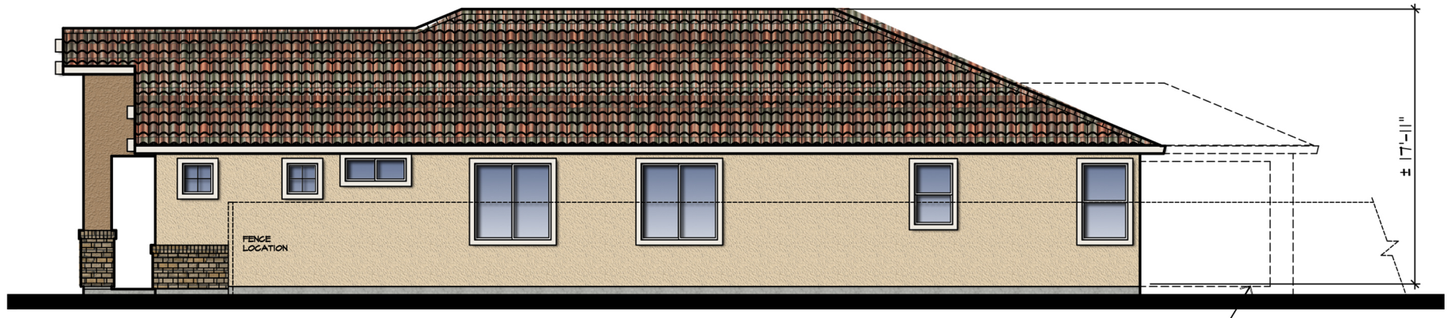


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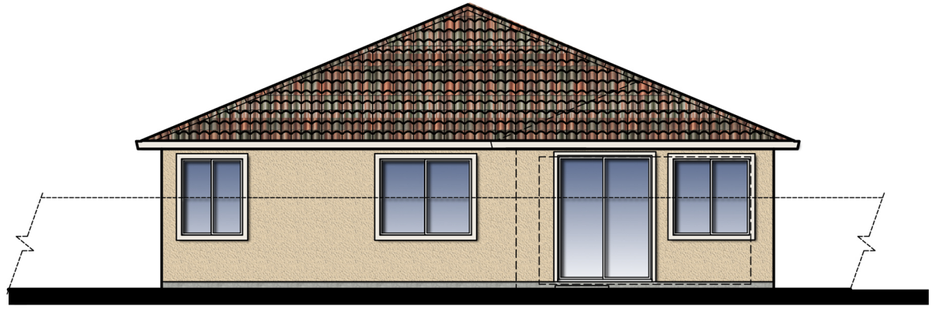
NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.



Front



Right



Rear

Plan 1
Elevations - 'A'

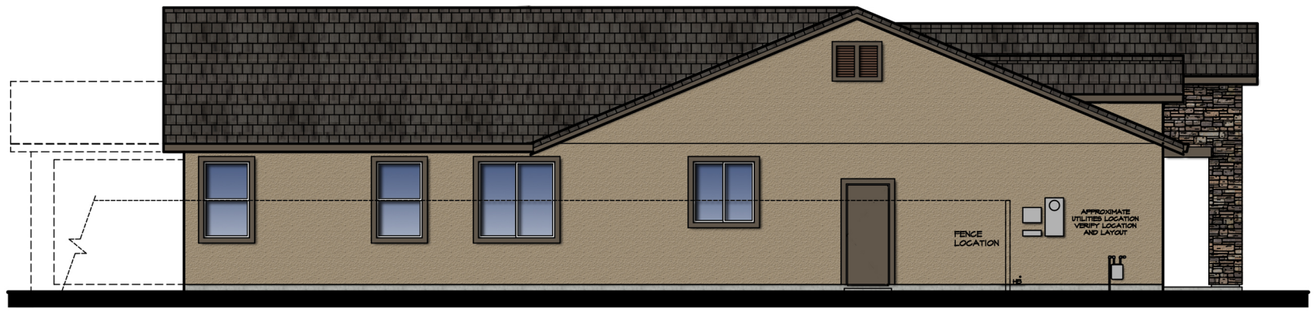
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STONEWOOD UNIT 1A, 1B, & 2A

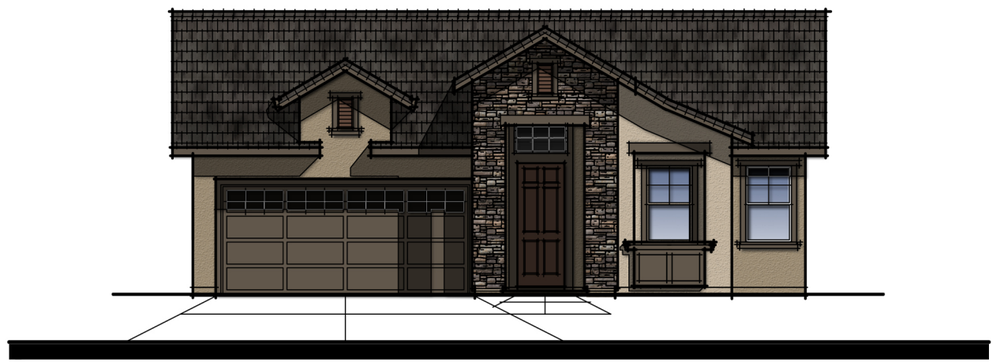
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

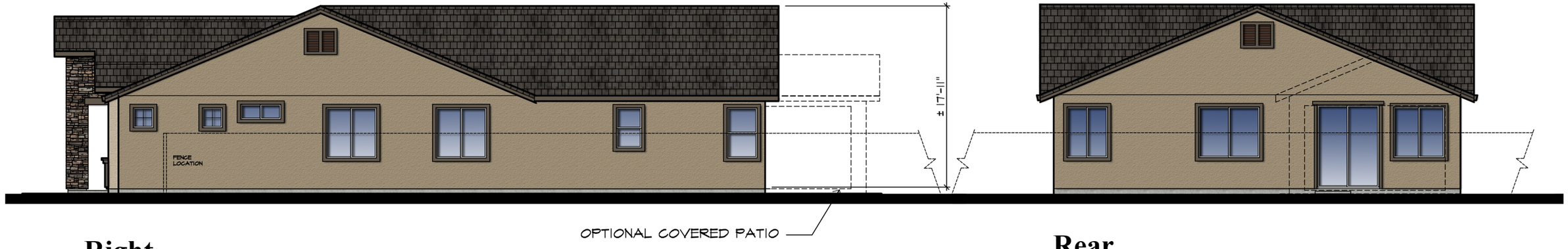
A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Left



Front



Right

Rear

NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.

Plan 1
Elevations - 'B'

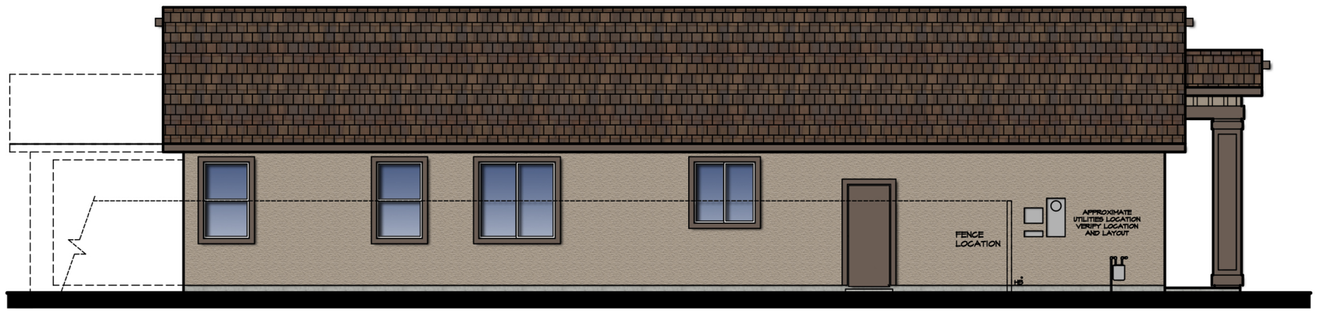
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STONEWOOD UNIT 1A, 1B, & 2A

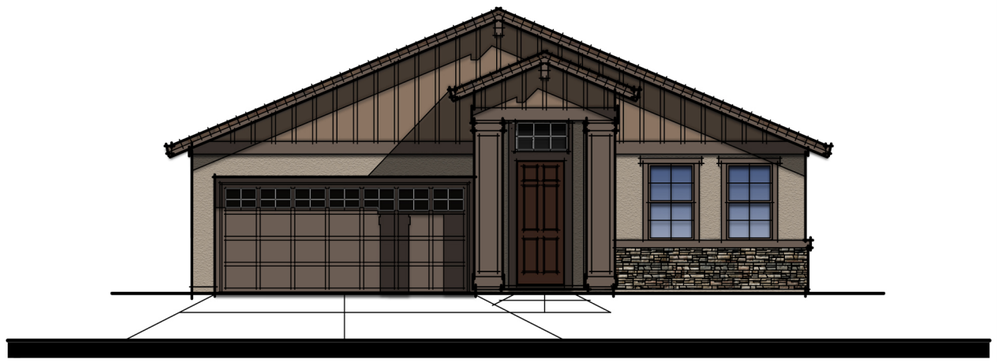
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

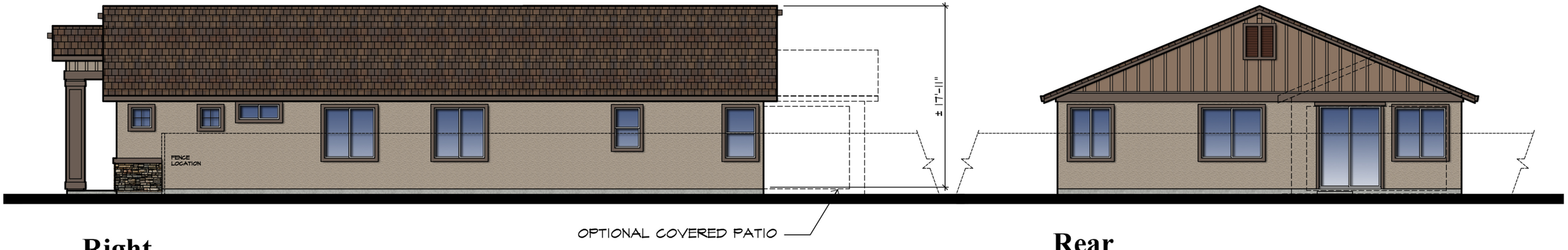
A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Left



Front



Right

Rear

NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.

Plan 1
Elevations - 'C'

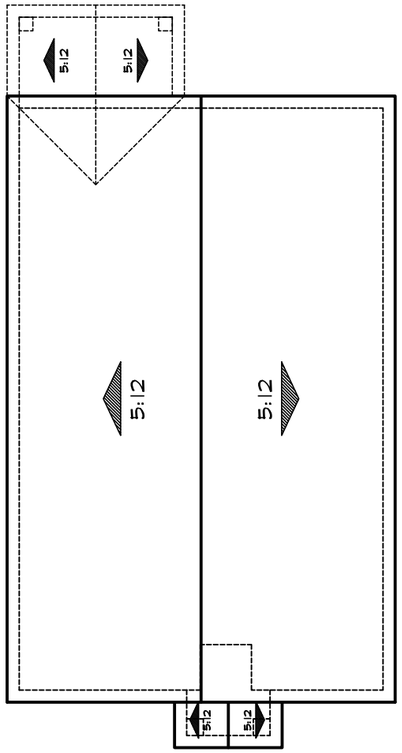
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STONEWOOD UNIT 1A, 1B, & 2A

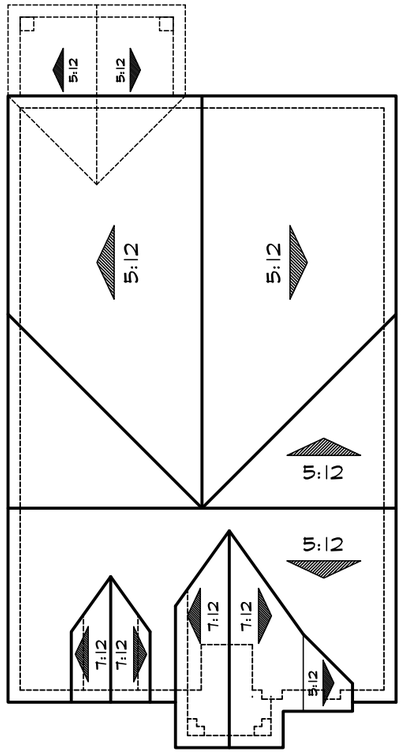
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

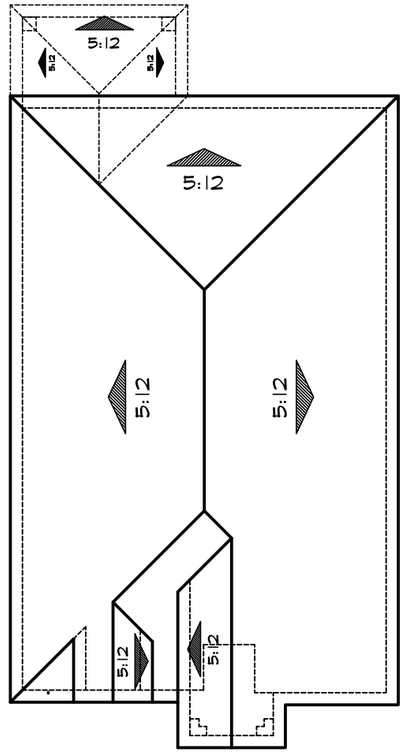
A.D. Seeno Construction
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Roof Plan 'C'



Roof Plan 'B'



Roof Plan 'A'

Plan 1
Roof Plans

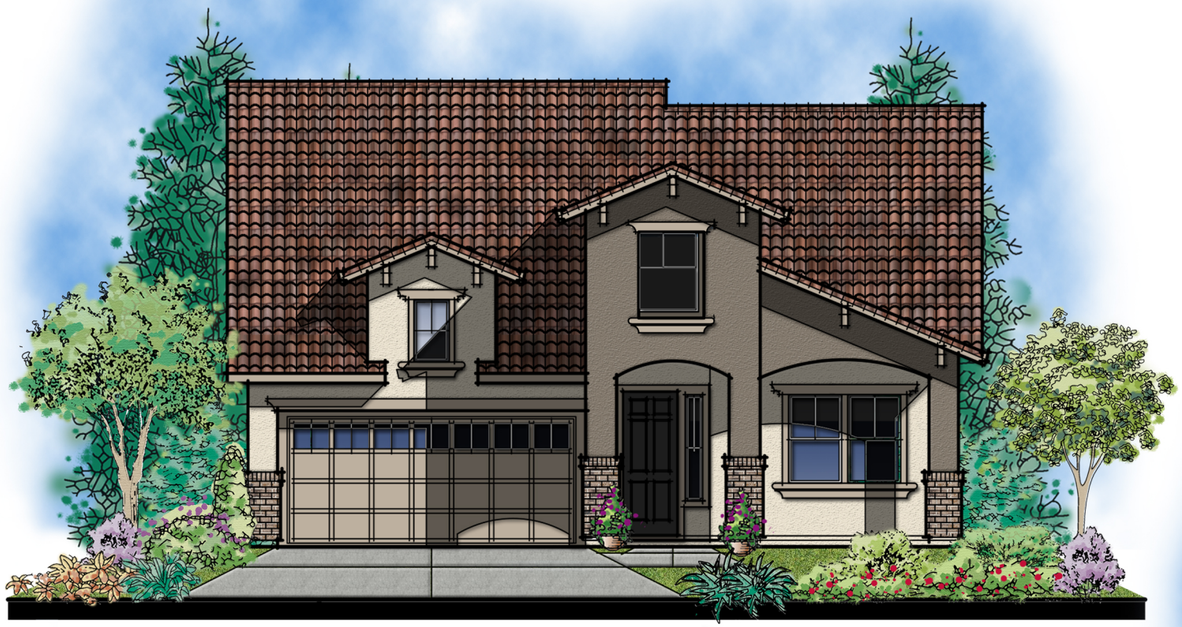
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STONEWOOD UNIT 1A, 1B, & 2A

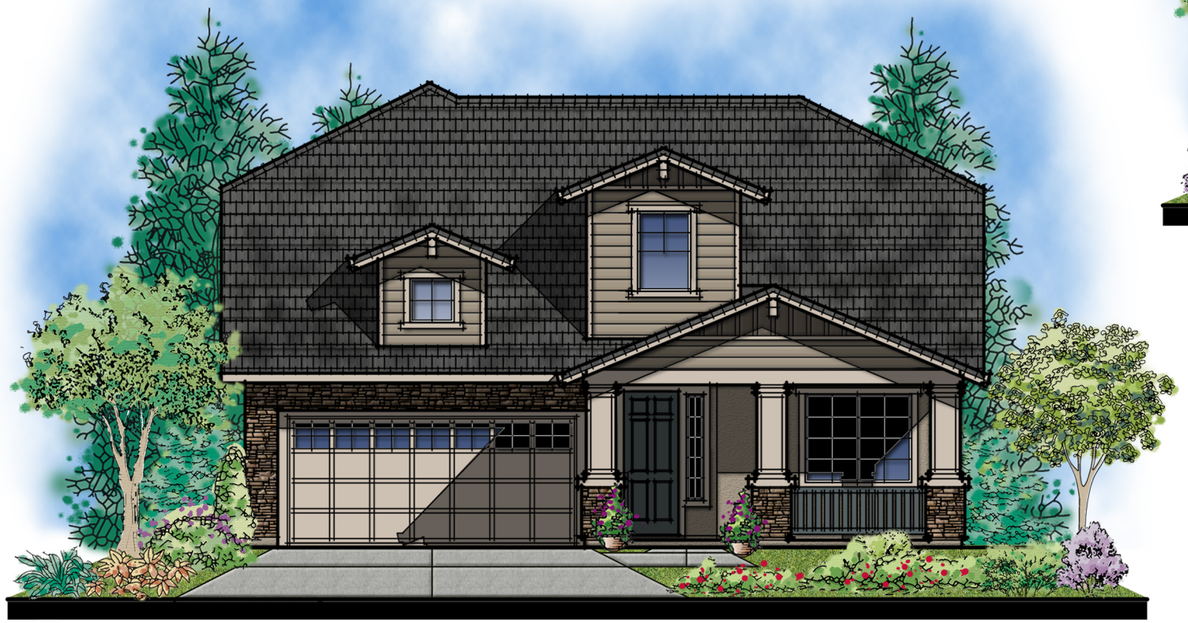
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Elevation A
'Tuscan' - Scheme #2



Elevation C
'Craftsman' - Scheme #9

MATERIAL LEGEND

A
- CONCRETE VILLA ROOFING
- GABLE ROOFS
- STUCCO BODY
- STUCCO TRIM
- FOAM/STUCCO CORBELS
- SIMULATED BRICK VENEER
- ROLL-UP GARAGE DOORS w/ ELEVATION SPECIFIC LITES

B
- FLAT CONCRETE TILE ROOFING
- GABLE & HIP ROOFS
- STUCCO BODY
- STUCCO TRIM
- SIMULATED STONE VENEER
- ROLL-UP GARAGE DOORS w/ ELEVATION SPECIFIC LITES

C
- FLAT CONCRETE TILE ROOFING
- GABLE ROOFS
- STUCCO BODY
- STUCCO TRIM
- LAP SIDING
- WOOD TRIM
- DECORATIVE RAILING
- SIMULATED STONE VENEER
- ROLL-UP GARAGE DOORS w/ ELEVATION SPECIFIC LITES



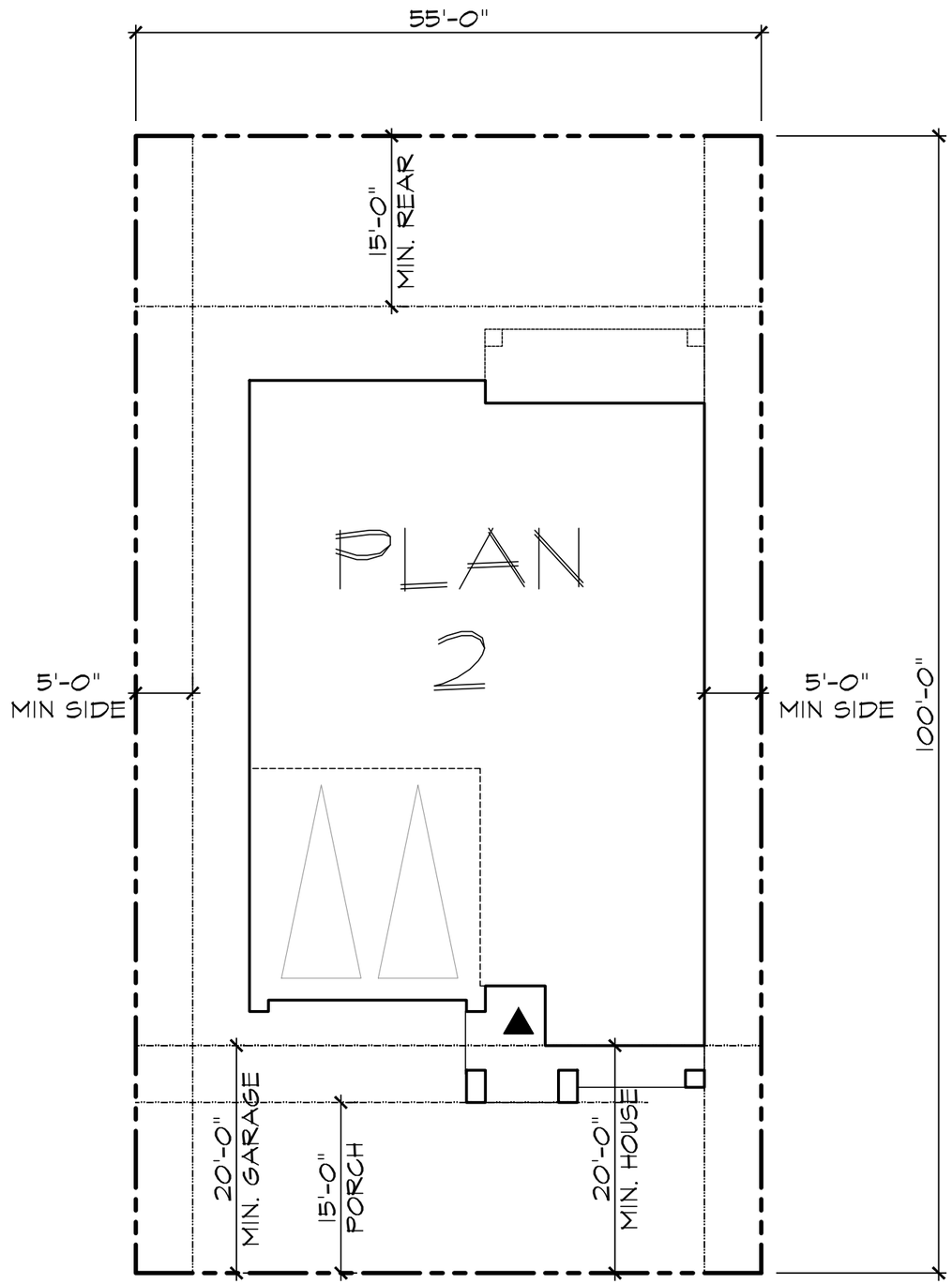
Elevation B
'French Cottage'- Scheme #6

Front Elevations
Plan 2
STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY DESIGN GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



City of Oakley

R6 ZONING SETBACKS

SETBACK	
FRONT YARD:	20'
PORCH:	15'
SIDE LOAD GARAGE:	15'
REAR YARD:	15'
SIDE YARD:	5'/10' AGGR.

Plan 2

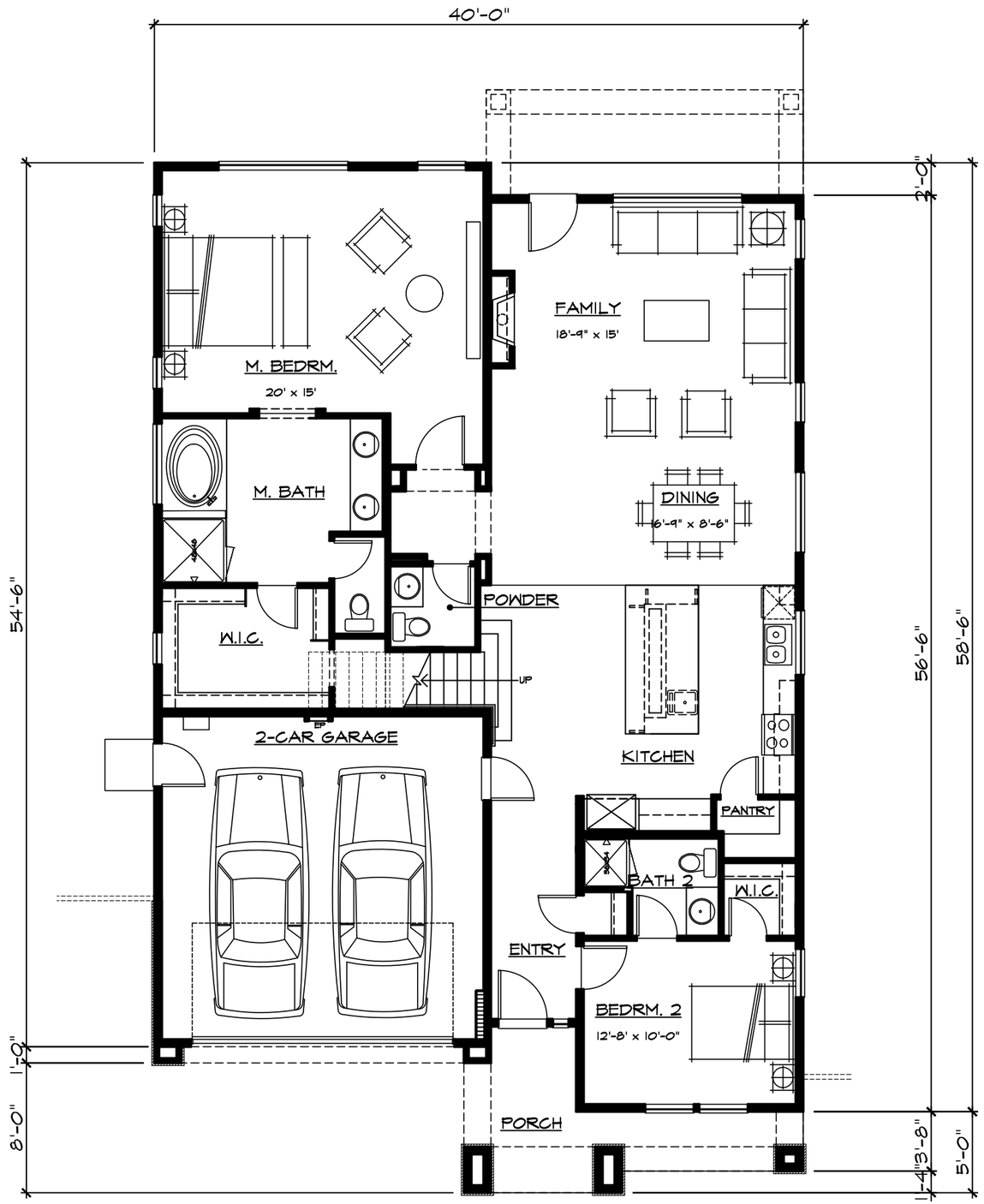
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STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Plan 2

SQUARE FOOTAGE	
FIRST FLOOR	1777 SF
SECOND FLOOR	915 SF
TOTAL LIVING AREA	2692 SF
GARAGE	414 SF
PORCH	124 SF
FOOTPRINT	2315 SF

First Floor Plan

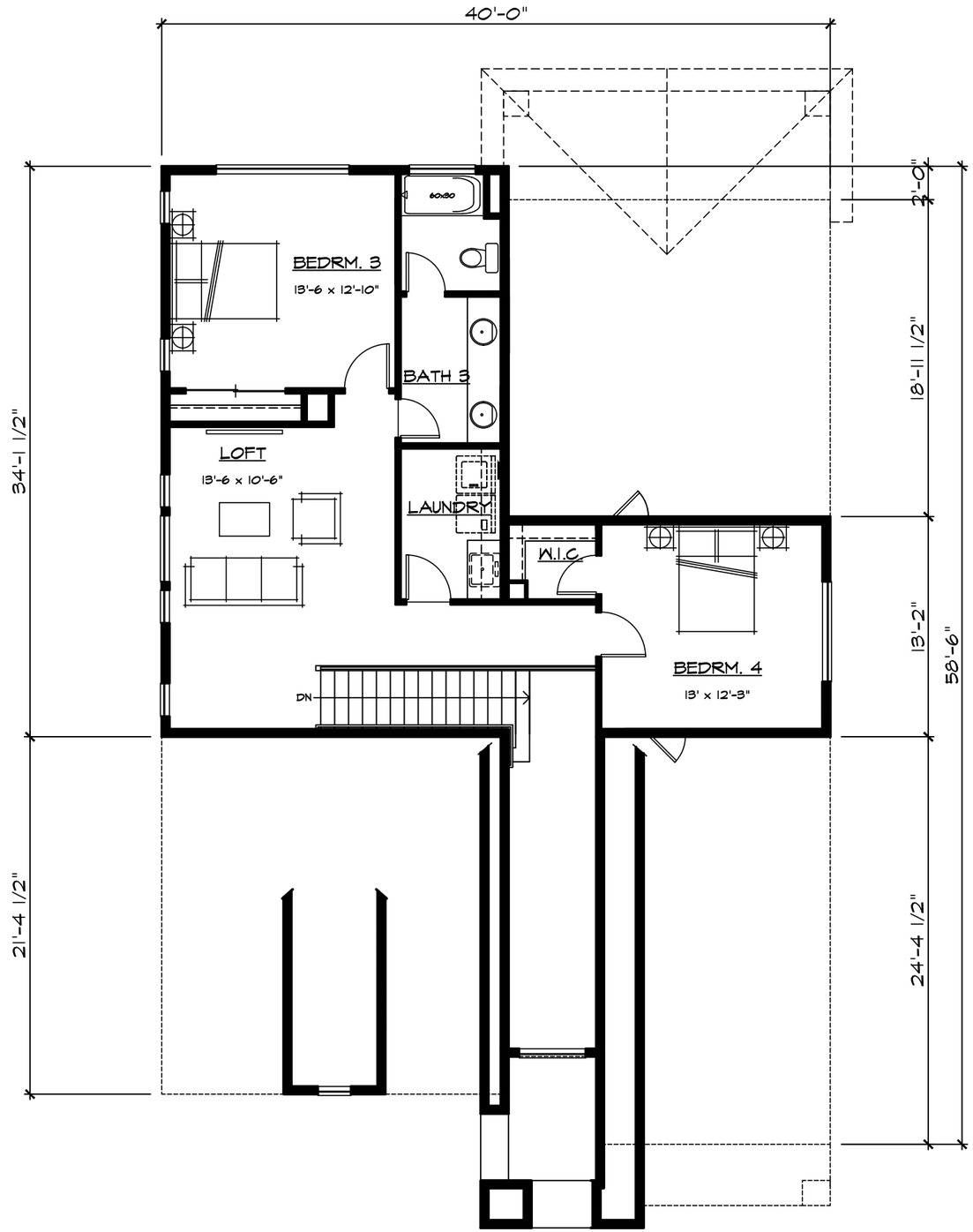
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STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Plan 2

SQUARE FOOTAGE	
FIRST FLOOR	1777 SF
SECOND FLOOR	915 SF
TOTAL LIVING AREA	2692 SF
GARAGE	414 SF
PORCH	124 SF
FOOTPRINT	2315 SF

Second Floor Plan

0 2 4 6 8 16

STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

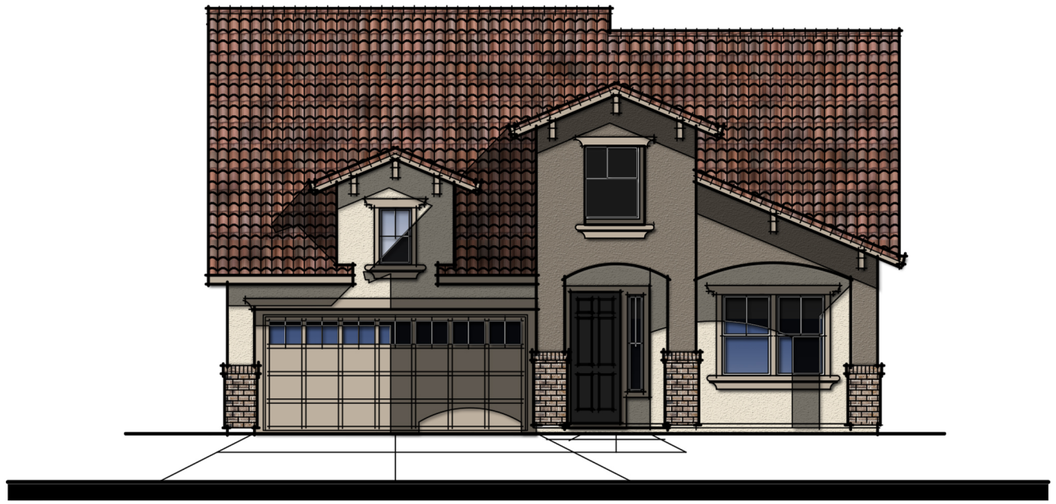
DISCOVERY DESIGN GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020

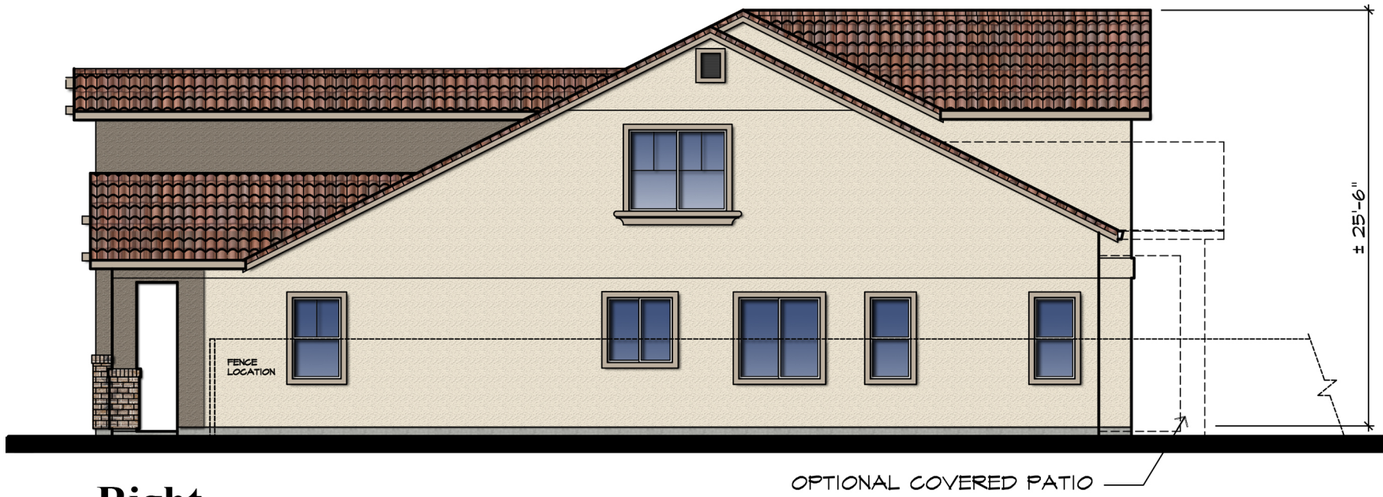


Left

NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.



Front



Right



Rear

STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

Plan 2
Elevations - 'A'

0 2 4 6 8 16

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020

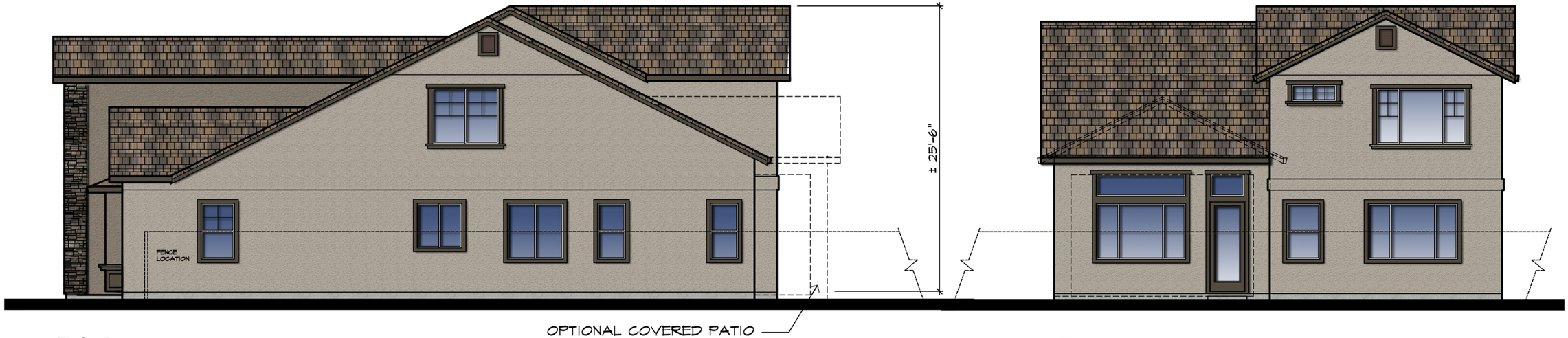


Left

NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.



Front



Right

Rear

STONEWOOD UNIT 1A, 1B, & 2A

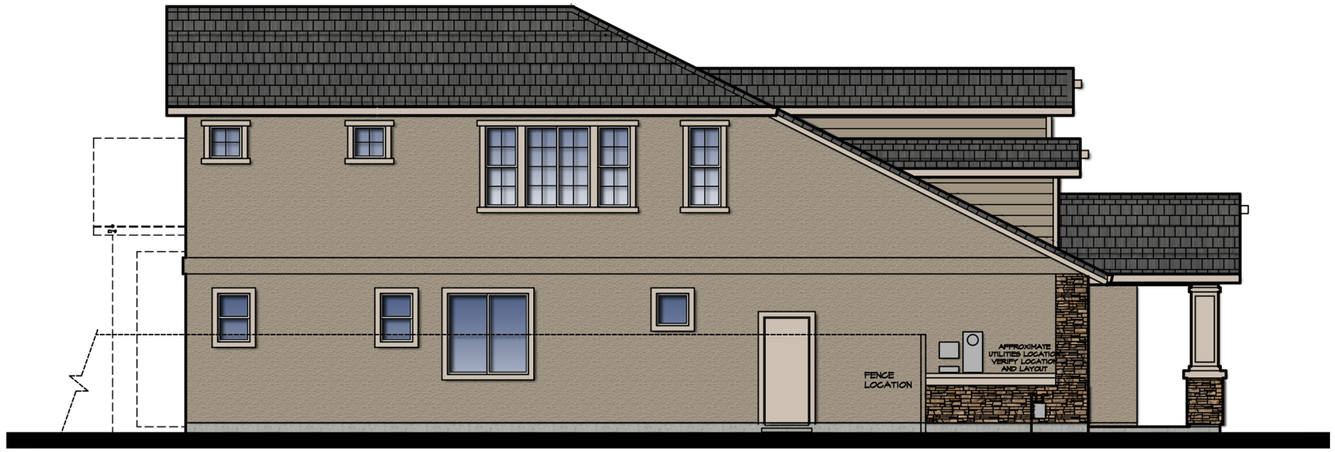
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
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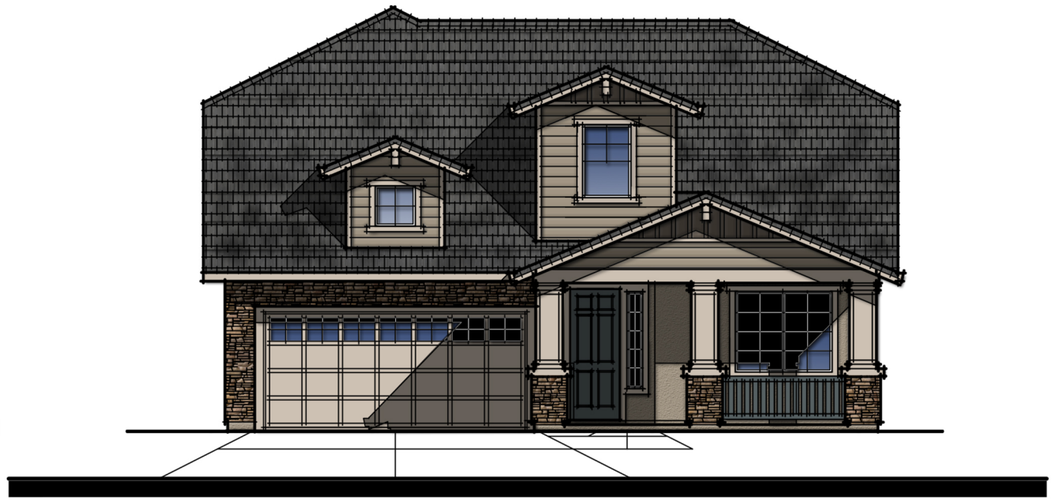
Plan 2
Elevations - 'B'

0 2 4 6 8 16

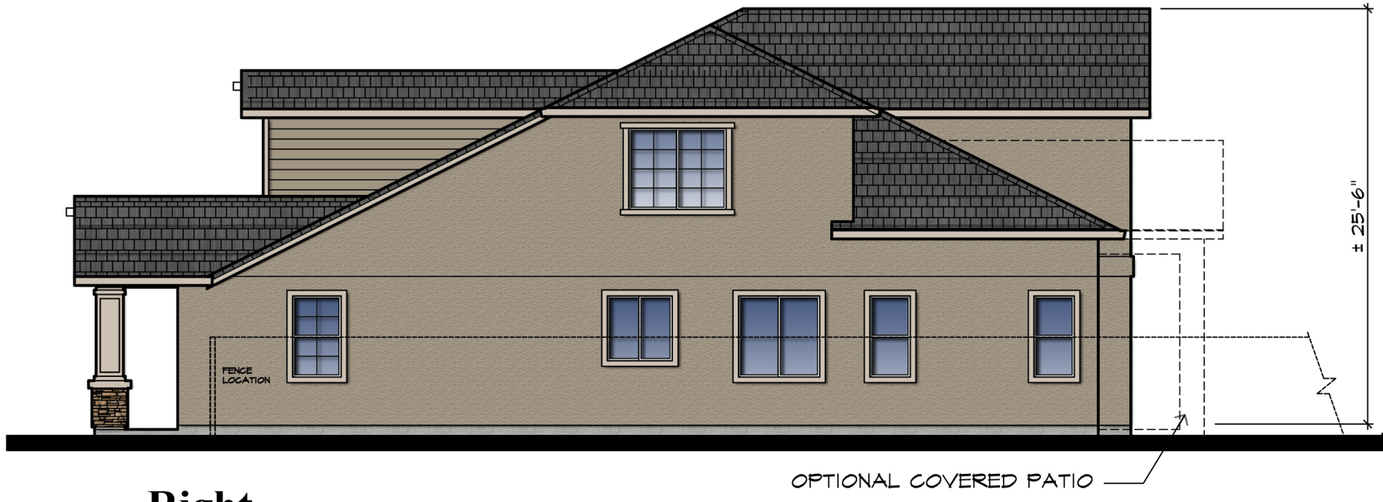


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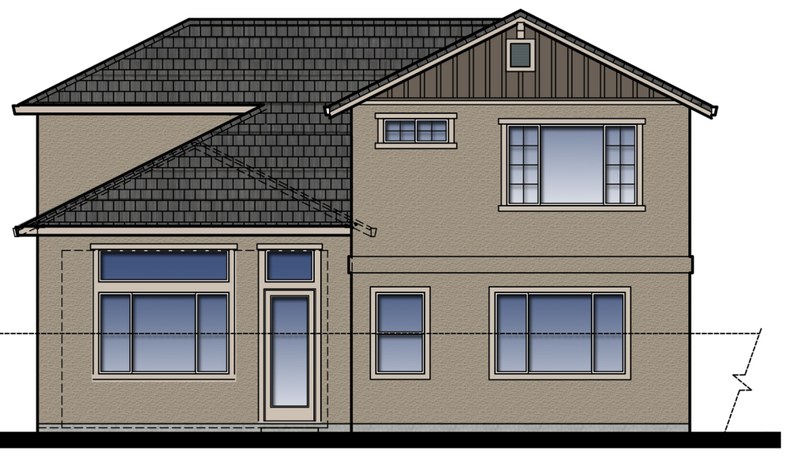
NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.



Front



Right



Rear

STONEWOOD UNIT 1A, 1B, & 2A

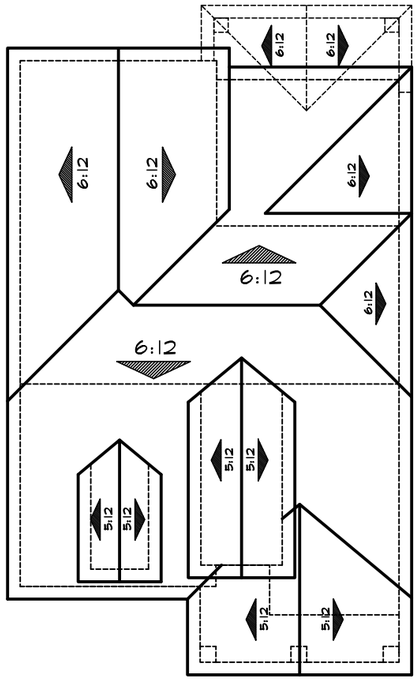
OAKLEY, CA

Plan 2
Elevations - 'C'

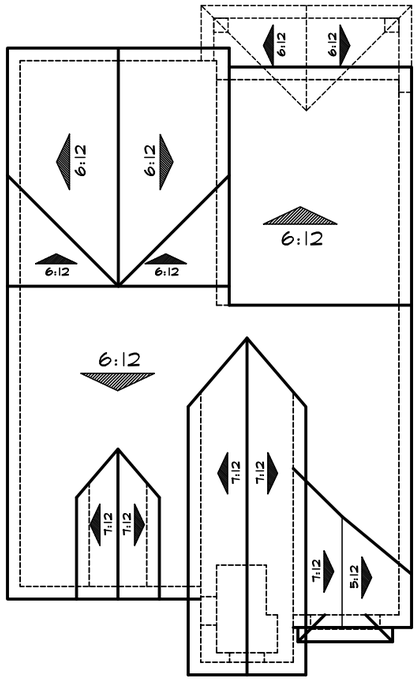
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DISCOVERY
DESIGN
GROUP

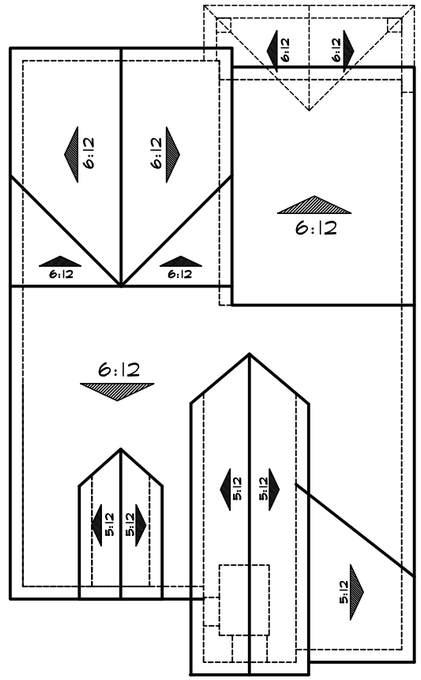
A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Roof Plan 'C'



Roof Plan 'B'



Roof Plan 'A'

Plan 2
Roof Plans

0 2 4 6 8 16

STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Elevation A
'Tuscan' - Scheme #4



Elevation C
'Craftsman' - Scheme #12

MATERIAL LEGEND

A VILLA CONCRETE TILE ROOFING
GABLE & HIP ROOFS
STUCCO BODY
STUCCO TRIM
FOAM/STUCCO CORBELS
SIMULATED BRICK VENEER
ROLL-UP GARAGE DOORS
W/ ELEVATION SPECIFIC LITES

B FLAT CONCRETE TILE ROOFING
GABLE & HIP ROOFS
STUCCO BODY
STUCCO TRIM
MOCK SHUTTERS
SIMULATED STONE VENEER
ROLL-UP GARAGE DOORS
W/ ELEVATION SPECIFIC LITES

C FLAT CONCRETE TILE ROOFING
GABLE & HIP ROOFS
STUCCO BODY
STUCCO TRIM
SHINGLE SIDING
LAP SIDING
WOOD TRIM
SIMULATED STONE VENEER
ROLL-UP GARAGE DOORS
W/ ELEVATION SPECIFIC LITES



Elevation B
'French Cottage' - Scheme #7

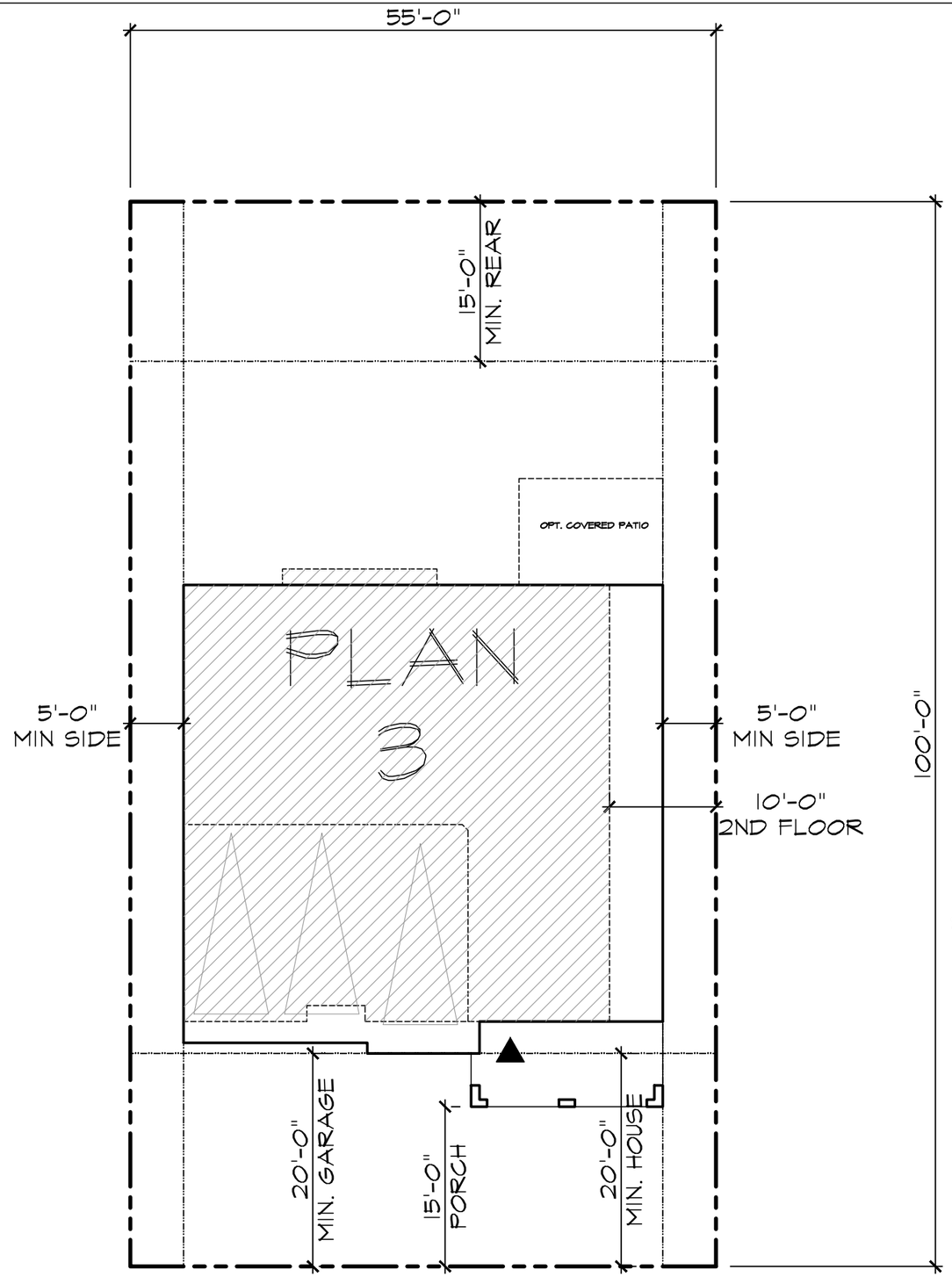
Front Elevations
Plan 3

STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



SECOND FLOOR

City of Oakley

R6 ZONING SETBACKS

SETBACK	
FRONT YARD:	20'
PORCH:	15'
SIDE LOAD GARAGE:	15'
REAR YARD:	15'
SIDE YARD:	5'/10' AGGR.

Plan 3

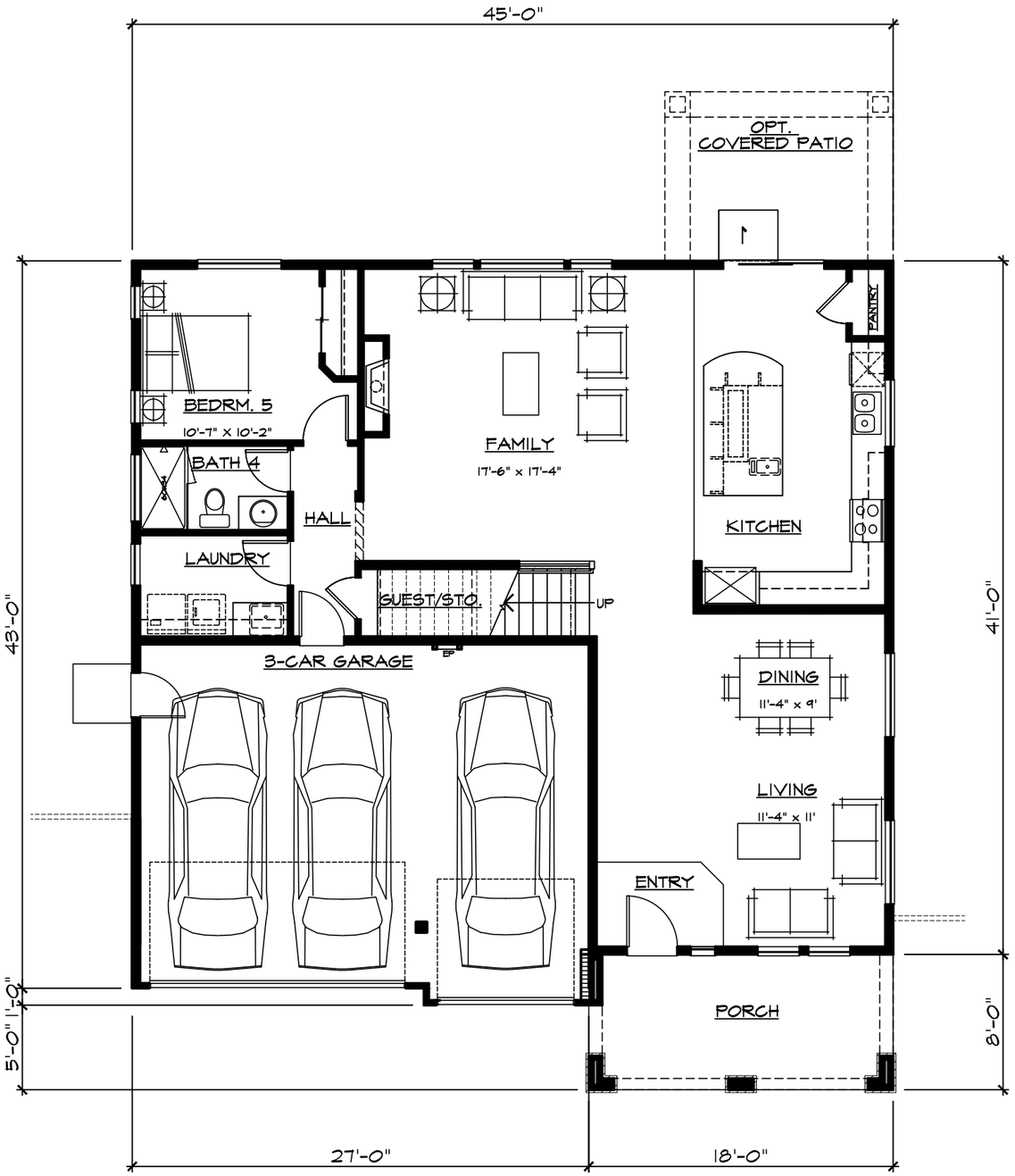
0 2 4 6 8 16

STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY DESIGN GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Plan 3

SQUARE FOOTAGE	
FIRST FLOOR	1350 SF
SECOND FLOOR	1630 SF
TOTAL LIVING AREA	2980 SF
GARAGE	559 SF
PORCH	144 SF
FOOTPRINT	2053 SF

First Floor Plan

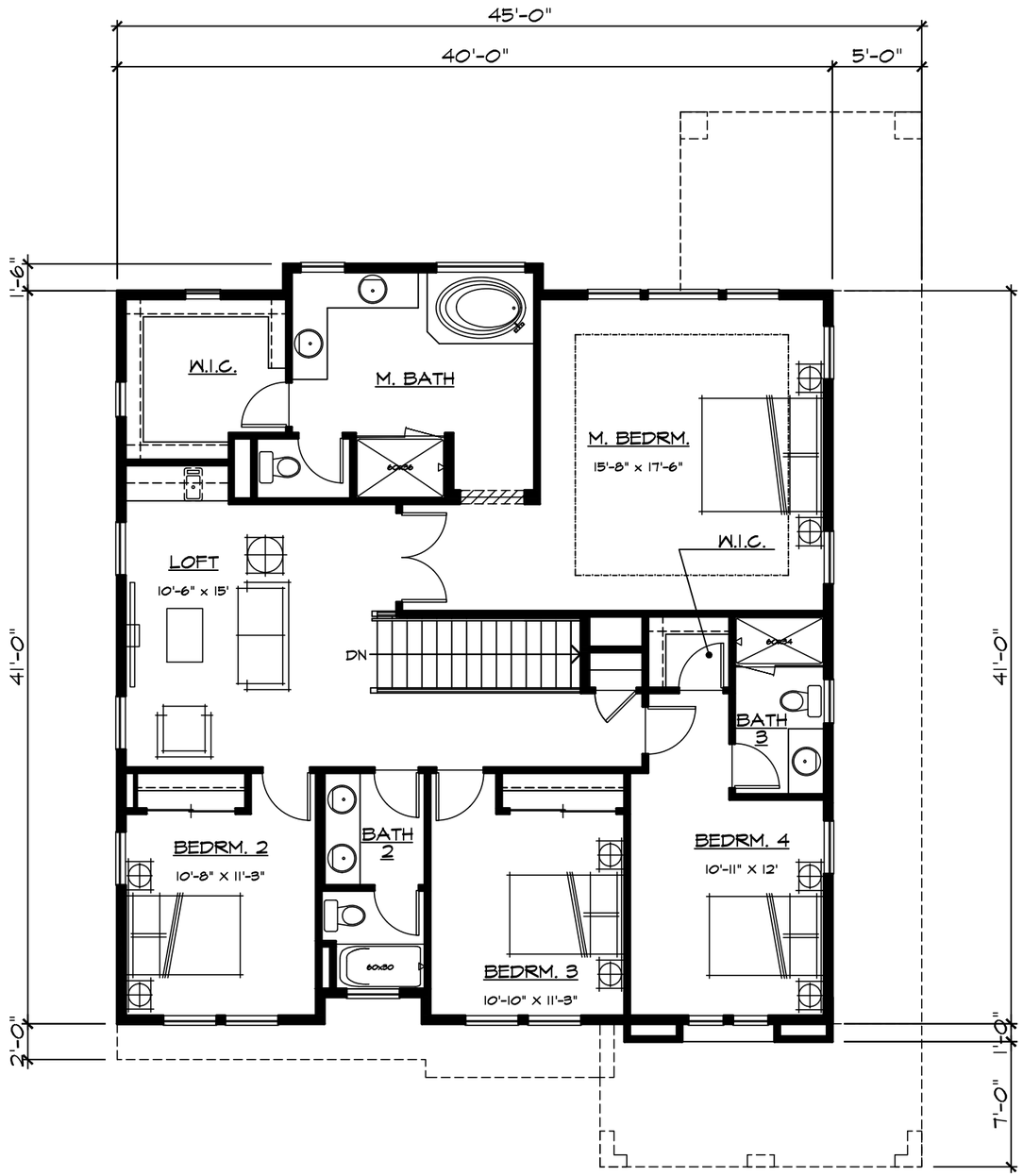
0 2 4 6 8 16

STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Plan 3

SQUARE FOOTAGE	
FIRST FLOOR	1350 SF
SECOND FLOOR	1630 SF
TOTAL LIVING AREA	2980 SF
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PORCH	144 SF
FOOTPRINT	2053 SF

Second Floor Plan

0 2 4 6 8 16

STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

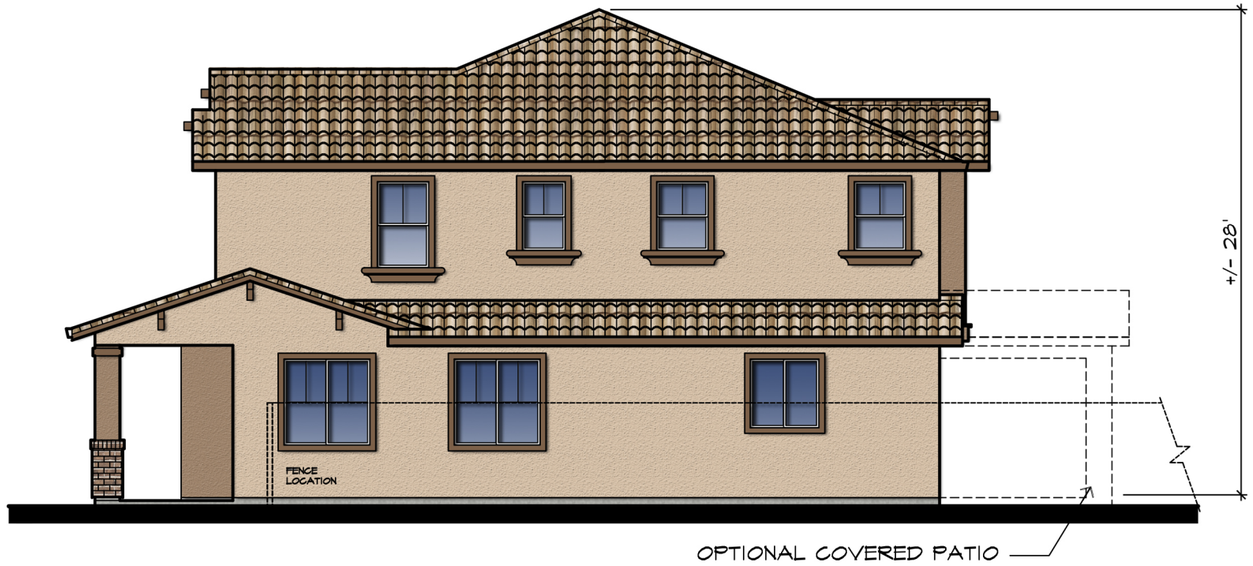
A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Left



Front



Right



Rear

NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.

Plan 3
Elevations - 'A'

0 2 4 6 8 16

STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

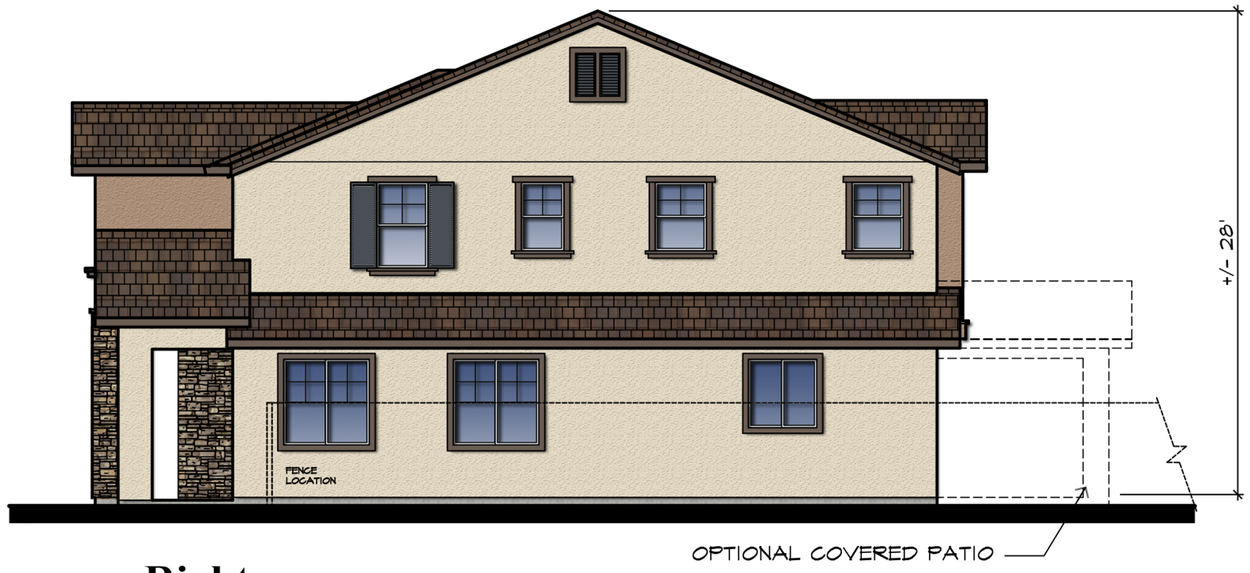
A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Left



Front



Right



Rear

NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.

Plan 3
Elevations - 'B'

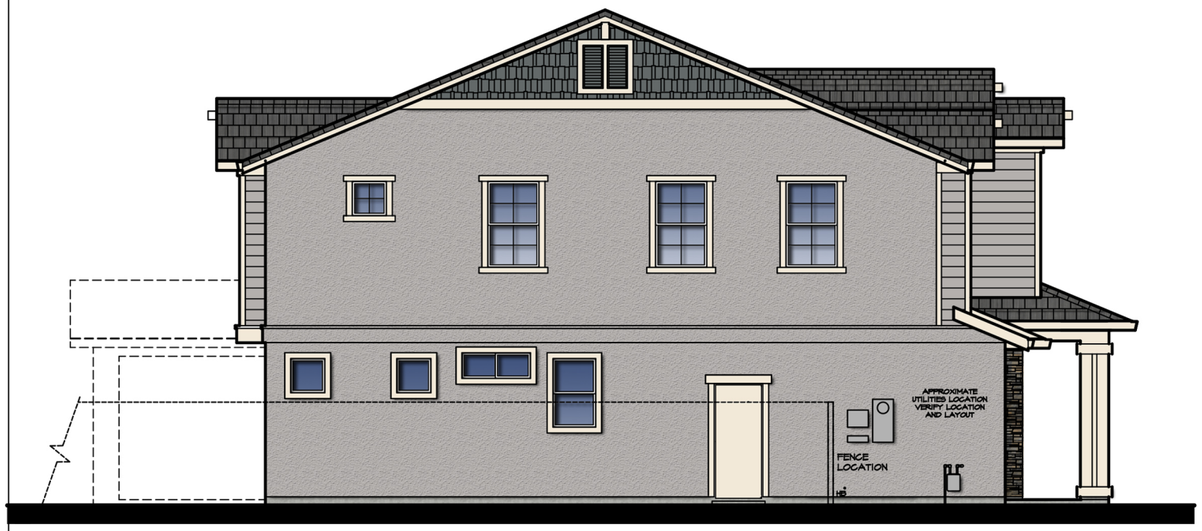
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STONEWOOD UNIT 1A, 1B, & 2A

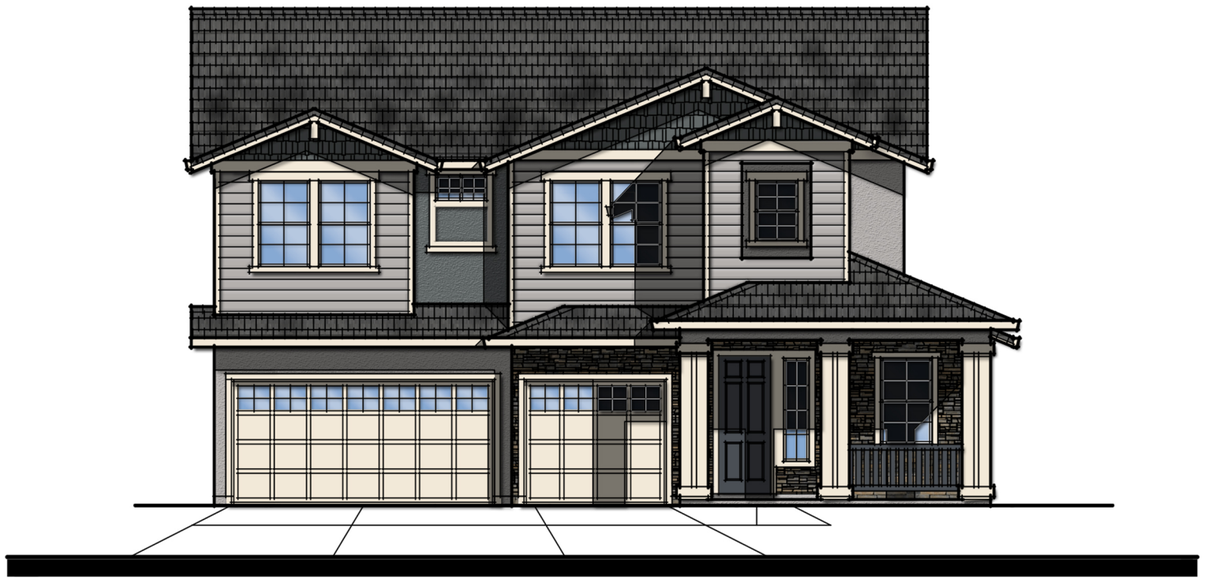
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

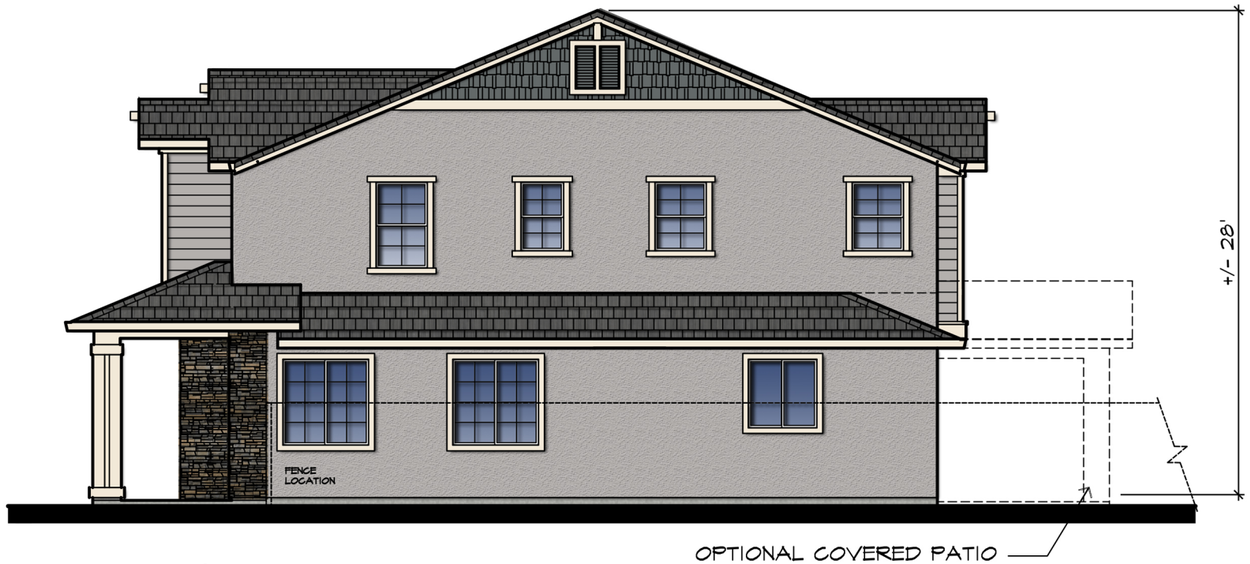
A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Left



Front



Right

NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.



Rear

Plan 3
Elevations - 'C'

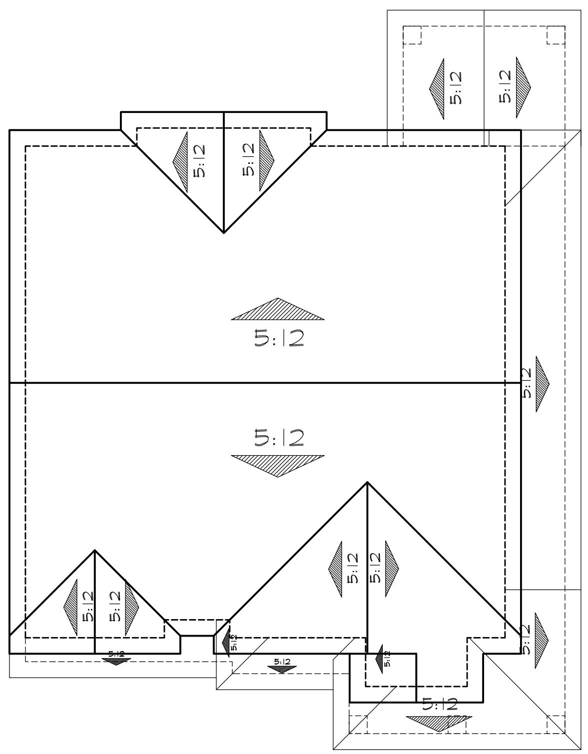
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STONEWOOD UNIT 1A, 1B, & 2A

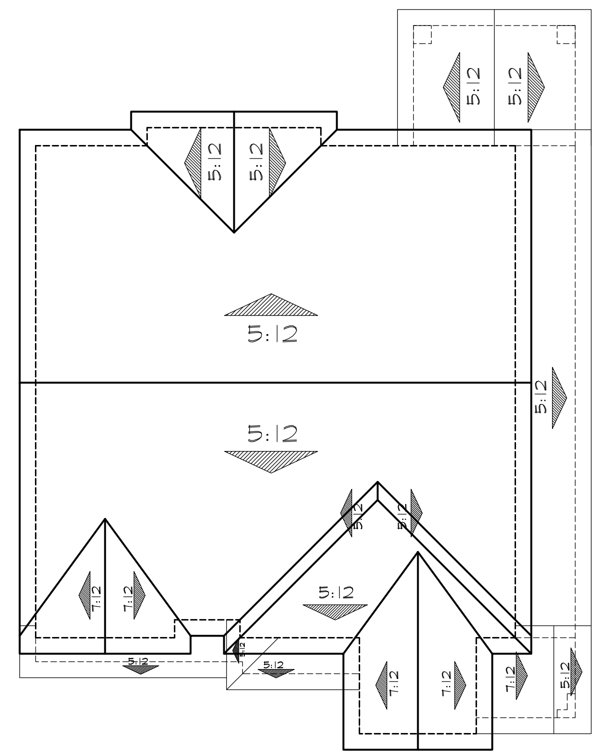
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

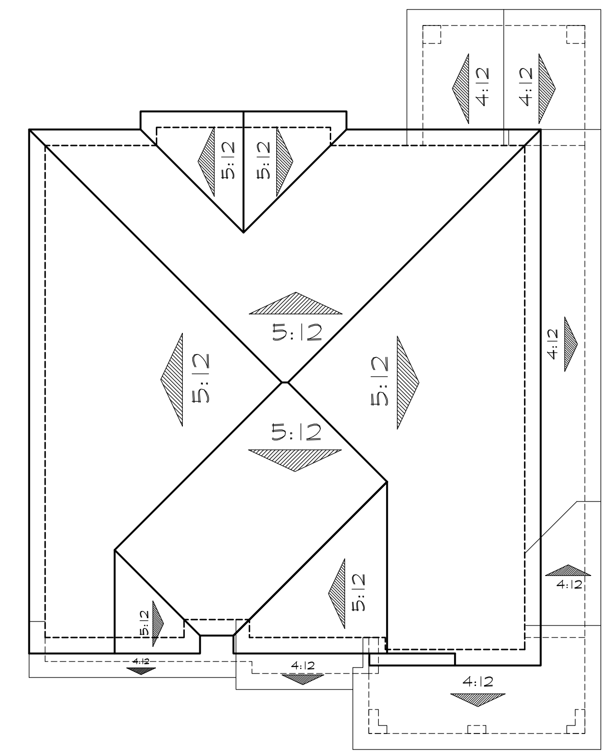
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Roof Plan 'C'



Roof Plan 'B'



Roof Plan 'A'

Plan 3 Roof Plans



STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
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Elevation A
'Tuscan'- Scheme #1



Elevation C
'Craftsman' - Scheme #11

MATERIAL LEGEND

A VILLA CONCRETE TILE ROOFING
GABLE & HIP ROOFS
STUCCO BODY
STUCCO TRIM
FOAM/STUCCO CORBELS
SIMULATED BRICK VENEER
ROLL-UP GARAGE DOORS
W/ ELEVATION SPECIFIC LITES

B FLAT CONCRETE TILE ROOFING
GABLE & HIP ROOFS
STUCCO BODY
STUCCO TRIM
MOCK SHUTTERS
SIMULATED STONE VENEER
ROLL-UP GARAGE DOORS
W/ ELEVATION SPECIFIC LITES

C FLAT CONCRETE TILE ROOFING
GABLE & HIP ROOFS
STUCCO BODY
STUCCO TRIM
WOOD TRIM
LAP SIDING
BOARD & BATTEN SIDING
SIMULATED STONE VENEER
ROLL-UP GARAGE DOORS
W/ ELEVATION SPECIFIC LITES



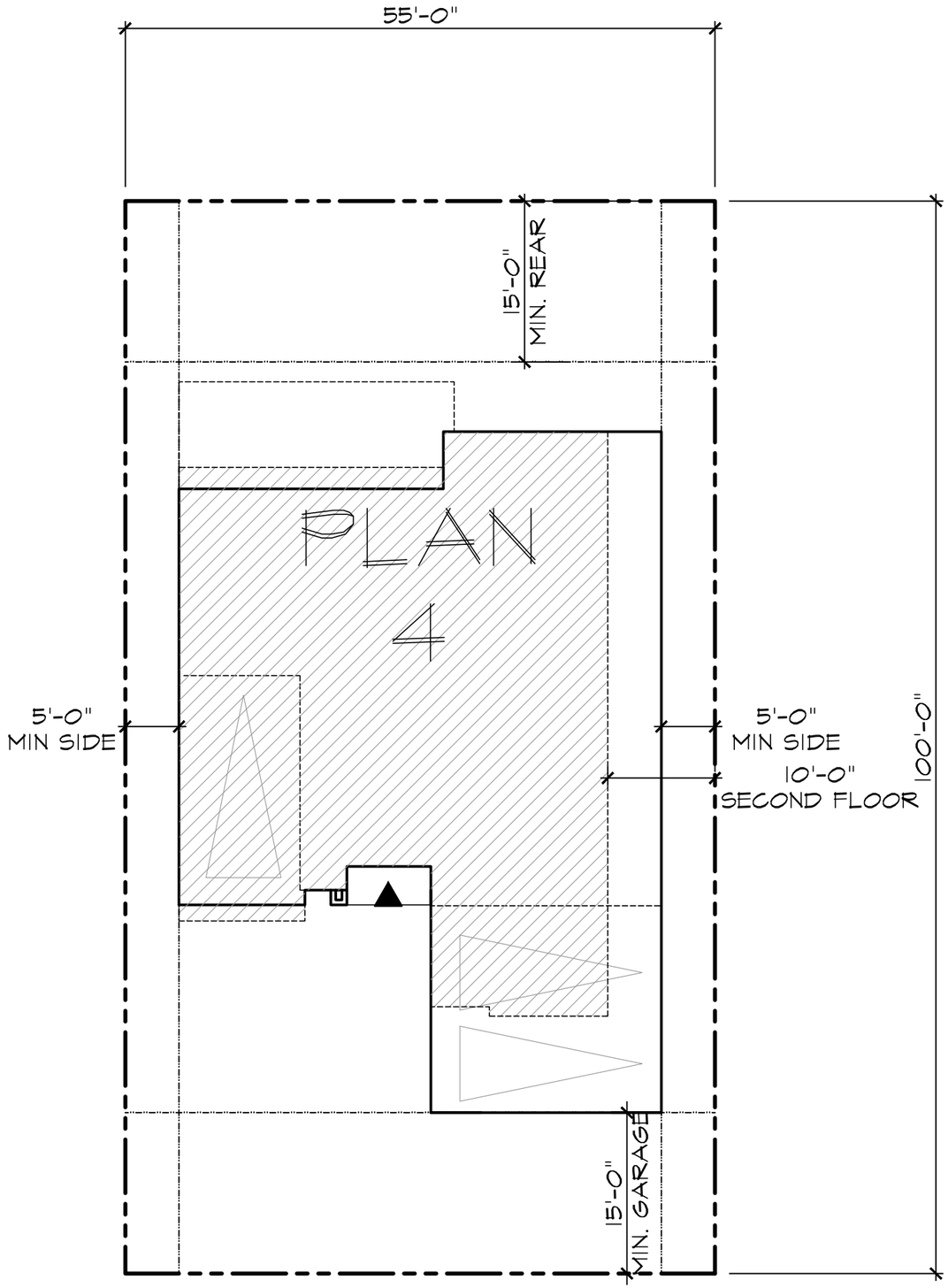
Elevation B
'French Cottage' - Scheme #8

Front Elevations
Plan 4

STONEWOOD UNIT 1A, 1B, & 2A
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



City of Oakley

R6 ZONING SETBACKS

SETBACK	
FRONT YARD:	20'
PORCH:	15'
SIDE LOAD GARAGE:	15'
REAR YARD:	15'
SIDE YARD:	5'/10' AGGR.

SECOND FLOOR

Plan 4

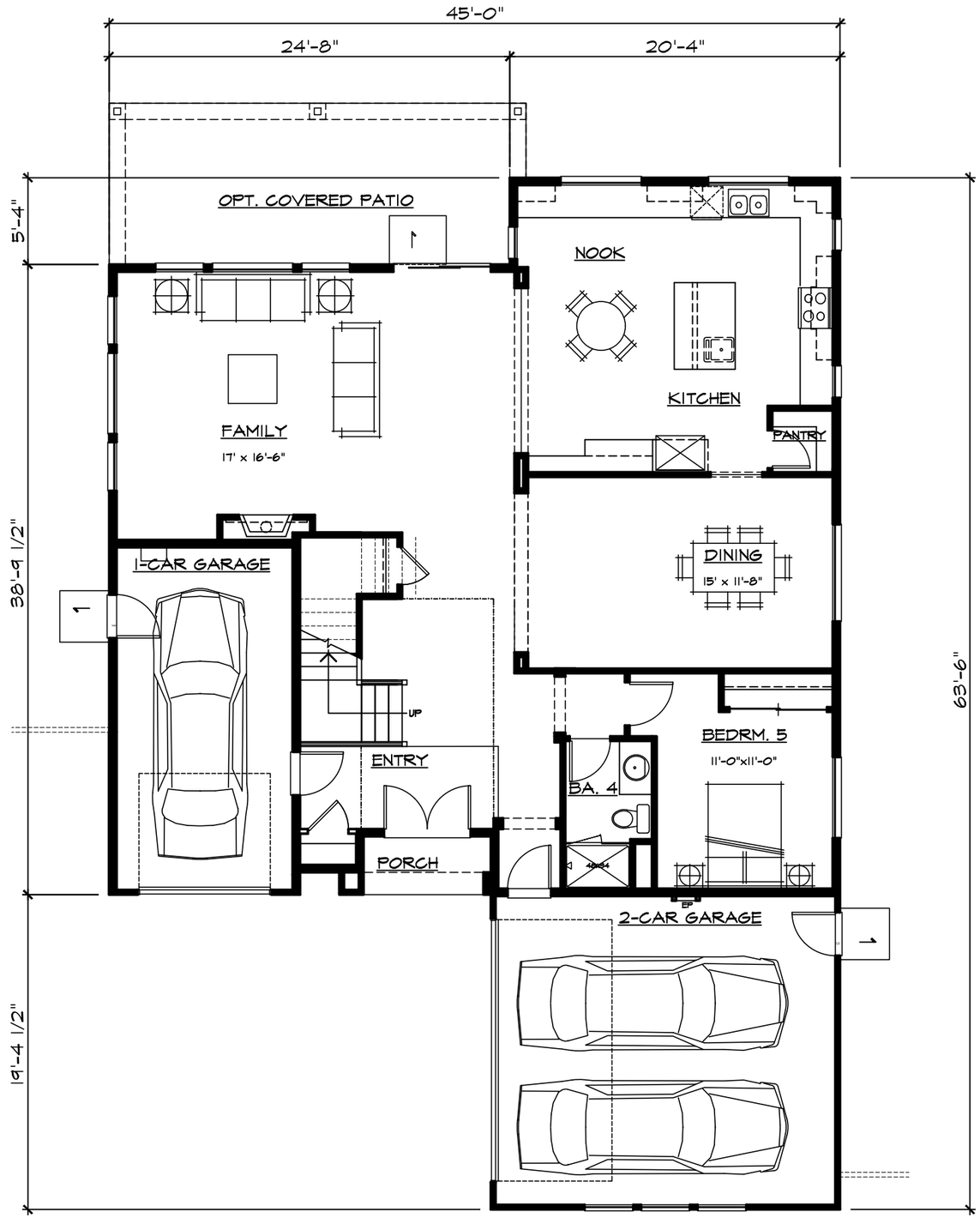
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STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Plan 4

SQUARE FOOTAGE	
FIRST FLOOR	1580 SF
SECOND FLOOR	1692 SF
TOTAL LIVING AREA	3272 SF
GARAGE	657 SF
PORCH	30 SF
FOOTPRINT	2267 SF

First Floor Plan

0 2 4 6 8 16

STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
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Revised Date 07/20/2020



Plan 4

SQUARE FOOTAGE	
FIRST FLOOR	1580 SF
SECOND FLOOR	1692 SF
TOTAL LIVING AREA	3272 SF
GARAGE	657 SF
PORCH	30 SF
FOOTPRINT	2267 SF

Second Floor Plan

0 2 4 6 8 16

STONEWOOD UNIT 1A, 1B, & 2A

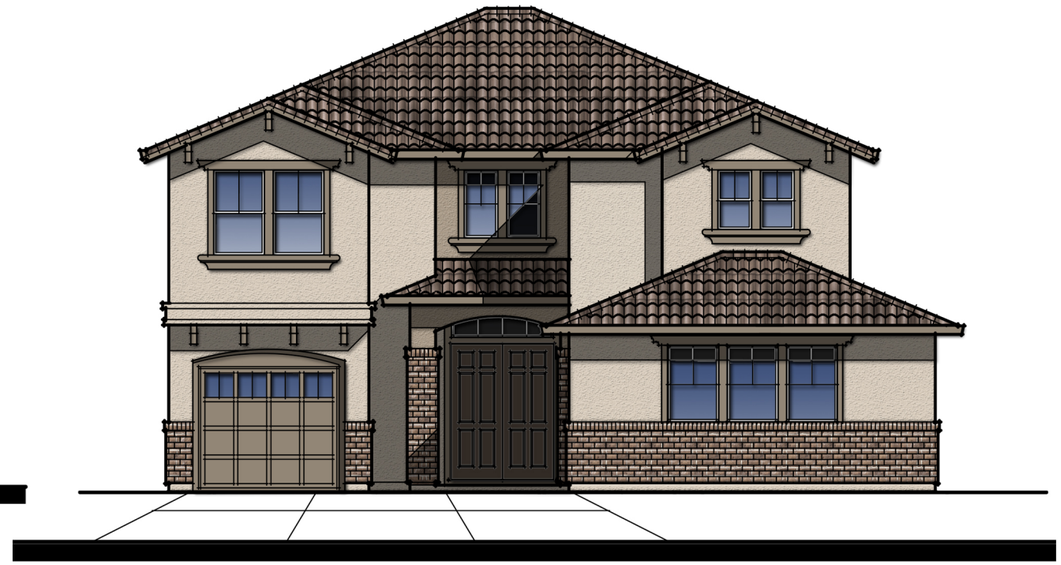
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Left



Front



Right



Rear

NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.

Plan 4
Elevations - 'A'

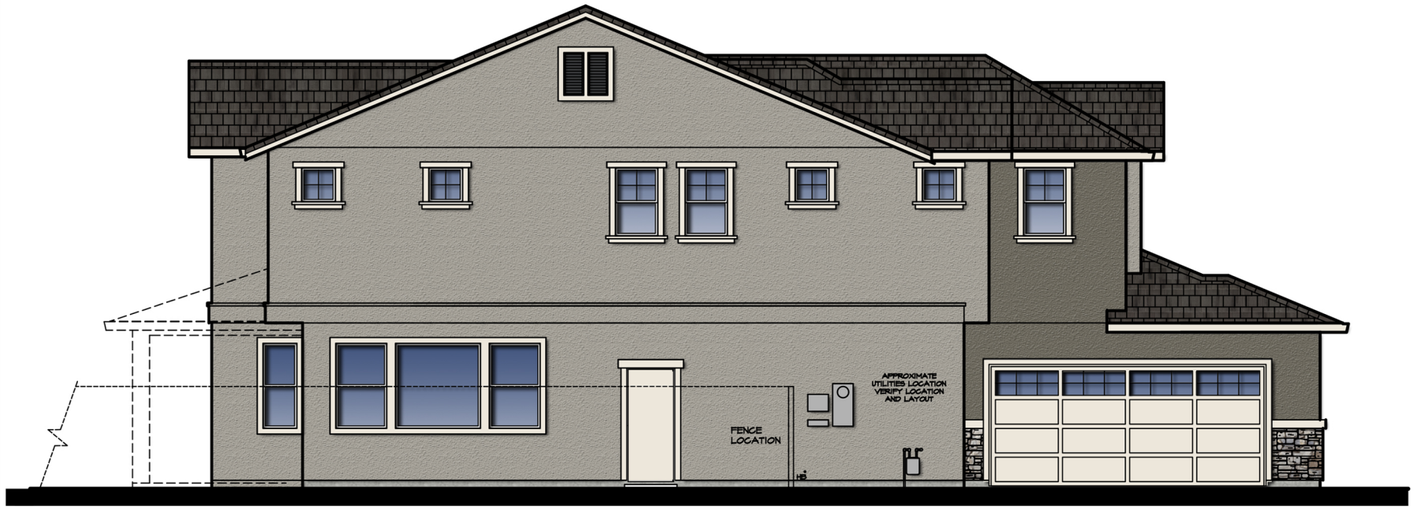
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STONEWOOD UNIT 1A, 1B, & 2A

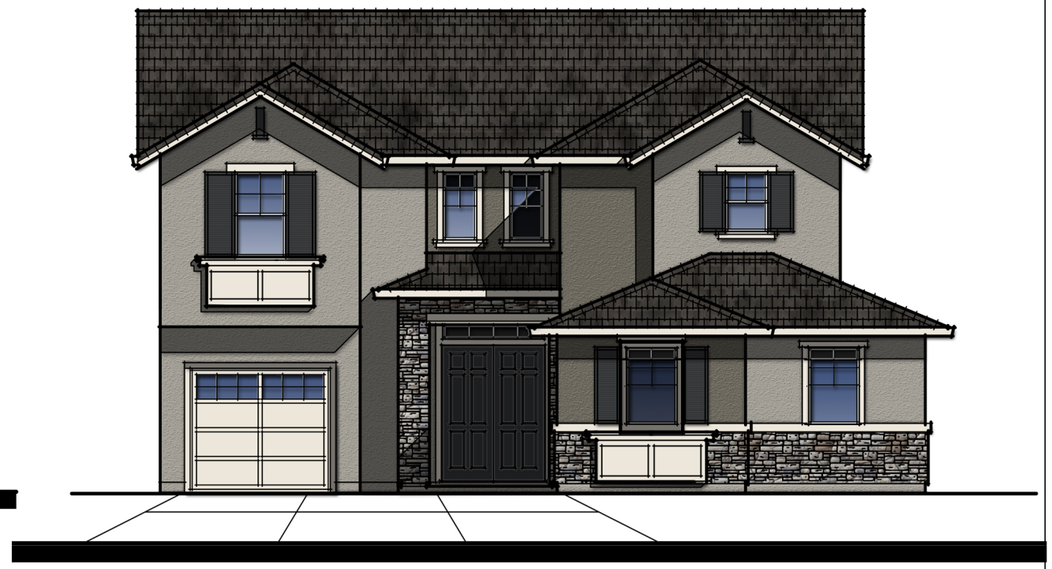
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Left



Front



Right

NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.

Rear

Plan 4
Elevations - 'B'

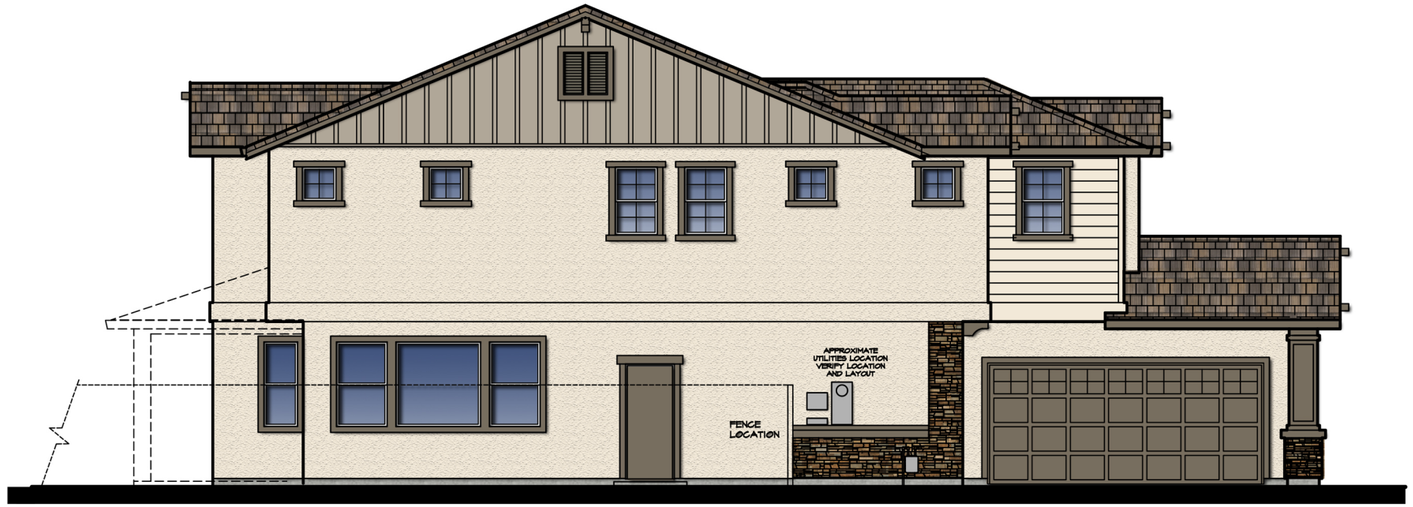
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STONEWOOD UNIT 1A, 1B, & 2A

OAKLEY, CA

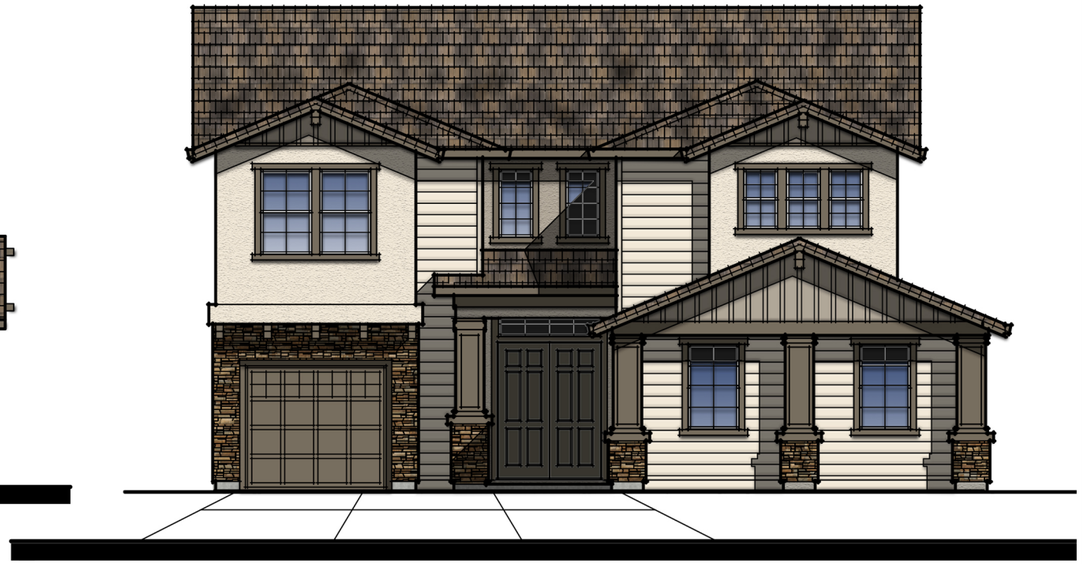
DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020



Left

NOTE:
DECORATIVE MATERIAL
TO TERMINATE AT FENCE LINE.



Front



Right



Rear

Plan 4
Elevations - 'C'

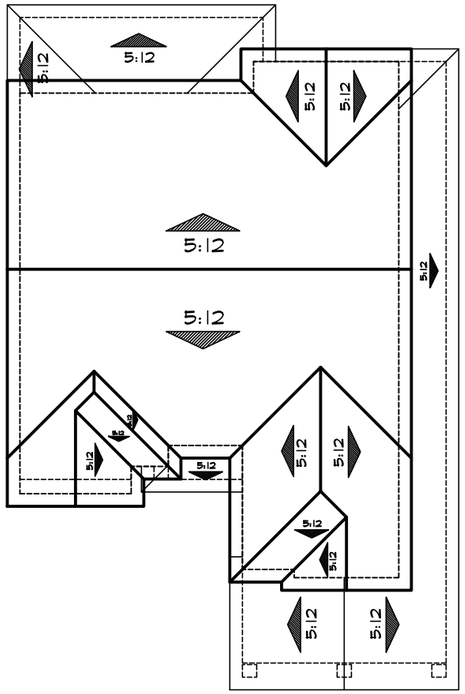
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STONEWOOD UNIT 1A, 1B, & 2A

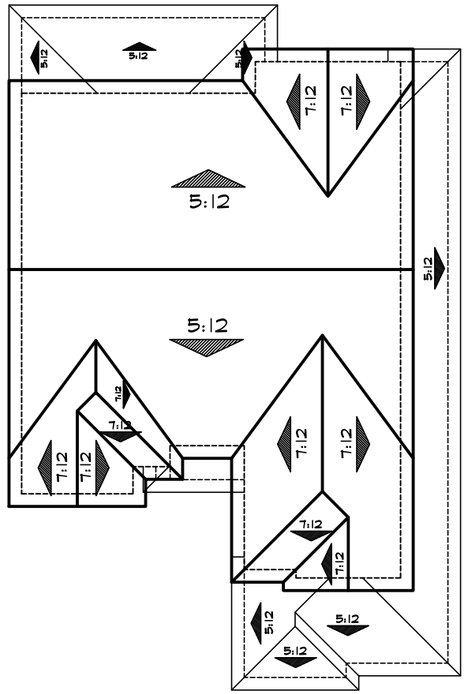
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

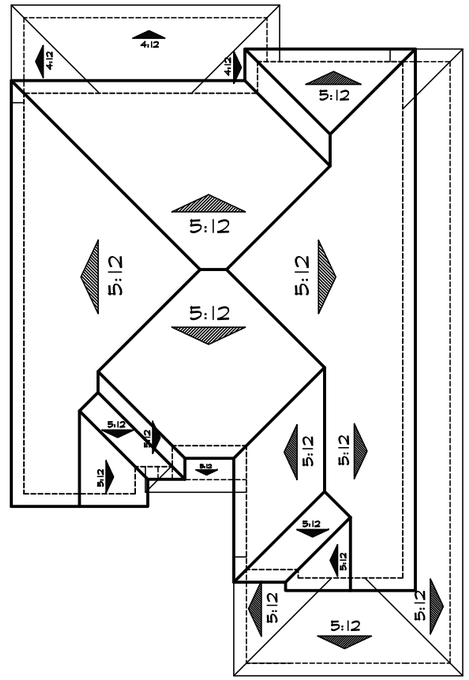
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D a t e 05/26/2020
Revised Date 07/20/2020



Roof Plan 'C'



Roof Plan 'B'



Roof Plan 'A'

Plan 4
Roof Plans

0 2 4 6 8 16

STONEWOOD UNIT 1A, 1B, & 2A

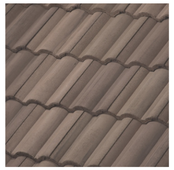
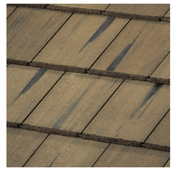
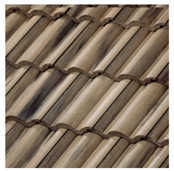
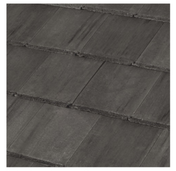
OAKLEY, CA

DISCOVERY
DESIGN
GROUP

A.D. Seeno Construction
D a t e 05/26/2020
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SUBDIVISION: STONEWOOD 1A, 1B, & 2A

OAKLEY,CA

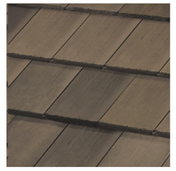
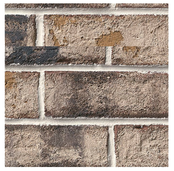
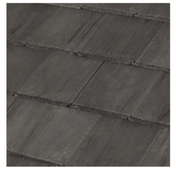
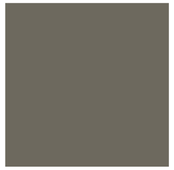
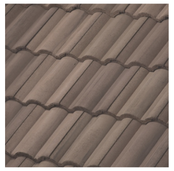
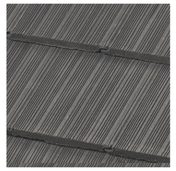
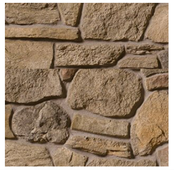
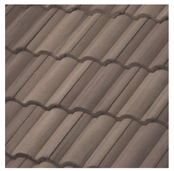
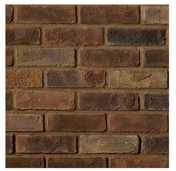
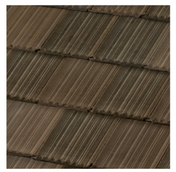
SCHEME	VILLA TILE	FLAT TILE	BODY 1	BODY 2	TRIM	ACCENT	STONE	BRICK
SCHEME 1	1 VICS3233 BROWN BLEND 	1FACS1132 CHARCOAL BROWN BLEND 	KMW28-1 CLAM	KM5784-3 CREEK BAY 	KM5792-3 STACKED STONE 	KM4582 BEAVER BELT 	SEVILLA DRESSED FIELDSTONE 	SANDY CREEK 
SCHEME 2	1VICS6464 CA MISSION BLEND 	1FACS6464 CA MISSION BLEND 	KMW10-1 POGO SANDS	KM4937-3 PAW PRINT 	KM5777 CANERY PARK 	KM4897-5 YIN MIST 	ECHO RIDGE DRESSED FIELDSTONE 	COASTAL BLUFF 
SCHEME 3	1VICS7330 VERONA CLAY 	1FACS0024 DESERT SAGE 	KM4634-2 COMMUNITY 	KM4630-3 HOWLING COYOTE 	KM46 ACOUSTIC WHITE	KMA56-5 PINYON PINE 	TUDOR OLD COUNTRY FIELDSTONE 	MOROCCAN SAND 
SCHEME 4	1VICS0024 DESERT SAGE 	1FACS6031 LA TERRA BLEND 	KM5710 SUNDAY DRIVE 	232 TOSCANA 	KM5706 BONNIE'S BENCH 	KM4812 JUNGLE COVER 	SEVILLA DRESSED FIELDSTONE 	SANDY CREEK 
SCHEME 5	1VICS7330 VERONA CLAY 	1FACS1430 CHARCOAL BLEND 	KM4706 RUSTIC HACIENDA 	KM4718-2 WAGON WHEEL 	KM4575-5 MUD ROOM 	KMA76-5 LOG CABIN 	GRAND MESA LEDGESTONE 	MARSH POINTE 
SCHEME 6	1VICS3233 BROWN BLEND	1FBCF1132 CHARCOAL BROWN BLEND	KM4929-2 WARM GRAY FLANNEL	KM4937-3 PAW PRINT	KM4939-5 ARROWHEAD	KM417 OXFORD BROWN	UMBER CREEK COUNTRY LEDGESTONE	TOBACCO ROAD

ROOFING: BORAL CONCRETE TILE OR EQUIVALENT
STONE: BORAL CULTURED STONE/CULTURED BRICK EQUIVALENT
PAINT: KELLY MOORE OR EQUIVALENT

REVISED: 02/07/2020

SUBDIVISION: STONEWOOD 1A, 1B, & 2A

OAKLEY,CA

SCHEME	VILLA TILE	FLAT TILE	BODY 1	BODY 2	TRIM	ACCENT	STONE	BRICK
SCHEME 7	1VICS3163 CAMINO BLEND 	1FACS1132 CHARCOAL BROWN BLEND 	HL4201 ADOBE WHITE	KM5705-3 PIONEER VILLAGE 	KM5800-5 SAUSALITO RIDGE 	KMA82-5 LAMP POST 	BURNT OCHRE DEL MARE LEDGSTONE 	COASTAL BLUFF 
SCHEME 8	1VICS0024 DESERT SAGE 	1FACS1430 CHARCOAL BLEND 	KM4942-2 TIN MAN 	KM4945-6 SECRET PASSAGEWAY 	KM4786-1 FRESH LINEN	KM407 CARBON 	ECHO RIDGE OLD COUNTRY FIELDSTONE 	ALAMO 
SCHEME 9	1VICS3233 BROWN BLEND 	1FBCF1430 CHARCOAL BLEND 	KM305 IRONWOOD 	KM4938-3 GROUCHY BADGER 	KM216 MALIBU BEIGE 	KM5804-5 YACHT CLUB 	CHARDONNAY OLD COUNTRY FIELDSTONE 	CAPERS ISLAND 
SCHEME 10	1VICS3233 BROWN BLEND 	1FACS1132 CHARCOAL BROWN BLEND 	KM4566-3 CITY LOFT 	KM4559-3 MINK 	KM5800-5 SAUSALITO RIDGE 	KMA66-5 SANTANA SOUL 	CHARDONNAY LIMESTONE 	HIGH DESERT 
SCHEME 11	1VICS7330 VERONA CLAY 	1FBCF1132 CHARCOAL BROWN BLEND 	KM49 ANTIQUE WHITE	KM5767-2 GREIGE 	KM5772-3 PALM LANE 	KM4818-5 KNIT CARDIGAN 	SEVILLA COUNTRY LEDGESTONE 	OLD GUIGNARD 
SCHEME 12	1VICS0024 DESERT SAGE	1FBCF1430 CHARCOAL BLEND	KM4908-1 BASHFUL EMU	KM4896-3 STONE HEARTH	KM49 ANTIQUE WHITE	KMA82-5 LAMP POST	SKYLINE COUNTRY LEDGESTONE	MT. RUSHMORE

ROOFING: BORAL CONCRETE TILE OR EQUIVALENT
STONE: BORAL CULTURED STONE/CULTURED BRICK EQUIVALENT
PAINT: KELLY MOORE OR EQUIVALENT

REVISED: 02/07/2020

'Tuscan'



The Great Outdoors by Minka-Lavery
Item no. 8762-166

'French Cottage'



Craftmade
Gentry - Z3204-MN

'Craftsman'



Craftmade
Riviera - Z9714-OBO

Coach Lights

STONEWOOD UNIT 1A, 1B, & 2A
OAKLEY, CA
DISCOVERY
DESIGN
GROUP
A.D. Seeno Construction
D a t e 05/26/2020
Revised Date 07/20/2020

PLANTING NOTES

GENERAL NOTES: The Landscape Contractor shall inspect the site and be familiar with all existing site conditions prior to submitting his bid. Contractor shall not willfully proceed with construction as shown when it is obvious that obstructions, landscape area and/or grade differences exist that may not have been known during design. such conditions shall immediately be brought to the attention of the Landscape Architect. The contractor shall assume full responsibility for all necessary revisions due to failure to give such notification. Contractor shall be responsible for making himself familiar with all underground utilities, pipes, structures and obstructions. Contractor shall take sole responsibility for all costs incurred due to damage and/or replacement of these items. Contractor shall be responsible for coordination between trades and subcontractors as required to accomplish landscape operations. The Landscape Contractor shall be responsible for any damage to existing facilities caused by or during the performance of his work. All repairs shall be made at no cost to the Owner. Planting shall be installed in conformance with all applicable local codes and ordinances by experienced workmen and a licensed Landscape Contractor who shall obtain all necessary permits and pay all required fees.

SOIL PREPARATION: The Landscape Contractor shall be responsible for finish grading and all planting area drainage. Positive drainage away from the building as per city codes shall be maintained. No low spots which hold standing water will be accepted. The Landscape Contractor shall incorporate soil preparation amendment into planting areas as noted below. Where rototilling is not possible, incorporate soil amendments into top 6 inches with hand tools. After installation of irrigation system, all planting areas are to be fine graded to within 2 inches and slightly mounded away from edges of top of planter, curb, walk, header, etc. and raked smooth with all rocks and debris over 1 inch in diameter removed.

SOIL PREPARATION AMENDMENTS AND BACKFILL MIX The Landscape Contractor shall amend existing soil, by rototilling, 6 cu. yd. BFI 'Super Humus' compost and 15 lbs. organic balanced fertilizer 'Phyta-Boost' (7-1-2) per 1,000 sq. ft .available from California Organics or equal into the top 6 inches of soil in all planting areas. (or equal) Pit Planting Mix: for trees and shrubs mix 1/3 organic amendment, 2/3 amended topsoil as noted above.

TREE PLANTING: The trees are to be planted as per detail on plan. Trees shall typically be located a minimum of 4 feet from curbs, walks, headers, buildings, overheads, and other trees within the project. backfill shall be the 'Pit Planting Mix' as noted above. All trees shall receive organic fertilizer 'Phyta boost' 7-1-2 avail. from California Fertilizer Company Inc.(or equal) for 15 gallon trees: 1 cup, for 5 gallon trees and shrubs: 1/2 cup. Thoroughly water trees immediately after planting.

ROOT BARRIERS: All trees planted within 5' of a paved surface shall receive a linear type root barrier 18" deep and 10' long along adjacent paving edges, centered on the tree trunk. (See detail)

SHRUB PLANTING: The shrubs shall be spotted as per plan and the locations approved prior to the digging of the holes. Shrub backfill shall be the 'Pit Planting Mix' as noted in 'Backfill soil mixes'. All shrubs shall receive 'Phyta-Boost' 7-1-2 organic fertilzer avail from California Fertilizer Company Inc.(or equal) at the following rates: For 5 gallon shrubs:1/2 cup for, 1 gallon shrubs:1/4 cup. Thoroughly water shrubs immediately after planting. Do not plant any plant within 2'0" of any building wall.

MULCHING: Mulch all planting areas, excluding lawn and storm water bioswale areas, having a slope less than 2:1 with a 3 inch minimum depth of recycled wood fiber, UV stabilized,dyed-colorfast black with a PH of no higher than 5.0. and free of noxious weeds and foreign materials. #135 Black Chip from 'Re-User Inc.' or approved equal.

SOD LAWN: Sod shall be as specified on drawings and installed as per suppliers specifications. Remove from all turf areas, stones (1" or larger), mortar, concrete, asphalt, rubbish, debris and any materials harmfull to plant life. Remove noxious weed growth and roots. Thoroughly mix and pulverize the following proportions of materials (lightly compacted measurements) to a minimum depth of 6-8 inches while in a moist, friable condition: 6 cu yards of BFI 'super humus' compost per 1000 sq ft. of lawn area and 15 lbs per 1000 organic fertilizer 'Phyta-Green' Turf Fertilizer 8-2-2 available from California Organic fertilizer Inc. (or equal)

LAWN MAINTENANCE: Protect an maintain each area by watering, mowing, resodding or seeding as necessary for a minimum of 60 days after turf installation or to the end of the 90 day maintenance period (which ever is latest). Establish a thick, weed free uniform stand of grass. Mow grass at 1 1/2 inches in height when it attains a height of 2 inches. Apply 10 lbs per 1000 sq ft. of 'Phyta Green' Organic Lawn Fertilizer at end of maintenance period.

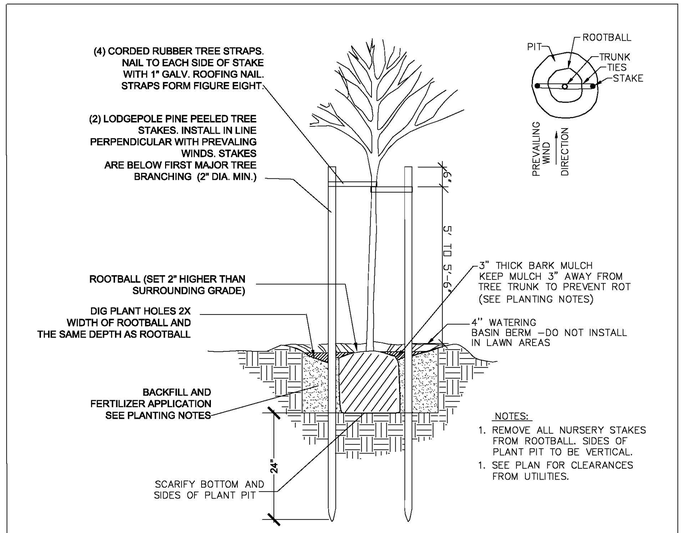
MAINTENANCE: The Contractor shall maintain the project for 90 days (or as requested by owner) following the approval to begin the maintenance period. During the entire maintenance period, watering, cultivating, weeding, mowing, repair/tightening of stakes and ties, restoration of basins, provision of supplemental water by hand in addition to irrigation system as necessary. No pre-emergence herbicides shall be applied- hand remove weeds. Only organic fertilizers shall be applied such as those specified above. Install per manufacturer's recommendations. At the end of the 90 day maintenance period all areas are to be weed free and all plant material is to be in a healthy, thriving condition. Integrated pest management practices shall be implemented.

SUBSTITUTIONS: Requests for substitutions of plant varieties shall be made to the Landscape Architect within 15 days after signing of contract.

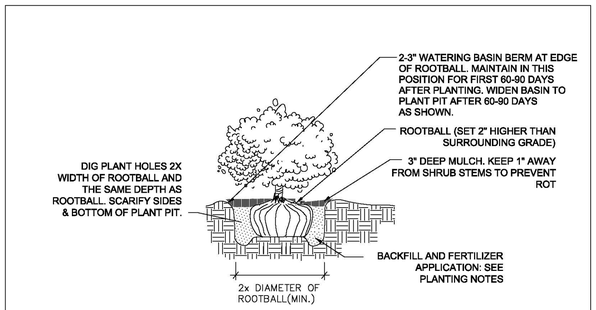
GUARANTEE: All construction, trees and shrubs by the Landscape Contractor and/or his subcontractors shall be guaranteed for (1) one year after beginning of maintenance period. The contractor shall replace, at no expense to the Owner, any and all landscape materials that are in an unacceptable condition for time of use, and trees or shrubs that are dead or not in a vigorous, healthy growing condition; within two weeks of notification of such condition. Replacement shall be of the same kind and size as the originally specified item and shall be replaced as originally described on the drawings. The Contractor shall not be held liable for loss of plant materials during the guarantee period due to vandalism, accidental causes or acts of neglect by others than the Contractor, his agents and employees.

CLEAN UP: At the end of each work day, at the inspection for substantial completion and before acceptance of project, clean paved areas that are dirtied or stained by construction operations, by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from Owners property the debris resulting from construction, and dispose of legally. Remove remaining temporary protection at time of acceptance by Owner unless otherwise agreed.

FERTILIZERS: Available California Fertilizers Company Inc. 1-800-269-5690 www.organicag.com www.californiaorganicfertilizers.com. Compost available from BFI 408-888-7632 www.bfi.com



TREE PLANTING DETAIL



SHRUB PLANTING DETAIL

PLANT MATERIAL ALTERNATIVES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS WATER USE
TREES:				
T-1	**STREET TREE** (SEE STREET TREE PLAN)			
T-2	**ACCENT TREE**			
	ARBUTUS UNEDO	STRAWBERRY TREE	15 GA	LOW
	LAGERSTROEMIA 'TONTO'	CRAPE MYRTLE (STANDARD)	15 GA	LOW
	PRUNUS 'KRATER VESUVIUS'	FLOWERING PLUM	15 GA	LOW
SHRUBS:				
S-1	**LARGE ACCENT SHRUB**			
	FREMONTODENDRON 'KEN TAYLOR'	FLANNEL BUSH	5 GA	LOW
	LAVATERA THURINGLACA	TREE MALLOW	5 GA	LOW
S-2	**LARGE SHRUBS**			
	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	5 GA	LOW
	HETEROMELES ARBUTIFOLIA	TOYON	5 GA	LOW
	FRANGULA CALIFORNICA	COFFEEBERRY	5 GA	LOW
S-3	**MEDIUM SHRUBS**			
	TEUCRIUM F. 'COMPACTA'	GERMANDER	5 GA	LOW
	SALVIA GREGII 'FURMAN'S RED'	AUTUMN SAGE	5 GA	LOW
	MYRSINE AFRICANUS	AFRICAN BOXWOOD	5 GA	LOW
S-4	**SPRAWLING SHRUBS**			
	CEANOTHUS G. 'HORIZONTALIS'	CARMEL CREEPER	5 GA	LOW
	COTONEASTER MICROPHYLLUS	COTONEASTER	5 GA	LOW
	RHAPIIOLEPIS 'BALLERINA'	DWARF PINK INDIA HAWTHORN	5 GA	LOW
S-5	**SMALL ACCENT SHRUB 1**			
	HESPERALOE PARVIFLORA 'BRAKELIGHT'	DWARF RED YUCCA	1 GA	LOW
	DIETES IRIDIODES	FORTNIGHT LILY	1 GA	LOW
	HEMEROCALLIS 'LANDSCAPE YELLOW'	DAYLILY	1 GA	MED
S-6	**SMALL ACCENT SHRUB 2**			
	CALLISTEMON 'LITTLE JOHN'	DWARF BOTTLEBRUSH	1 GA	LOW
	FESTUCA CALIFORNICA 'SERPENTINE BLUE'	CALIFORNIA FESCUE	1 GA	LOW
	LAVANDULA 'GOODWIN CREEK GREY'	LAVENDER	1 GA	LOW
G	**GROUND COVERS**			
	ERIGERON KARVINSKIANUS AT 30" O.C. FOR AREAS LESS THAN 300 SQ. FT.	SANTA BARBARA DAISY	1 GA	LOW
	COPROSMA KIRKII AT 30" O.C. FOR AREAS GREATER THAN 300 SQ. FT.	COPROSMA	1 GA	LOW
T	**DWARF TALL FESCUE SOD**			

NOTES FOR PLANT MATERIAL SELECTION:

1. ROTATE PLANT MATERIALS LOT TO LOT SO THAT THE PLANT PALETTE FOR ADJOINING LOTS IS DIFFERENT ESPECIALLY AT THE FRONT ENTRIES.
2. IF A PLANT MATERIAL GROUPING CROSSES THE PROPERTY LINE BETWEEN LOTS, USE ALL OF ONE SPECIES OF PLANT FOR THAT GROUPING.

NOTE:
ALL FRONT YARD LANDSCAPE AREAS SHALL BE WATERED BY A WATER CONSERVING AUTOMATIC IRRIGATION SYSTEM AT EACH LOT.

REVISIONS

Thomas Bask & Associates, LLP
Landscape Architects
1000 Ygnacio Valley Road, Suite 4
Walnut Creek, CA 94596
Ph. 925.933.2383

LANDSCAPE ARCHITECT — REGISTERED — THOMAS ROLAND STOVER — 3017 — Signature — My Renewal 08/31/2021 — STATE OF CALIFORNIA

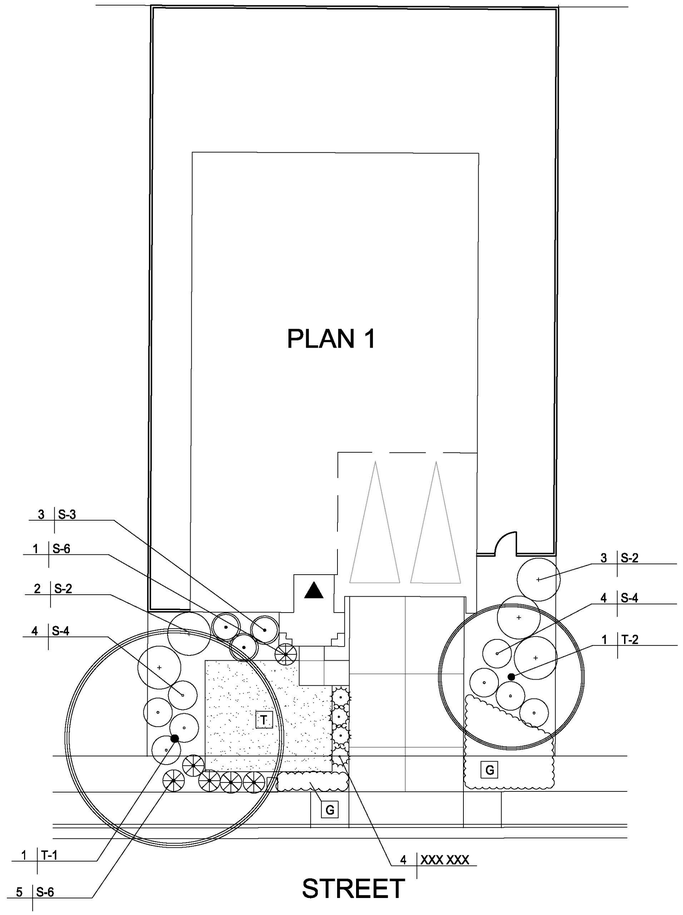
STONEWOOD UNIT 1A
SUBDIVISION #7662
OAKLEY, CA

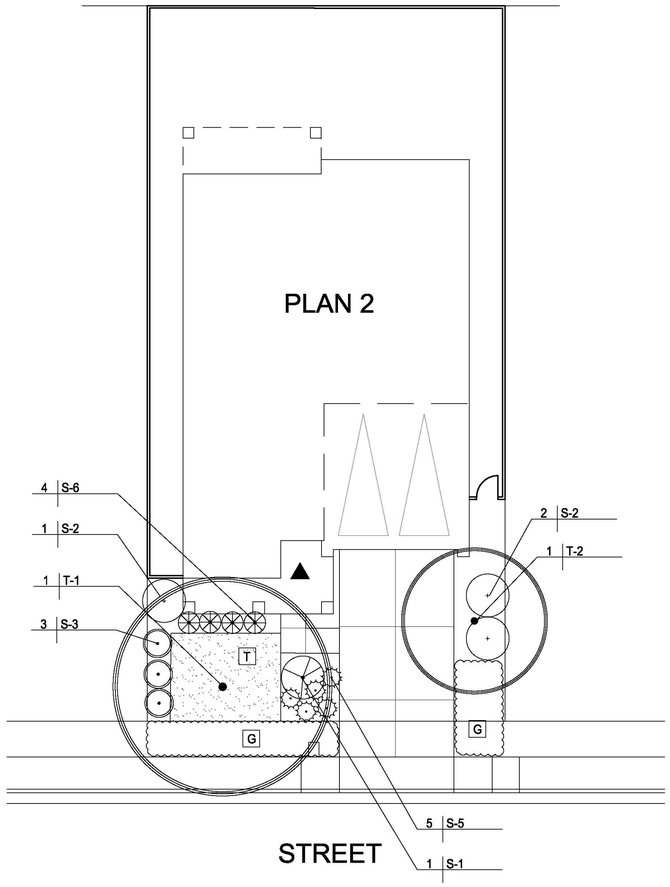
FRONT YARD TYPICALS
PLANT MATERIALS LIST
AND PLANT NOTES

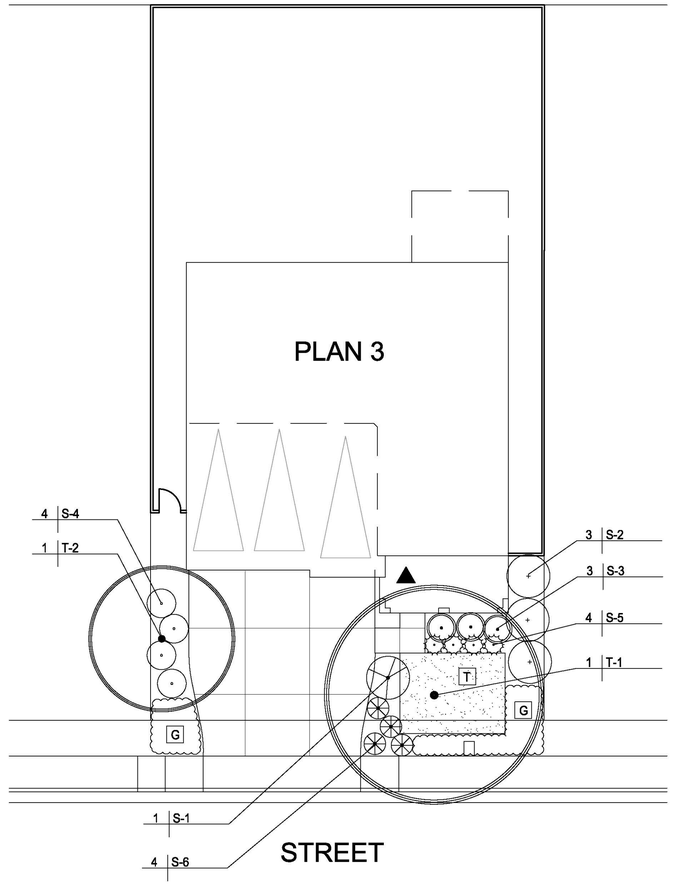
DESIGNED:	DRAWN:
CHECKED:	JOB NO:

DATE 4–3–20
SCALE

SHEET L-4.1
OF SHEETS







GRAPHIC SCALE

10 0 5 10 20 60

(IN FEET)
1 inch = 10 ft.

REFER TO L-4.1 FOR PLANT LIST AND NOTES

REVISIONS

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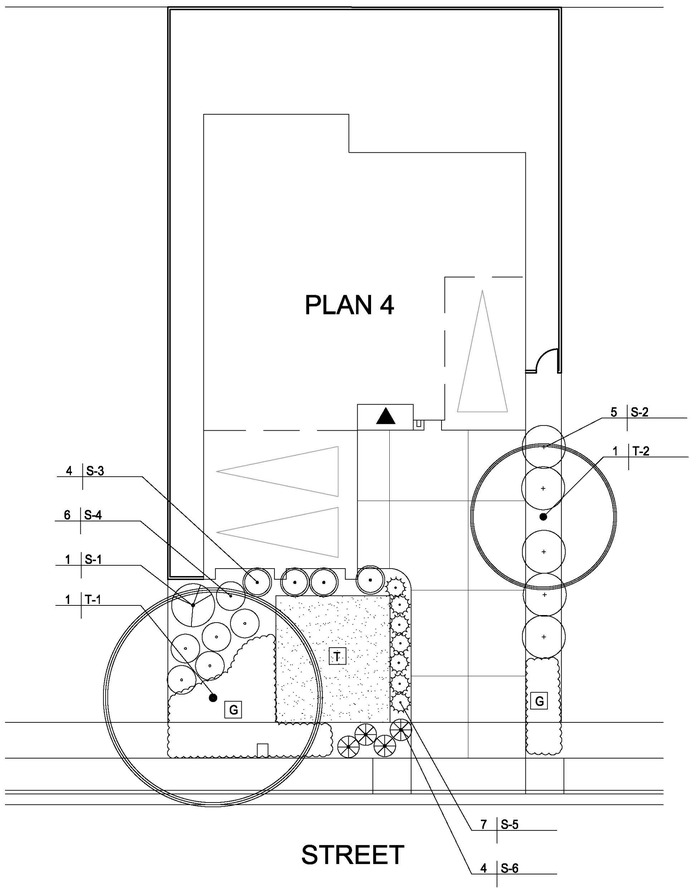
REGISTERED LANDSCAPE ARCHITECT RICHARD STOVER 3017 Signature Date 4-3-20 STATE OF CALIFORNIA

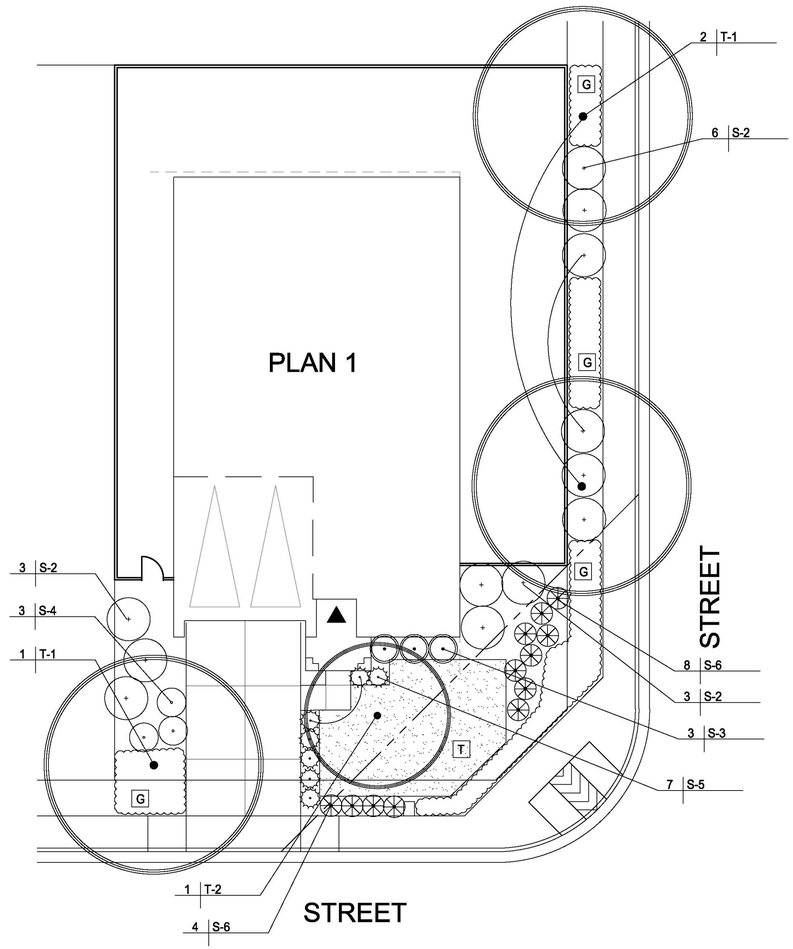
STONEWOOD UNIT 1A
SUBDIVISION #7662
OAKLEY, CA

FRONT YARD TYPICALS
PLANTING PLAN

DESIGNED:	DRAWN:
CHECKED:	JOB NO:
DATE: 4-3-20	
SCALE:	

SHEET
L-4.2
OF SHEETS





GRAPHIC SCALE

10 0 5 10 20 60

(IN FEET)
1 inch = 10 ft.

REFER TO L-4.1 FOR PLANT LIST AND NOTES

REVISIONS

1	
2	
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Thomas Bask & Associates, LLP.
Landscape Architects
1000 Ygnacio Valley Road, Suite 4
Walnut Creek, CA 94596
Ph. 925.933.2383

MICHAEL STONER 3017 Signature RECOGNIZED LANDSCAPE ARCHITECT STATE OF CALIFORNIA

STONEWOOD UNIT 1A
SUBDIVISION #7662
OAKLEY, CA

FRONT YARD TYPICALS
PLANTING PLAN

DESIGNED:	DRAWN:
CHECKED:	JOB NO:
DATE 4–3–20	
SCALE	

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L-4.3
OF SHEETS

RESOLUTION NO. XX-20

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE PROJECT KNOWN AS "STONEWOOD 1A, 1B, AND 2A DESIGN REVIEW (DR 03-20)" LOCATED WEST OF ROSE AVENUE, SOUTH OF LONGHORN WAY, AND NORTH OF CARPENTER ROAD

FINDINGS

WHEREAS, on June 4, 2020, Albert D. Seeno Construction Co. ("Applicant") filed an application requesting Design Review approval of architectural plans for 241 single-family residential lots within the Stonewood Subdivision ("Project"). The plans consist of 70 one-story and 171 two-story homes ranging from 2,100 sf. to 3,272 sf. of livable area. Four plan types with three elevation types for each are proposed for the subdivision. The project is located west of Rose Avenue, south of Longhorn Way, and north of Carpenter Road, and is zoned P-1 (Planned Development) District; and

WHEREAS, the Applicant's Plans include house floor plans and architectural elevations, color and material schemes, conceptual front yard landscaping, and master plotting plans ("Plans"); and

WHEREAS, on July 6, 2020 the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project site is designated Single Family High (SH) and Single Family Medium (SM) on the Oakley 2020 General Plan Land Use Map, and zoned P-1 (Planned Unit Development) District; and

WHEREAS, the proposal for house designs and other design elements of the subdivision fall within the scope of the original subdivisions' California Environmental Quality Act (CEQA) analysis and no further environmental analysis is required; and

WHEREAS, on or before August 28, 2020, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 500-foot radius of the project's boundaries, interested agencies, and to parties requesting such notice; and

WHEREAS, on September 8, 2020, the City Council opened the public hearing and received a report from City Staff, oral and written testimony from the Applicant and 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 on the City's General Plan, the City's Zoning and Subdivision Ordinances, Vesting Tentative Maps 7662 and 7758, Final Maps 7762, 8734, and 8760, the projects' P-1 Districts and Final Development Plans, and the information submitted to the City Council at its September 8, 2020 meeting, both written and oral, including oral information provided by the Applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

A. Regarding the application requesting Design Review approval for "Stonewood 1A, 1B, and 2A Design Review (DR 03-20)", the City Council finds that:

1. The proposed Design Review plans are substantially consistent with the applicable General Plan designations and projects' tentative and final maps and approved Final Development Plans; and

2. The proposed Residential Siting and Lot Design is consistent with the City of Oakley Residential Design Guidelines with the added conditions that the applicant plot at least nine additional one-story homes on corner lots, and that the applicant not be required to implement an original County condition to located a side-loaded garage elevation on all corner lots; and

3. The Architectural Character of the proposed single-family homes is consistent with the applicable City of Oakley Residential Design Guidelines.

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 the Applicant's request for approval of the project titled, "Stonewood 1A, 1B, and 2A (DR 03-20)," subject to the following Conditions of Approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the plans date stamped received by the Planning Division on July 30, 2020 and made a part of the City Council's meeting packet for September 8, 2020, as well as additional information acquired since that time and made a part of the project file.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT UNLESS OTHERWISE NOTED (BOLD CONDITIONS ADDED OR AMENDED AT PUBLIC HEARING):

Planning Department Conditions

General:

1. This Design Review is approved, as shown on the plans, date stamped by the Planning Division on July 30, 2020, and as conditioned herein.

2. This Design Review shall be effectuated within a period of two years from the adoption date of this resolution through issuance of a building permit related to the homes approved with this project. An extension of time may be granted by the City Council upon written request by the applicant filed with the Planning Division within the effective period of this original approval.

3. All construction drawings and plot plans submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on September 8, 2020, and as conditioned herein.

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

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

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

7. The Applicant shall 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).

8. Any model home complex shall have a copy of the City of Oakley's General Plan Land Use Map posted within the sales office or included with the informational material provided to prospective home buyers.

Development Regulations:

9. All development regulations adopted and amended in conjunction with the project's original tentative maps shall be adhered to as follows:

a. Stonewood 1A and 1B:

- Front yard setbacks shall be varied between 18 and 27 feet;
- The requirement for all corner lots to have side-loaded garages has been removed;
- Front yard setbacks may be reduced to 15 feet for porches;
- Side yard setbacks shall be a minimum five (5) feet with a minimum aggregate of 10 feet;
- Rear yard setbacks shall be a minimum of 15 feet except that lots that back up on Rose Avenue or Carpenter Road shall be a minimum 20 feet.

b. Stonewood 2A:

- Front yard setbacks shall be varied between 20 and 25 feet;
- Front yard setbacks may be reduced to 15 feet for porches;
- Side yard setbacks shall be a minimum five (5) feet with a minimum aggregate of 15 feet;
- Side yard setbacks for lots that front of cul-de-sacs shall be a minimum five (5) feet with a minimum aggregate of 10 feet;
- Covered porches side yard setbacks shall be a minimum five (5) feet with a minimum aggregate of 10 feet.

Architectural Details:

10. All plan/elevation combinations that show any materials other than stucco on a column or front facade, where the side elevation is not visible on the plans, shall have that material wrap all sides of the column or around the front facade to the next change in plane. Where wraps are completely visible on the plans, they should continue to either the change in plane, or to the fence line or point where the second story begins, as shown on the approved plans.

11. All trimming and shutters, etc. shall be painted on all three sides in the applicable color. Exceptions may be made for stucco over foam trim where a clean line may not be attainable where the trim meets the house, subject to the review and approval of the Community Development Director.

12. Plot plans shall be submitted with as close as possible to an equal number of architectural types for each plan. In the event any specific architectural type is being proposed too often, or excluded from the mix, Staff may postpone issuing building permits until it can be shown that a more even mix of all types, subject to the total numbers represented by each plan, will exist at build out without over concentration or exclusion in any specific area.

Landscaping:

13. A landscaping and irrigation plan for all front yard, right-of-way, parks, open space, and trail landscaping shall conform to the Oakley Water Efficient Landscape Ordinance ("WELO"), and the Guidelines for Implementation of the City of Oakley Water Efficient Landscape Ordinance and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance by including the following signed statement on the cover sheet or same sheet as the WELO calculations in a visible text box: "These plans are certified to conform to the Oakley Water Efficiency Landscape Ordinance."

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

15. All landscaped areas not covered by shrubs or groundcover shall be covered with bark or acceptable alternative as reviewed and approved by the Community Development Director. On slopes greater than 3 to 1, the Applicant shall use an alternative to bark per the review and approval of the Community Development Director. Areas covered with bark shall use a weed barrier.

16. The Applicant shall maintain all private landscaping until occupancy.

17. The Applicant shall install the driveways on the Plans 1 and 2 (plans with two-car garages only) so that the driveways are widened to be even with the outside wall the garage on the side elevation of the home. The driveways shall not be widened toward the porch side of the garage.

Subdivision Disclosures:

18. 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.

19. 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"

20. The Applicant shall draft a statement to be recorded at the County Recorder's Office for each parcel to notify future owners of the parcels that second driveways to access side yards opposite the garage shall not be permitted, and if installed, may be subject to code enforcement action by the City of Oakley. The specific language shall be submitted to the Planning Division for review and approval prior to recording with the County Recorder.

Energy Efficiency:

21. 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.

22. Design and site units so as to take advantage of natural heating and cooling, sun and wind exposure, and solar energy opportunities.

Waste Management Plan:

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

Building Division Conditions

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

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

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.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the September 8, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

Stonewood Units 1A, 1B, and 2A Design Review (DR 03-20)

City of Oakley

City Council Meeting

September 8, 2020

Vicinity Map

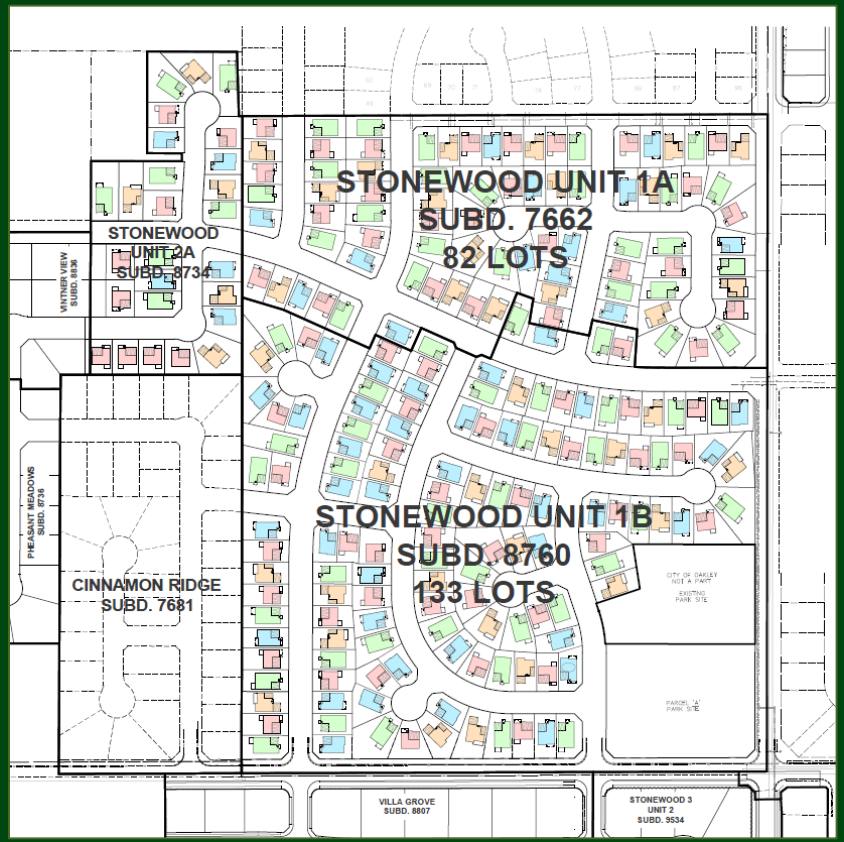


Project Area Map



- Generally located –
  - West of Rose Ave.
  - South of Longhorn Way
  - North of Carpenter Rd.

Master Plotting Plan



- Stonewood 1A = 82 lots
- Stonewood 1B = 133 lots
- Stonewood 2A = 26 lots

Streetscape Rendering

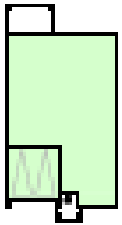
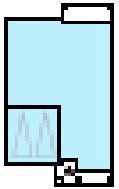
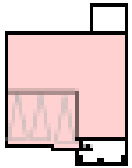
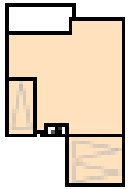
Plan 1	Plan 2	Plan 3	Plan 4



Project Details

- Includes 241 SFR lots
  - 70 one-story plans (Plan 1), and 171 two-story plans (Plans 2-4).
- Design Review
  - House floor plans and architecture
  - Master Plotting Plans
  - Wall design

Distribution Table of Product Mix

PLAN#	1 SINGLE STORY	2 TWO STORY	3 TWO STORY	4 TWO STORY		
						
COUNT	70	54	75	42	GRAND TOTAL HOMES:	241
PERCENT	29.1%	22.4%	31.1%	17.4%	TOTAL PERCENT:	100.0%

Summary of Proposed Plans

	Square Feet (livable)	Stories	Bedrooms	Bathrooms	Garage Spaces
Plan 1	2,100	1	4	3	2
Plan 2	2,692	2	4 (+ loft)	3	2
Plan 3	2,980	2	5	4	3
Plan 4	3,272	2	5	4	3

Wall Design



- Combed and smooth-face CMU block
- Stone veneer columns
- Live Oak Ranch wall (left)
- Duarte Ranch wall (right)



Citizen Planning Advisors

Staff received comments unrelated to the Design Review application. Staff responded as summarized in the Staff report.

Key Design Review Analysis

- One-story plan = 29% (Design Guidelines suggest min. 20%)
- 24 of 45 corner lots are one-story = 53% (Design Guidelines suggest min. 50%)
- Adjacent second stories rarely 15 feet apart in 1A and 1B, yet always 15 feet apart in 2A (P-1 District)
- Architecture and use of varying materials and roof designs implement Residential Design Guidelines

Summary of Findings

- Consistent with General Plan
- Complies with project's two P-1 Districts
- Home architecture and lot layout is compatible with Residential Design Guidelines

Staff Recommendation

Adopt the resolution approving "Stonewood Units 1A, 1B, and 2A Design Review (DR 03-20)", as conditioned.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 8, 2020

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Joshua McMurray, Community Development Director

SUBJECT: **3350 Main Street - Design Review (DR 06-20) for approval of a new 1-story, approximately 10,000 sq. ft. building and associated site improvements. The project is located at the northwest corner of Main Street and Norcross Avenue. APN's: 037-160-006, 007 and portions of 018 and 027**

Summary and Recommendation

An application by BIMtech Inc. requesting approval of a Design Review (DR 06-20) application for approval of a new 1-story, approximately 10,000 sq. ft. building and associated site improvements. The 0.38-acre project site is designated Downtown Commercial in the Oakley 2020 General Plan and zoned SP-4 (Downtown Specific Plan). The Project is located at the northwest corner of Main Street and Norcross Avenue (APN's: 037-160-006, 007 and portions of 018 and 027).

Staff recommends the City Council adopt the Resolution approving Design Review (DR 06-20) for a new 1-story, approximately 10,000 sq. ft. building and associated site improvements on a project site locat4ed at the northwest corner of Main Street and Norcross Avenue. APN's: 037-160-006, 007 and portions of 018 and 027, as conditioned.

Background

The City Council approved a Disposition and Development Agreement between the City and R & R Pacific Construction Inc. on June 23, 2020 for the purchase of 0.38-acres of property on the Oakley downtown. The property is located at the northwest corner of Main Street and Norcross Avenue. The City's expectation with the agreement is that the buyer will develop a new commercial building. This project and the timing of its submittal and approval are in line with the Schedule of Performance contained within the agreement.

General Plan and Zoning

The site is designated *Commercial Downtown* in the Oakley 2020 General Plan, and classified as SP-4 (Downtown Specific Plan) District on the City of Oakley Zoning

Map. The SP-4 is further divided into three subareas, and the subject site is located within the "Downtown Core".

- Existing General Plan Land Use Designation: Commercial Downtown (CD)

- Existing Zoning District: Downtown Specific Plan (SP-4) "Downtown Core" Area

Project Site and Surrounding Uses: The project site consists of a square parcel that is approximately 0.38-acres. The site is currently vacant, and was originally purchased by the City in October 2015 as part of a larger 4.62-acre grouping of 2 parcels. The project will occupy a small portion of the overall vacant land which will be developed with a series of parking lots to serve the train platform and transit station.

The project site fronts on both Main Street to the south and the future extension of Norcross Lane to the east. As mentioned earlier, a parking lot will be constructed to the north of the project site to support the medical office and the train platform and transit station. To the west is a two-story retail and office building owned by the Successor Agency to the Oakley Redevelopment Agency. The site is completely surrounded by properties that are designated Commercial Downtown in the General Plan and zoned Downtown Specific Plan (SP-4).

Project Description

Proposed Design Review
The Design Review Ordinance has different levels of Design Review procedures for review and approval of a Design Review Permit. Oakley Municipal Code section 9.1.1604(c)(2)(i) requires that any new commercial structure be heard and approved by the Planning Commission[1]. The proposed new development fits the criteria above and requires Design Review.

The proposed design review covers all of the physical development of the site, such as building siting, layout, architecture, colors and materials, landscaping, lighting, and parking. The proposed project involves full development of an approximately 0.38-acre site with a commercial/retail building.

Access to the site will be from an existing, shared driveway off Main Street that will allow access to the existing building at 3330 Main Street as well as the new project and a new driveway location off the extension of Norcross Lane. The Downtown Specific Plan (DSP) allows for a combination of on and off-street parking to count for the total required parking. The DSP require 3 spaces for every 1,000 square feet of building area, resulting in a total of 34 required spaces. The City will be constructing the parking lot and extension of Norcross Lane to the North as part of Capital

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

Improvement Project # 215. When that parking lot and on-street parking spaces are constructed, there will be more than sufficient parking for the project. It should also be noted that when the buildings tenants are not open, the City will be able to use those parking spots for various City functions.

Figures 1 and 2 bellow highlight the project elevations.

Figure 1. South Elevation (looking North from Main Street)



Figure 2. West Elevation (looking West from Norcross Lane)

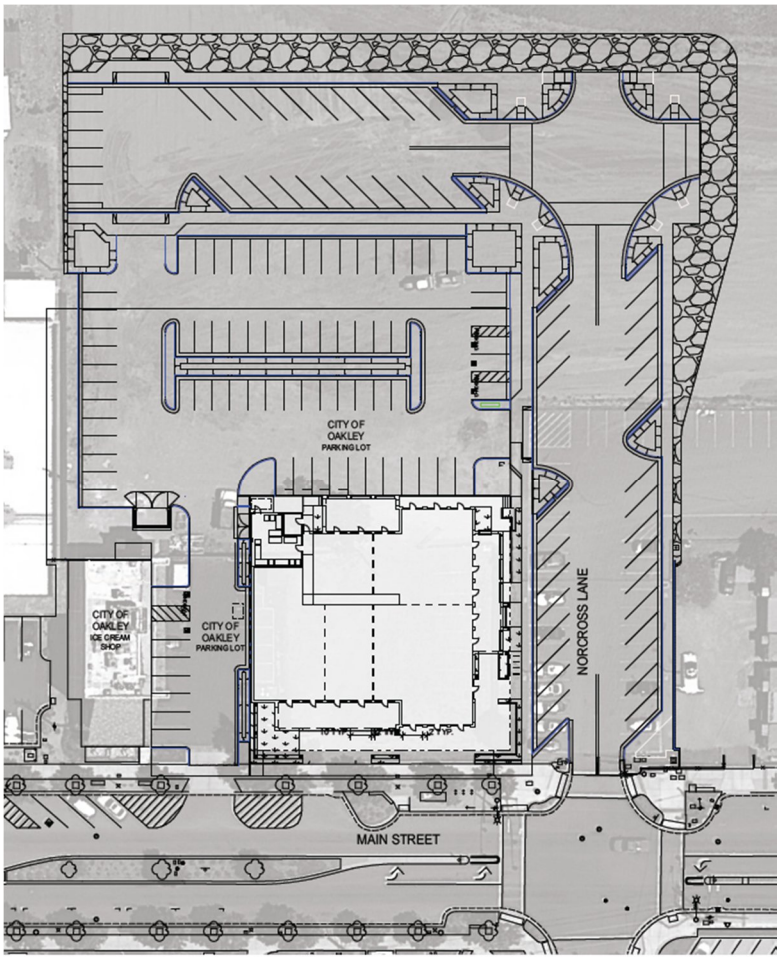


Analysis

Design Review

Circulation/Parking: The project will take access from two main locations, one from Main Street and one from Norcross Lane. Each access point will allow in and out movement, with the Main Street location restricted to a right in and right out. The extension of Norcross Lane will function as a two-way drive aisle, with angled parking on both sides of the street. A third access point will be located north of the building, at the northwest corner of the new parking lot. The project will utilize off-street parking; however the on-street parking in addition to the excess of off-street spaces in the parking lot will result in a net gain of spaces overall and an excess of spaces over and beyond the 34 the project needs. As mentioned previously, the parking lot and the Norcross Lane extensions are being constructed by the City through Capital Improvement Project # 215.

Figure 3. Site Plan



Building/Site Design: The site plan within Attachment 3 of this report shows how the proposed project is laid out on the site. The proposed building has clean lines, and pulls in architectural elements and materials from nearby structures to provide a consistent, yet "old" new to the Oakley Downtown.

The building will use a variety of enhanced materials that are shown on the applicant's plans. The building will use a brick exterior with extensive brick detail throughout and cement plaster with integral color as accent walls. The parapets use an enhanced metal parapet cap with a bronze color which accentuates the varying roof line to provide interest to the building's exterior. The remainder of the door and window frames will also be in a medium bronze color. Lastly, there are three outdoor patio area at the South, East and North sides of the building that will either utilize shade bars our canvas awnings to provide cover. The color and materials for the project are below. The site plan brings the building forward towards the corner of Main Street and Norcross Lane and a large majority of the parking lot will be screened from view.



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

project will comply with the Downtown Specific Plan.

Environmental Review

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

Findings

Draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt the Resolution approving Design Review (DR 06-20) for a new 1-story, approximately 10,000 sq. ft. building and associated site improvements on a project site locat4ed at the northwest corner of Main Street and Norcross Avenue. APN's: 037-160-006, 007 and portions of 018 and 027, as conditioned.

Attachments

1. Vicinity Map
2. Public Hearing Notice
3. Project Plans
4. Proposed City Council Resolution
5. PowerPoint Presentation

3350 Main Street Design Review (DR 06-20)
Vicinity Map
Northwest corner of Main Street and Norcross Avenue
APN's: 037-160-006, 007 and portions of 018 and 027



OAKLEY
CALIFORNIA

Due to safety precautions related to Covid-19, this meeting will be phone-in only. Changes in "How to Review" are found below.

City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **September 8, 2020** at 6:30 p.m., or as soon thereafter as the matter may be heard, the City Council of the City of Oakley will hold a phone-in Public Hearing ~~at the Council Chambers located at 3231 Main Street, Oakley, CA 94561~~ for the purposes of considering an item for **Design Review** approval.

Project Name: 3350 Main Street Design Review (DR 06-20)

Project Location: Northwest corner of Main Street and Norcross Avenue (APN's: 037-160-006, 007 and portions of 018 and 027).

Applicant: BIMtech Inc., 530 Q Street, Sacramento, CA 95811

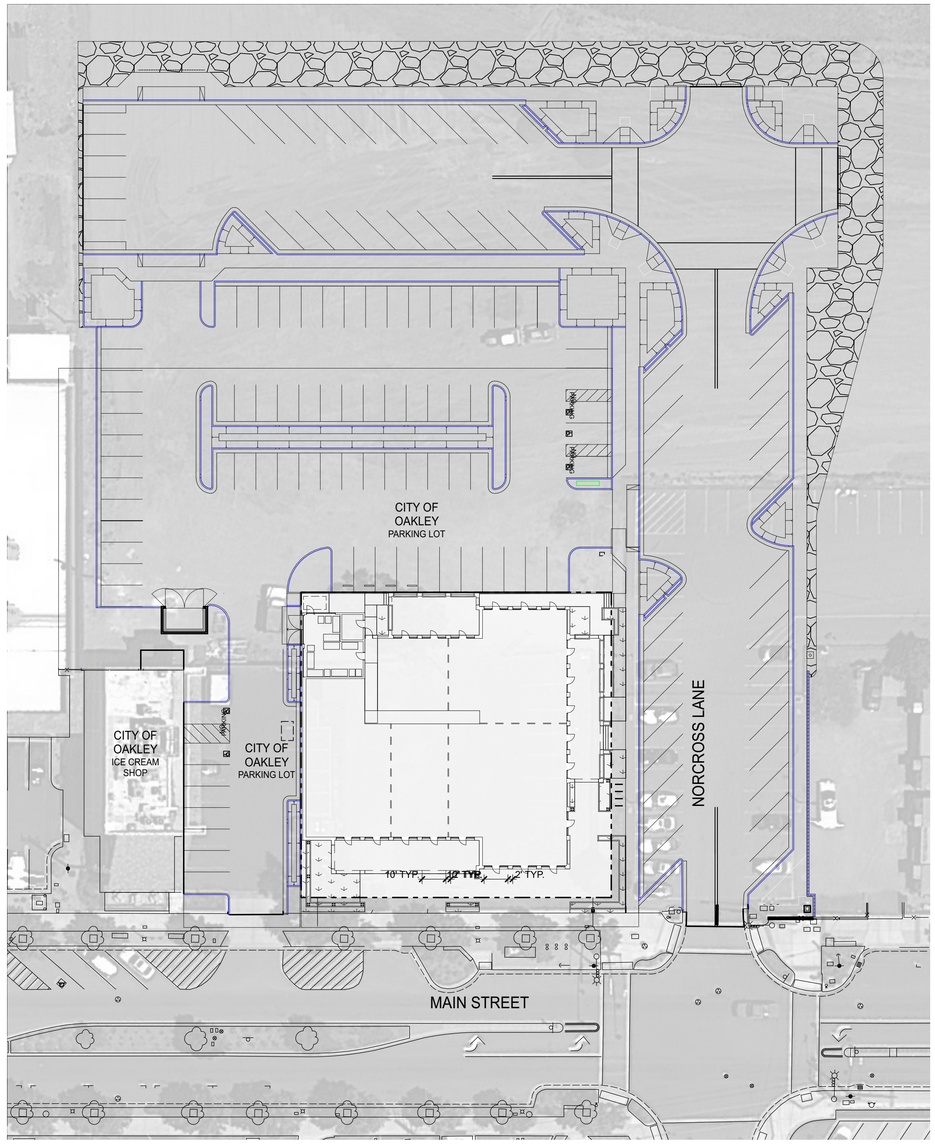
Request: This is a public hearing on an application by Abraxis Spera requesting Design Review approval for a new 1-story, approximately 10,000 sq. ft. commercial building and associated site improvements. The project site is designated Downtown Commercial in the Oakley 2020 General Plan and zoned SP-4 (Downtown Specific Plan). The Project is located at the northwest corner of Main Street and Norcross Avenue (APN's: 037-160-006, 007 and portions of 018 and 027).

How to Review: The Staff Report and its attachments will be available for public review, on or before September 4, 2020 online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the September 8, 2020 agenda and clicking the project title link. Interested persons are invited to submit written comments prior to 5:00 P.M. the day of the hearing to Joshua McMurray, Community Development Director mcmurray@ci.oakley.ca.us. Those wishing to listen in and/or participate in the meeting may do so by calling: (925) 809-9201 and using ID# 921207. Callers are asked to mute phones unless speaking.

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.



2 VICINITY MAP



1 SITE PLAN (Site Context)

SCALE: 1" = 30'

0 30' 60'

3350 MAIN STREET OAKLEY, CA

APPLICANT:
BIMTECH INC.
ABRAXIS SPERA, PRESIDENT
530 Q STREET
SACRAMENTO, CA 95811
(916)519-6828
ABRAXIS@BIMTECHINC.COM

OWNER:
R&R CONSTRUCTION
ATTN: RAUL MELENDEZ
433 SECOND STREET SUITE 103
WOODLAND, CA 95695
(530) 219-2070

PROJECT DATA

A.P.N.:	
ZONING:	SP-4 DOWNTOWN SPECIFIC PLAN
SITE AREA:	16,640 +/- SF
BLDG. USE:	COMMERCIAL
OCC. CLASS:	A-2, M
CONST. TYPE:	VB
BUILDING CODE:	2019 CBC
SPRINKLERS:	YES

AREA ANALYSIS	AREA IN SF
SITE AREA	16,640 +/-
BUILDING AREA	13206
COMMERCIAL BUILDING	10,100
COVERED PATIOS	2415
COVERED PATIO N	684
COVERED PATIO E	863
COVERED PATIO S	868
WASTE ENCLOSURE	568
ELECTRICAL	123
LOT COVERAGE	79%
LANDSCAPE AREA	660 (ON PARCEL NOT INCL. ROW)
LANDSCAPE COVER %	4%

PARKING ANALYSIS
10,791 SF GROSS BUILDING AREA - COVERED PATIOS NOT INCLUDED
3/1000 NON-RESIDENTIAL (DOWNTOWN SPECIFIC PLAN)

NO ONSITE PARKING IS PROVIDED

REQUIRED PARKING
34 SPACES REQUIRED
2 ACCESSIBLE SPACES REQUIRED FOR FACILITIES WITHN 26-50 SPACES (2019 CBC)
1 LOADING SPACE REQUIRED

PARKING PROVIDED AT ADJACENT PARKING FACILITY (NORTH)
32 REGULAR SPACES
1 VAN ACCESSIBLE SPACE
1 ACCESSIBLE SPACE
1 LOADING SPACE

PROPOSE (2) 15 MINUTE ZONES AND (2) PASSENGER LOADING ZONE AT STREET PARKING AT NORCROSS LN.

PLAN NORTH

BIMtech, Inc.
530 Q Street
Sacramento, CA 95811
(916) 519-6828
abraxis@bimtechinc.com

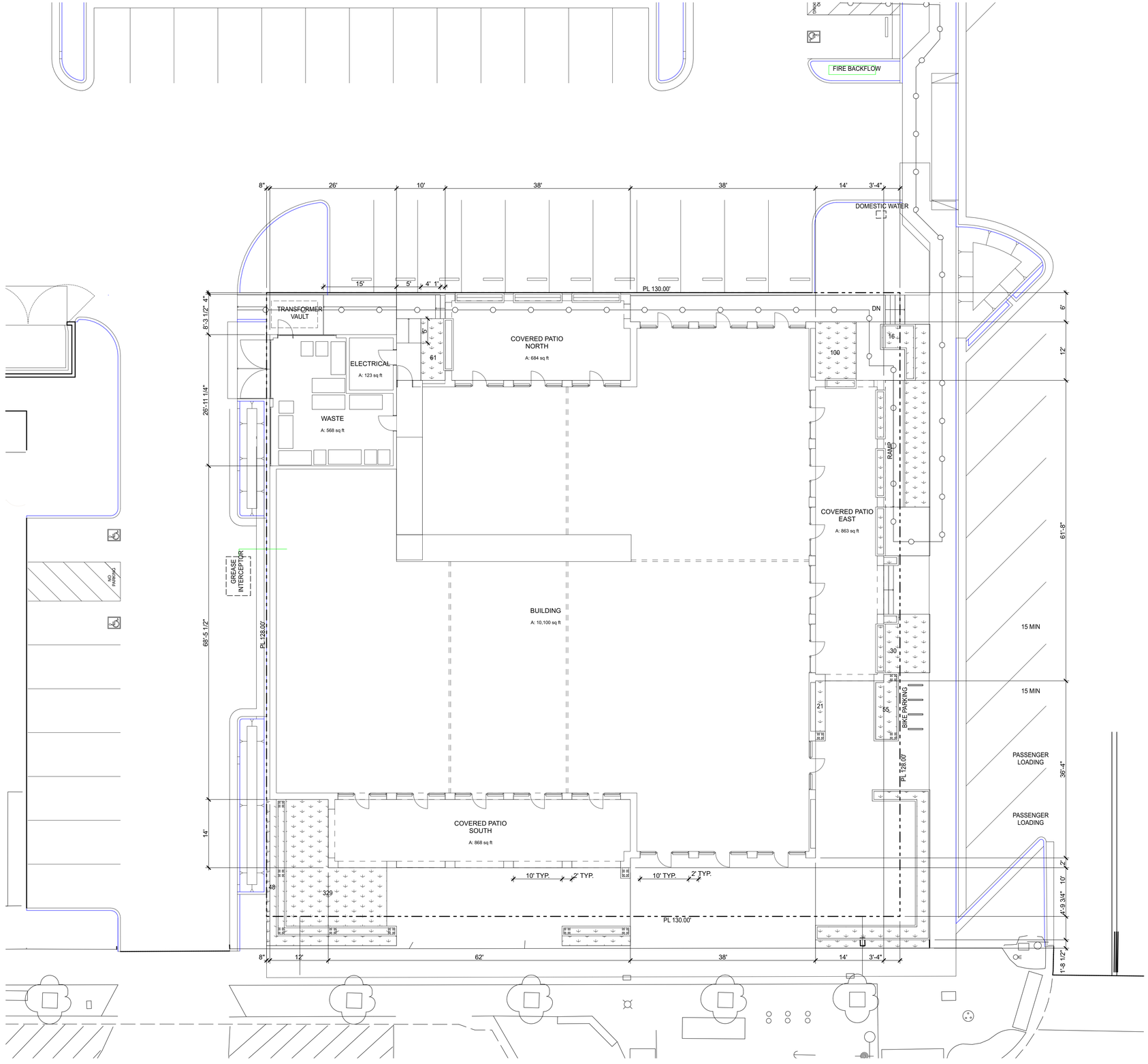
3350 MAIN ST
3350 MAIN STREET OAKLEY CA

DATE: 7/30/2020

REVISONS:

SHEET TITLE: SITE CONTEXT PLAN

SHEET NO. AS100



1 SITE PLAN

SCALE: 1" = 10'

PLAN NORTH

BIMtech, Inc.

530 Q Street
Sacramento, CA 95811
(916) 519-6828
abraxis@bimtechinc.com

3350 MAIN ST

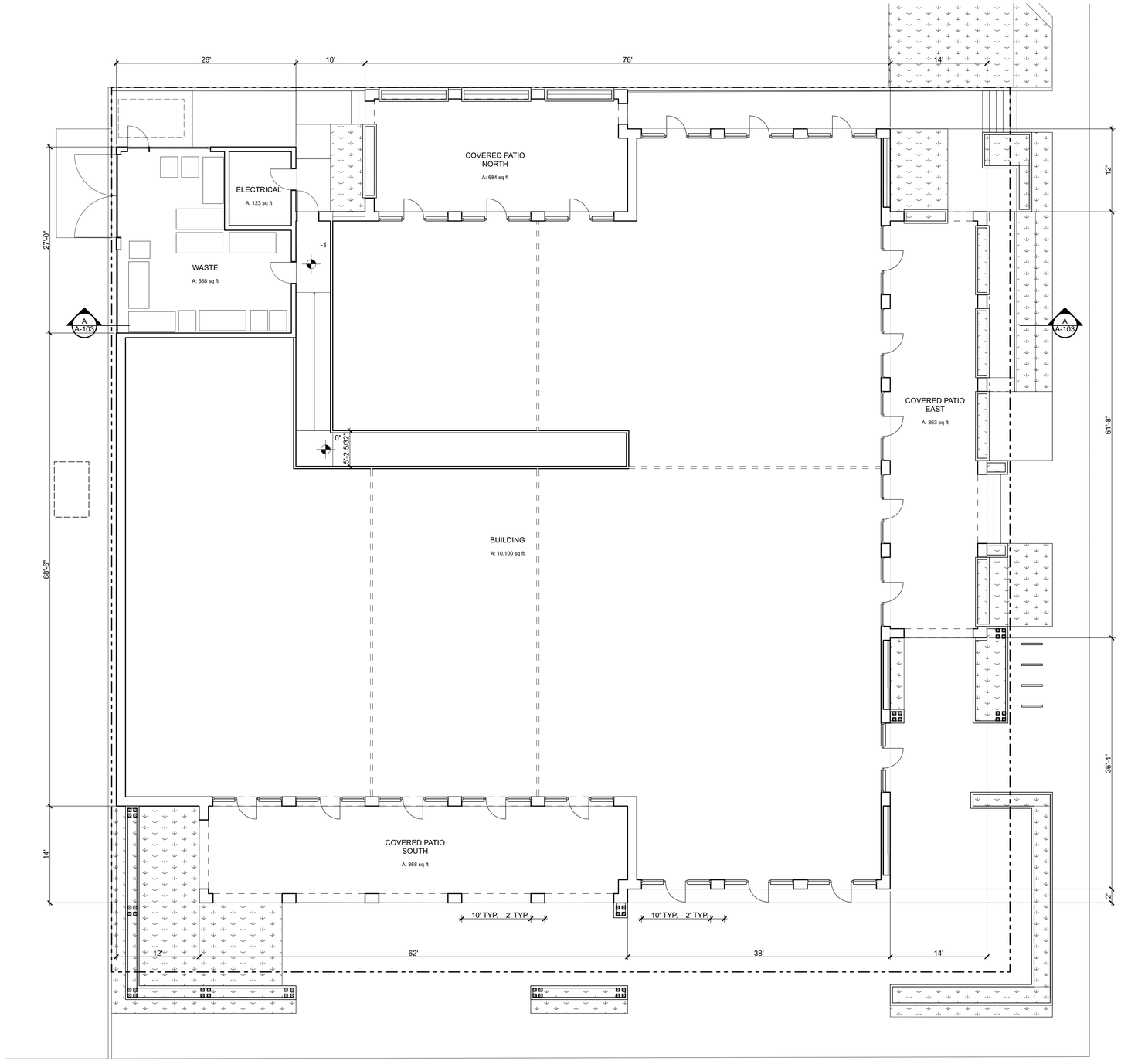
3350 MAIN STREET OAKLEY CA

DATE: 7/30/2020

REVISONS:

SHEET TITLE: SITE PLAN

SHEET NO. AS101



1 FLOOR PLAN

SCALE: 1/8" = 1'-0"

0 4' 8' 16'

PLAN NORTH

BIMtech, Inc.

530 Q Street
Sacramento, CA 95811
(916) 519-6828
abraxis@bimtechinc.com

3350 MAIN ST

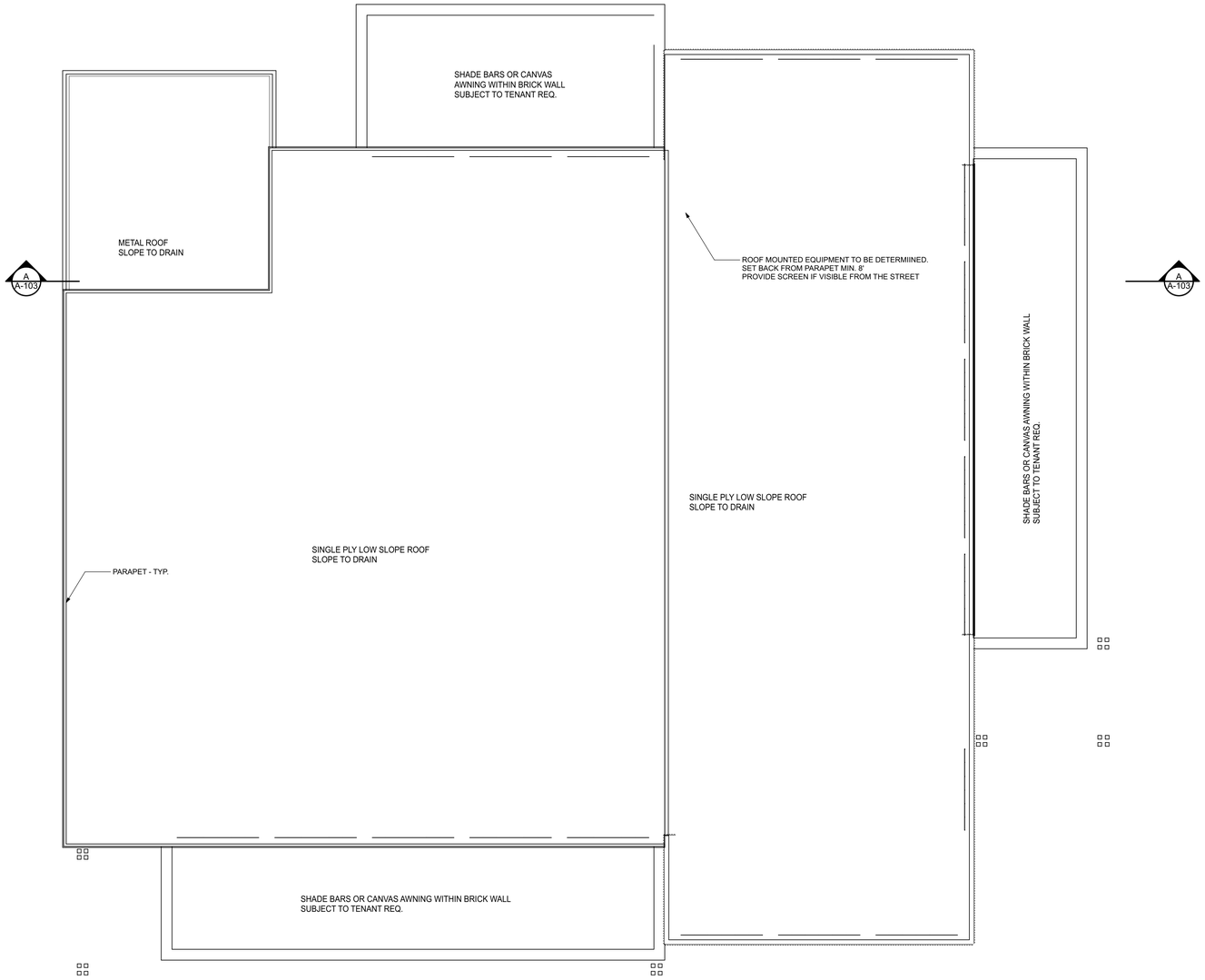
3350 MAIN STREET OAKLEY CA

DATE: 7/30/2020

REVISONS:

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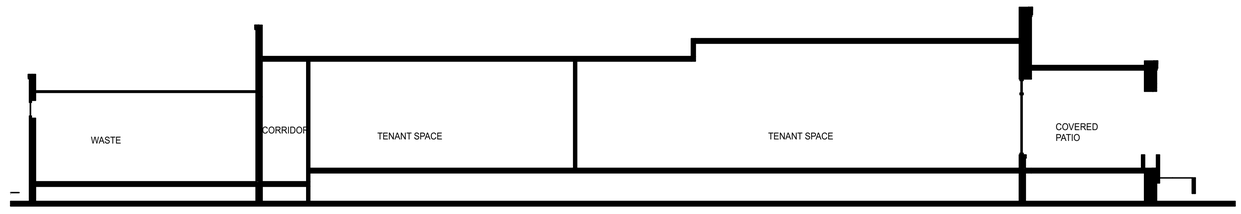
SHEET NO. A-101



1 ROOF PLAN

SCALE: 1/8" = 1'-0"

0 4' 8' 16'



2 SECTION

SCALE: 1/8" = 1'-0"

0 4' 8' 16'

PLAN
NORTH

BIMtech, Inc.

530 Q Street
Sacramento, CA 95811
(916) 519-6828
abraxis@bimtechinc.com

3350 MAIN ST

3350 MAIN STREET OAKLEY CA

DATE:
7/30/2020

REVISONS:

SHEET TITLE:
ROOF PLAN

SHEET NO.
A-103

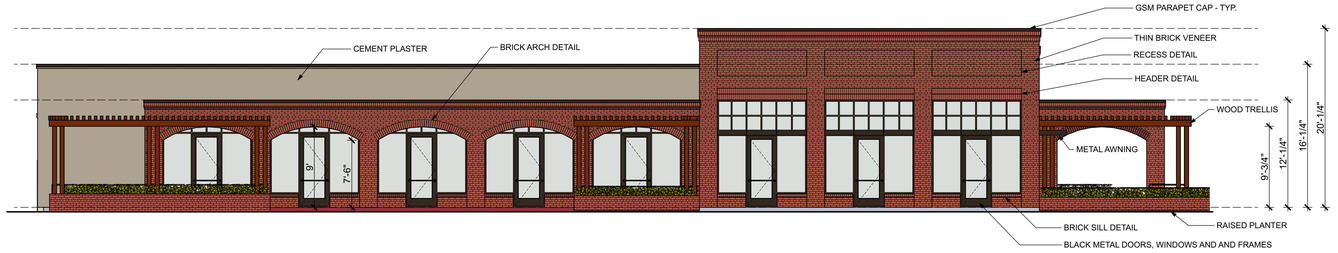
METAL AT PARAPET CAP
"METAL SALES"
MEDIUM BRONZE



THIN BRICK
"HC MUDDOX"
NORTHWEST USED

CEMENT PLASTER WITH INTEGRAL COLOR
"WESTERN BLEND"
943 SMOKEY

MEDIUM BRONZE
DOORS AND WINDOW FRAMES
FROM MFR. STANDARD RANGE



1 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

0 4' 8' 16'



2 EAST ELEVATION

SCALE: 1/8" = 1'-0"

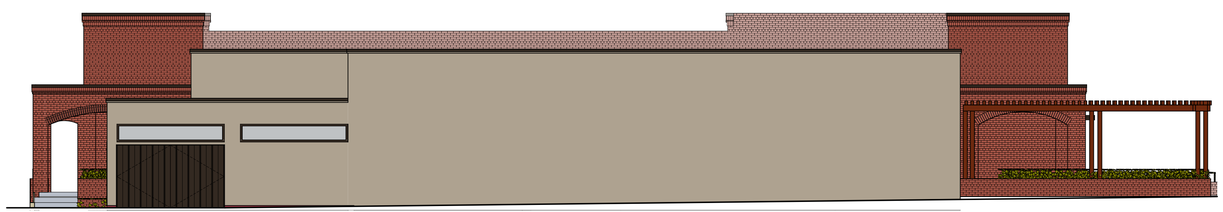
0 4' 8' 16'



3 NORTH ELEVATION

SCALE: 1/8" = 1'-0"

0 4' 8' 16'



4 WEST ELEVATION

SCALE: 1/8" = 1'-0"

0 4' 8' 16'

BIMtech, Inc.

530 Q Street
Sacramento, CA 95811
(916) 519-6828
abraxis@bimtechinc.com

3350 MAIN ST

3350 MAIN STREET OAKLEY CA

DATE:
7/30/2020

REVISONS:

SHEET TITLE:
ELEVATIONS

SHEET NO.
A-201



1 RENDERING



2 RENDERING



3 RENDERING



4 RENDERING

BIMtech, Inc.

530 Q Street
Sacramento, CA 95811
(916) 519-6828
abraxis@bimtechinc.com

3350 MAIN ST

3350 MAIN STREET OAKLEY CA

DATE:
7/30/2020

REVISONS:

SHEET TITLE:
RENDERINGS

SHEET NO.
A-900

RESOLUTION NO. XX-20

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING DESIGN REVIEW (DR 06-20) FOR APPROVAL OF A NEW 1-STORY, APPROXIMATELY 10,000 SQUARE FOOT BUILDING AND ASSOCIATED SITE IMPROVEMENTS FOR A PROJECT LOCATED AT THE NORTHWEST CORNER OF MAIN STREET AND NORCROSS AVENUE. APN'S: 037-160-006, 007 AND PORTIONS OF 018 AND 027

WHEREAS, on July 17, 2018, BIMtech Inc. ("Applicant") submitted an application requesting approval of Design Review (DR 06-20) for approval of a new 1-story, approximately 10,000 sq. ft. building and associated site improvements. The 0.38-acre project site is designated Downtown Commercial in the Oakley 2020 General Plan and zoned SP-4 (Downtown Specific Plan). The Project is located at the northwest corner of Main Street and Norcross Avenue (APN's: 037-160-006, 007 and portions of 018 and 027). ("Project"); and

WHEREAS, on August 26, 2020 the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project is designated as *Downtown Commercial* in the Oakley 2020 General Plan, and zoned SP-4 (Downtown Specific Plan); and

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

WHEREAS, on August 27, 2020 the Notice of Public Hearing was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to parties requesting such notice, and to outside agencies; and

WHEREAS, on September 8, 2020, the City 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 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, the Downtown Specific Plan, the City's Commercial and Industrial Design Guidelines, and the information submitted to the City Council at its September 8, 2020 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record"); and

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

A. In regards to the application requesting Design Review (DR 06-20) for approval of a new 1-story, approximately 10,000 sq. ft. building and associated site improvements on a 0.38-acre site located at the northwest corner of Main Street and Norcross Avenue (APN's: 037-160-006, 007 and portions of 018 and 027), the City Council finds that:

1. The design, appearance, and manner of development of all properties within the City have a substantial relationship with the characteristics of public and private places that make a community visually interesting, functional, and a source of community pride. The site for the proposed project is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that the site is approximately 0.38-acres and the Downtown Specific Plan allows for the proposed development with the approval of a Design Review application. The new building and site improvements will provide a significant aesthetic upgrade to the property, and help facilitate the economic development activities of the City; and

2. Development within the City should be in a manner that is of high quality and allow for flexibility of unique solutions to enhance a project's design so that it can be successfully integrated into the existing fabric of the City, while preserving the City's human scale and sense of place; and

3. The quality of life and stabilization of property values are enhanced by project design that meets the criteria set forth in the Oakley Design Guidelines, the Downtown Specific Plan, Zoning Ordinance, and General Plan, as applicable. The proposed project will be arranged, designed, constructed, operated, and maintained so as to be compatible with the intended character of the area and will not change the essential character of the area that is intended by the General Plan and the applicable zoning ordinances in that the proposed project for the construction of a building for commercial and retail businesses are permitted in the Downtown Specific Plan. The use will comply with the noise standards set forth in the Oakley Municipal Code, will provide all parking on-site, and will bring a new business into the City; and

4. Design review is necessary to enhance project design, ensure quality development, maintain or enhance property values, and add to the visual character of the community and public health, safety, and welfare of Oakley residents. The proposed project provides for continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan in that it provides a new business which will bring jobs to the City. The use of the site are a result of Oakley's zoning that allows for commercial lots that can accommodate this type of project.

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

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the City Council approves of the Applicant's request for **Design Review (DR 06-20)** subject to the following Conditions of Approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division dated **August 3, 2020** and plans received and stamped **August 26, 2020**, as well as additional information acquired since that time and made part of the project file.

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

Planning Division Conditions

General:

1. This **Design Review (DR 06-20)** application is approved, as shown on the application received by the Planning Division dated **August 3, 2020** and plans received and stamped **August 26, 2020** and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. This approval for **Design Review (DR 06-20)** shall be effectuated within a period of three (3) years from the effective date of this resolution by pulling a building permit and if not effectuated shall expire on **September 8, 2023**. 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 **September 8, 2020**.

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. If the remains are determined to be that of Native American origin, procedures will be guided by California PRC 5097 through California's Native American Heritage Commission.

7. The applicant shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project. The city shall promptly notify the applicant of any such claim, action or proceeding. The city shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

Site Plan:

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

9. Light poles shall be a maximum height of twenty (20) feet and shall provide glare shields where adjacent to existing residences per the review and approval of the Community Development Director.

10. The applicant shall construct a trash enclosure that shall match Mount Diablo Resource Recovery and City standards and shall provide adequate space to accommodate both trash and recycling for the trash enclosure being demolished that serves the 3330 Main Street building. Also, if not located within the footprint of a

building, trash enclosures shall be constructed with a roof to match the building design and materials, have metal gates, and when appropriate be surrounded by landscaping with climbing vines on three sides per the review and approval of the Community Development Director.

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

Architecture:

12. All exterior building colors shall be as depicted on the applicant's color rendering plans. The final color palette shall be subject to the review and approval of the Community Development Director.

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

14. Light fixtures on the office building shall be decorative fixtures per the review and approval of the Community Development Director.

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

16. The color and materials of the shade bars or canvas awnings at the three outdoor patio areas are subject to final review and approval of the Community Development Director.

Landscaping Requirements:

17. A landscaping and irrigation plan for all areas shown on the site plan shall be submitted for review and approval of the Community Development Director prior to the issuance of building permits. The landscaping plan shall include the project's frontage and side yards. Landscaping shall conform to the Oakley Water Efficient Landscape Ordinance and the Guidelines for Implementation of the City of Oakley Water Efficient Landscape Ordinance and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance.

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

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

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

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

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

Signage:

23. The proposed signage shall meet the requirements of the City's Zoning Ordinance. All proposed signage shall be reviewed by the Planning and Building Divisions. The maximum height for the monument sign is 8 feet.

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

25. Temporary signage for such things as special events and grand openings shall be subject to the Oakley Municipal Code Chapter 9.5 (Regulation of Signs and Outdoor Advertising).

Waste Management Plan:

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

Building Division Conditions

27. 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.

28. An Automatic Life Safety Sprinkler System may be required as determined by the Contra Costa Fire Protection District. If required, the Automatic Life Safety Sprinkler Systems shall be designed and installed to the standards and requirements found in the most recent version of the NFPA (National Fire Protection Association).

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

30. All new commercial buildings and places of public accommodation shall be designed to the standards found in the latest version of California Building Code Chapter 11B or the 2010 ADA standards for accessible design, whichever is stricter.

PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL

THE FOLLOWING ITEMS SHALL BE INCORPORATED INTO THE PROJECT PLANS AND/OR COMPLETED PRIOR TO THE ISSUANCE OF AN ENCROACHMENT AND/OR GRADING PERMIT:

31. GENERAL. All public improvements shall be made according to the latest adopted City Standard Drawings and Specifications. All work shall conform to the applicable City ordinances. The adjacent public right-of-way shall be kept clear of all job-related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the City performing the required maintenance at the developer's expense.

32. PLAN SUBMITTAL. All civil engineering, improvement, and landscape and irrigation plans shall be submitted to the City for review and approval to ensure conformance with this approval and with relevant codes, policies, standards and other requirements of the City of Oakley.

33. PLAN REVISION. Preliminary Stormwater Quality Plan was submitted for review. Final approval of plans and reports may affect the final design for the project. Applicant shall be responsible to make changes to meet the requirements from the City for Stormwater Quality Regulations. Submit signed & certified copy of Preliminary Storm Water Control Plan.

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

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

36. ENCROACHMENT PERMIT. All work in the public right-of-way, including any blockage or partial closure of sidewalks will require an Encroachment Permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.

37. GRADING PERMIT. All earthwork must comply with the City's Grading Ordinance. A Grading Permit must be issued by the public works department prior to site disturbance.

38. EASEMENTS. Owner/Applicant/Developer shall provide copy of recorded Grant of Easements and/or land acquisition, right of entry for all permanent and temporary construction of improvements required for the project. No permit will be issued until recorded documents are provided to the satisfaction of the City Engineer.

39. PERMIT ISSUANCES. Approval from Iron House Sewer District, Diablo Water District, and East Contra Costa Fire District is required prior to City of Oakley approval of any grading permit and/or improvement plans.

40. PUBLIC WORKS INSPECTIONS. The developer or their representative shall notify the Engineering Inspector at least forty-eight (48) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all improvements in approved plans. Failure to do so will result in rejection of work that was completed without inspection.

41. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the commencement of any site work, the general contractor shall:

42. Along with the project applicant, attend a pre-construction meeting with the City Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;

43. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.

44. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the State SMARTS system for projects disturbing more than one acre and obtain a WDID number. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, City standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the City of Oakley's NPDES Permit.

45. DUST CONTROL. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the City Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept daily during the workweek to the satisfaction of the City. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

46. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor to make sure that all dirt tracked into the public right-of-way is cleaned up daily. Mud, silt, concrete and other construction debris SHALL NOT be washed into the City's storm drains. Construction entrances must be in place per the Erosion Control Plan.

47. TRAFFIC CONTROL PLAN. The project applicant will be required to work with the Public Works Department to develop a traffic control plan per the current California MUTCD. This plan will include, but not be limited to, the following measures:

48. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, and special events.

49. Flag persons shall be placed at locations necessary to control one-way traffic flow, if required. All flag persons shall have the capability of communicating with each other to coordinate the operation.

50. Prior to construction, advance notification of all affected residents, businesses and emergency services shall be made regarding one-way operation, specifying dates and hours of operation and lane closures on main arterial and collector streets and will be permitted only between the hours of 8:30AM to 2:30PM on M, T, TH & F. 8:30AM to 12:00PM on W.

51. The traffic control plan shall be reviewed for compliance to the project's Haul Route, approved by the City of Oakley.

52. A full road closure will require a detour plan and a road closure permit issued by the Public Works Department.

53. CONSTRUCTION MANAGEMENT PLAN. The Applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations. The public street shall not be used for any construction related activities, including parking for workers and storage of vehicles.

54. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Public Works & Engineering Inspector and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

55. SIDEWALK REPAIR. The developer shall repair and replace to existing City standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per City Standard Details. The limits of sidewalk repair will be determined by the Public Works Inspector during the construction phase of the project.

56. CURB AND GUTTER. The developer shall repair and replace to existing City standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per City Standard Details. The limits of curb and gutter repair will be determined by the Public Works Inspector during the construction phase of the project.

57. CONSTRUCTION NOISE. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA. Pickup and delivery of materials and equipment is restricted to the City of Oakley's standard working hours unless prior written approval is obtained by the Public Works Department.

58. GOOD HOUSEKEEPING. Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during

working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division. The adjacent public right-of-way shall be kept clear of all job-related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the City performing the required maintenance at the developer's expense.

59. GEOLOGY AND SOIL MITIGATION MEASURES. A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. All recommendations of the investigation shall be incorporated into project plans. One copy of the geologic report shall be submitted with the grading permit and public improvement application. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations. The applicant's soils engineer's approval shall then be conveyed to the City either by letter or by signing the plans.

60. GRADING

61. Grade any slopes with a vertical height of four (4) feet or more at a slope of 3H to 1V. Retaining walls that may be installed to reduce the slope must be masonry and comply with the City's building code.

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

63. At least one week prior to commencement of grading, the applicant shall post the site and mail to the owners of property within 300 feet to the exterior boundary of the project site notice that construction work will commence. The notice shall include a list of contact persons with the name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall always be kept current and shall consist of persons with authority to indicate and implement corrective action in their area of responsibility. The names of the individual responsible for noise and litter control shall be expressly identified

in the notice. The notice shall be reissued with each phase of major grading activity. A copy of the notice shall be concurrently transmitted to the City Engineer. The notice shall be accompanied by a list of the names and addresses of the property owners noticed, and a map identifying the area noticed.

64. Submit a Haul Route Plan to the City Engineer for review and approval prior to importing or exporting any material from the site. The plan shall include the location of the borrow or fill area, the proposed haul routes, the estimated number and frequency of trips, and the proposed schedule of hauling. Based on this plan, the City Engineering shall determine whether pavement condition surveys must be conducted along the proposed haul routes to determine what impacts the trucking activities may have. The project proponents shall be responsible to repair to their pre-construction condition any roads along the utilized routes.

65. Prior to commencement of any site work that will be result in a land disturbance of one acre or more, the applicant shall provide evidence to the City Engineer that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be a copy of the Notice of Intent Letter sent by the State Water Resources Control Board. The WDID Number shall be shown on the grading plan prior to approval by the City Engineer.

66. The burying of any construction debris is prohibited on construction sites.

67. NPDES – NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. Comply with all rules, regulations and procedures of the NPDES for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, the Regional Water Quality Control Board (Central Valley – Region IV), including the Stormwater C.3 requirements as detailed in the Guidebook available at www.cccleanwater.org

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

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

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE APPROVAL OF THE PUBLIC AND/OR PRIVATE IMPROVEMENT PLANS:

69. GRADING & PRIVATE ONSITE IMPROVEMENTS. Grading and private onsite improvement plans shall be prepared by a California registered civil engineer, reviewed and approved by the City. The Developer shall coordinate with the City who is constructing the adjacent parking lot and Norcross Way improvements

70. TURNING RADIUS EXHIBIT. Submit a turning radius exhibit to the City Engineer for review and approval to illustrate that the ninety-degree turns of project entrance can accommodate the largest expected vehicle to use the streets without the inclusion of City standard elbows. If the exhibit illustrates that elbows are necessary to accommodate the expected traffic, then they shall be included in the improvement plans. Provide a minimum outside turning radius of 45 feet and a minimum inside turning radius of 28 feet within the parking lot. Show truck turning radius for garbage truck for garbage pickup. Please provide narrative on how this process will be handled

71. DRAINAGE IMPROVEMENTS.

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

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

    c) All SD system onsite are to be private and maintained by the property owner.

72. SIGHT DISTANCE EXHIBIT. For the project driveways' ingress and egress, provide an exhibit that will analyze the sight distance required for the appropriate speed limit identified with this project consistent with the recommendations from the Traffic Impact Report and as required by the City Engineer.

73. DESIGN CHANGES. The Applicant's registered Engineer shall notify the City Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the City before altered work is started. A plan revision must be submitted for approval by the City Engineer.

74. JOINT TRENCH PLANS. The applicant shall submit Joint Trench Composite Plans to the City for review prior to approval of improvement plans or recordation of the final map. The developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or

arrangements of junction structures as a part of the improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer. The joint trench plans shall include street and/or site lighting and associated photometrics. A letter shall be provided by PG&E stating that public streetlight billing will be per Rule LS2A, and that private lights shall be metered with billing to the owner. Pole numbers, assigned by PG&E, shall be clearly delineated on the plans.

75. WATER and SANITARY SEWER DESIGN. Plans must be reviewed and approved by the Water and Sewer District prior to issuance of any permit.

76. UTILITIES & UNDERGROUNDING.

    a) Underground all new and existing utility distribution facilities per City of Oakley code section Title 6 Chapter 8 Underground Utility Districts.

    b) All utility boxes shall be installed underground, and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.

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

    d) A written approval from Diablo Water District and Iron House Sanitary District must be provided that all underground utility improvements have passed all testing requirements prior to commencement of paving a street.

77. UTILITY SETBACKS. Utility lines shall be set back from building foundations a sufficient distance to allow excavation of the utility without undermining the building foundations. The City Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.

78. FENCING. Any proposed fencing and walls shall be located on private property and maintained by the property owner or owner.

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT AND/OR INCORPORATED DURING CONSTRUCTION TO THE SATISFACTION OF THE CITY ENGINEER:

79. PRIVATE EASEMENTS. Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the parcel map.

80. EASEMENTS. All easements no longer in use shall be abandoned/quitclaimed. Recorded documents shall be provided to the City prior to release of any building permits.

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

82. PAD CERTIFICATION. A letter from a licensed land surveyor stating that the building pad was constructed in accordance with the approved plans shall be provided prior to the issuance of the building permit. Verify building FF elev. meets city code freeboard requirements.

83. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted to the City before any building permit is granted. Provide recommendation from geotechnical engineer if moisture barriers are necessary between proposed building and bio-retention areas.

84. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS. The property owner shall enter into an agreement with the City for maintenance of the stormwater filtration devices required to be installed on this project. The agreement will specify that certain routine maintenance shall be performed by the property owner and will specify device maintenance reporting requirements. The agreement will also specify routine inspection requirements, permits and payment of fees. The agreement shall be recorded prior to release of any occupancy permits.

85. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the City before acceptance of improvements.

86. IMPACT FEES

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

a. Traffic Impact Fee (authorized by Ordinance No. 14-00, adopted by Resolution 49-03);

b. Regional Transportation Development Impact Mitigation Fee or any future alternative regional fee adopted by the City (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05);

c. Park Land Dedication In-Lieu Fee (adopted by Ordinance No. 03-03);

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

e. Public Facilities Fee (authorized by Ordinance No. 05-00, adopted by Resolution No. 18-03);

f. Fire Facilities Impact Fee (adopted by Resolution No. 09-01);

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

87. ANNEXATIONS

a) Annex the property to the City of Oakley Community Facilities District No. 2018-1 Fire Protection Services (CFD – Community Facilities District) for funding certain services within the boundaries of the City of Oakley including fire protection services. The applicant/owner/developer shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of the annexations shall be paid by the applicant/owner/developer. The assessment shall be the per parcel annual amount set by CFD at the time of the annexation. Annexation shall be completed prior to filing of any map action.

b) Participate in the provision of funding to maintain police services by voting to approve a special tax for new parcels created by a new map or map action. 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 or map action. If the commercial and office buildings

are occupied prior to the City receiving the first disbursement from the tax bill, the project proponent shall be responsible for paying the pro-rate share for the remainder of the tax year prior to the City conducting a final inspection.

c) Annex the property to the City of Oakley Community Facilities District No. 2015-2 (CFD) for funding the maintenance and operation costs associated with regional, community and neighborhood parks, public area landscaping, street lights and storm water facilities. The applicant shall apply for annexation and provide all information and documents required by the City to process the annexation. All costs of the annexations shall be paid by Applicant. The assessment shall be the per parcel annual amount set by CFD at the time of annexation. Annexation shall be completed prior to issuance of the building permit.

d) Applicant shall comply with the drainage fee requirements for Drainage Area 29D as adopted by the County Board of Supervisors. The applicant shall pay the fee in effect at the time of building permit issuance. Certain improvements required by the Conditions of Approval for this development or the Code may be eligible for credit or reimbursement against the drainage area fee. The developer should contact the City Engineer to personally determine the extent of any credit or reimbursement for which they might be eligible. Any credit or reimbursements shall be determined prior to filing the final map or as approved by the Flood Control District.

ADVISORY NOTES

The following Advisory Notes are provided to the applicant as a courtesy but are not a part of the conditions of approval. Advisory Notes are provided for the purpose of informing the applicant of additional ordinance requirements that must be met in order to proceed with development.

A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.

B. The project will require a grading permit pursuant to the Ordinance Code.

C. Applicant shall comply with the requirements of Iron House Sanitary District.

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

E. Comply with the requirements of the East Contra Costa Fire Protection District.

F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th day of September, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____

Kevin Romick, Mayor Date

ATTEST:

_____

Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

3350 Main Street Design Review (DR 06-20)

City of Oakley City Council Meeting

September 8, 2020

Requested Approvals

- Design Review –
  - Site design
  - Building elevations/Architecture
  - Landscaping

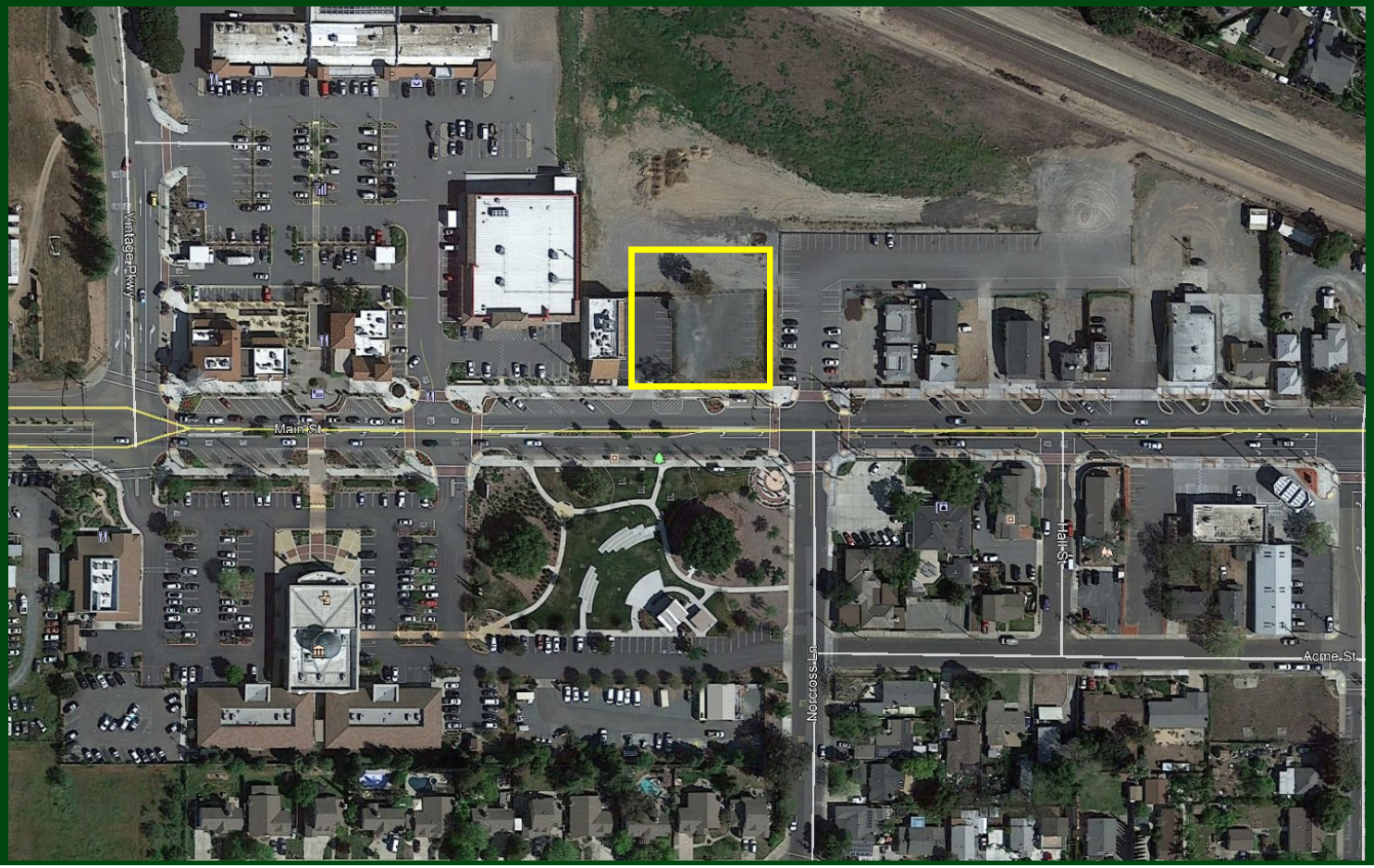
Background

- Disposition and Development Agreement between the City and R & R Pacific Construction Inc. approved by the City Council on June 23, 2020

Project Location Information

- Northwest corner of Main Street and Norcross Avenue
- General Plan – Commercial Downtown (CD)
- Zoning – Downtown Specific Plan (SP-4) "Downtown Core" Area

Aerial Photo

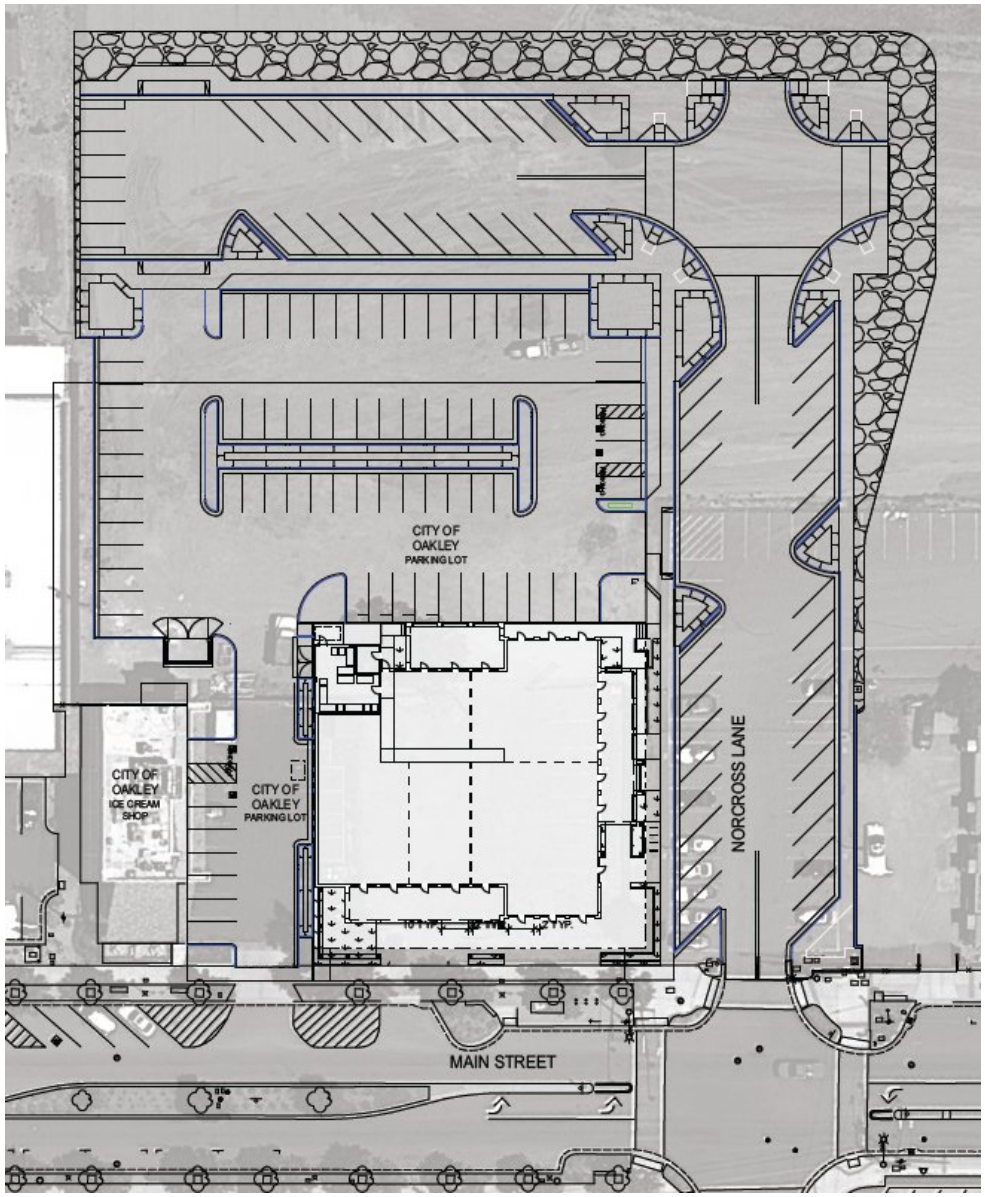


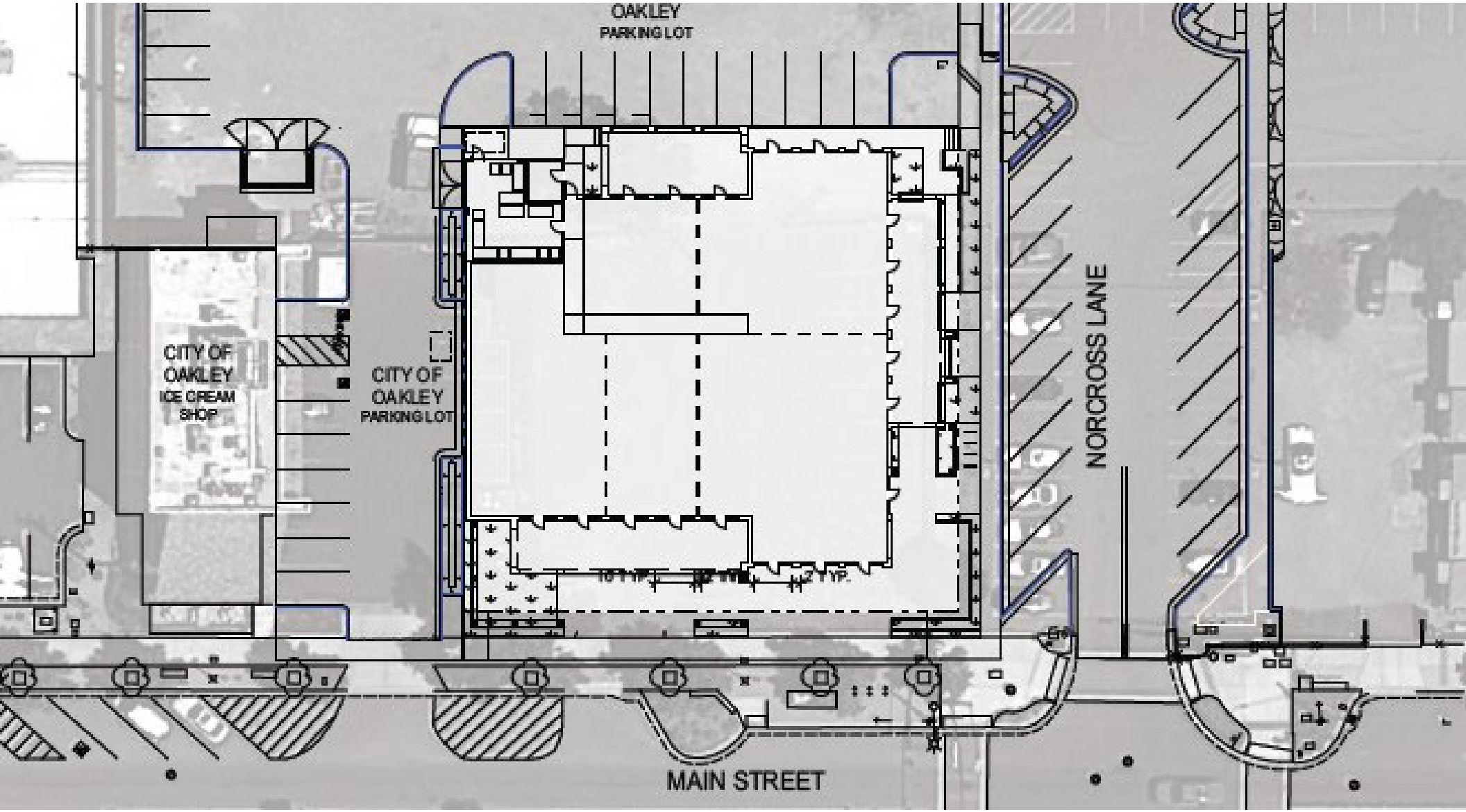
Existing Conditions

- Square parcel that is approximately 0.38-acres
- The site is currently vacant, and was originally purchased by the City in October 2015 as part of a larger 4.62-acre grouping of 2 parcels
- The project will occupy a small portion of the overall vacant land which will be developed with a series of parking lots to serve the train platform and transit station

Project Details

- 10,000 sq. ft., one-story retail/commercial building
- Site improvements limited to adjacent areas
- Parking and Norcross Ave extension to be constructed by the City


CITY OF
OAKLEY
PARKING LOT
CITY OF
OAKLEY
ICE CREAM
SHOP
CITY OF
OAKLEY
PARKING LOT
NORCROSS LANE
MAIN STREET


OAKLEY
PARKING LOT
CITY OF
OAKLEY
ICE CREAM
SHOP
CITY OF
OAKLEY
PARKING LOT
NORCROSS LANE
MAIN STREET



1 RENDERING



2 RENDERING



3 RENDERING



4 RENDERING

Analysis

- Design Review
  - Building architecture is 360 degrees and pulls in architectural elements and materials from nearby structures. (extensive use of brick veneer, etc.)
  - Circulation and parking meets code requirements and fire district regulations.

Environmental

- Not subject to the Habitat Conservation Plan (HCP).

- This project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – In-Fill Development Projects.

Staff Recommendation

- Staff recommends the City Council adopt the Resolution approving Design Review (DR 06-20) for a new 1-story, approximately 10,000 sq. ft. building and associated site improvements on a project site locat4ed at the northwest corner of Main Street and Norcross Avenue. APN's: 037-160-006, 007 and portions of 018 and 027, as conditioned.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: August 28, 2020

TO: Bryan Montgomery, City Manager *Approved and Forwarded to the City Council*

FROM: Derek P. Cole, City Attorney

SUBJECT: **Resolution Approving a Fee Study Regarding a Fire-Facilities Fee; Introduction and Waiver of First Reading of an Ordinance Amending Chapter 9.2 of the Oakley Municipal Code Concerning the Fire-Facilities Impact Fee; and Resolution Authorizing the City Manager to Execute an Administration Agreement with the East Contra Costa County Fire Protection District concerning the Fire-Facilities Fee**

Introduction

This matter follows the workshop that occurred on August 11, 2020 regarding the proposed East Contra Costa County Fire Protection District ("ECCFPD") fire-facilities fee. At the September 8, 2020 City Council meeting, the Council is scheduled to:

- Adopt a resolution approving the fee study ECCFPD prepared to identify the fees that should be applied to residential and non-residential development;

- Introduce and waive the first reading of an ordinance amending Chapter 9.02 of the Oakley Municipal Code regarding the City's fire-facilities impact fee; and

- Authorize the City Manager to execute an Administration Agreement concerning the fire-facilities fee with ECCFPD.

Discussion and Staff Recommendation

The City Attorney and staff believe that additional City review is necessary prior to the introduction of the above items for City Council approval. For that reason, the City Attorney and staff recommend that this matter be continued to the Council's October 13, 2020 regular meeting.

Agenda Date: _____

Agenda Item: _____

OAKLEY
CALIFORNIA

STAFF REPORT

Date: September 8, 2020

To: City Council

From: Bryan Montgomery, City Manager

SUBJECT: **Authorize the City Manager to execute a Purchase Agreement with the Thomas and Rosalia Family Trust for a portion of property located at 4960 Fuschia Way in Oakley (APN 035-090-080) for the Expansion of the Police Department Parking Lot.**

Summary

Attachment 1 identifies a portion of the above-described property that the City could purchase for the expansion of the Police Department parking lot. The property proposed to be purchased is approximately 17,267 square feet (a survey is underway to create this lot and the exact square footage will be determined prior to Closing) and the asking price is $10 per square foot, or $172,267. This price is in line with some other comparable listings, but may be at a slight premium due to the severance of the property.

This acquisition would provide additional parking, some room for storage of trailers and other equipment and would give another egress/ingress for Police personnel to respond to calls. The portion proposed to be purchased also leaves enough of the remainder of the property to be developed (including the extension of Ruby Ave. west to Wildcat Way). The property is zoned for single-family homes.

Fiscal Impact

$172,267 plus the City's share of the closing costs. The funds are available in the General Fund's Fund Balance and the attached resolution includes the Council's appropriation of these funds and the authorization to use the funds for this purchase.

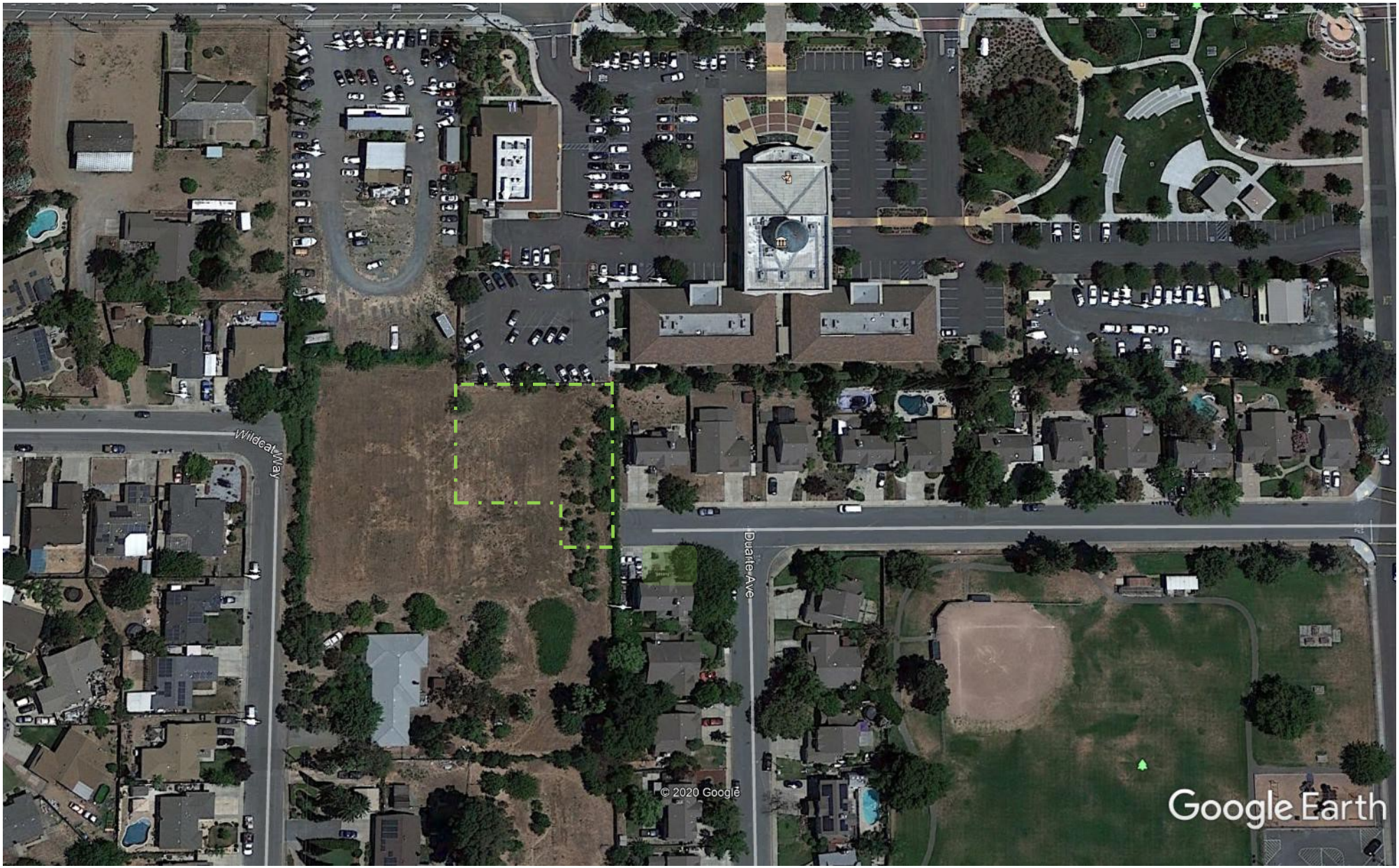
Recommendation

Adopt the Resolution authorizing the City Manager to enter into the Purchase Agreement.

Attachments

1. Description of the property
2. Purchase and Sales Agreement
3. Resolution

Approximately 17,267 sq ft of APN 035-090-080



Recording requested by
and return to:
City of Oakley
City Clerk
3231 Main Street
Oakley, CA 94561

REAL PROPERTY PURCHASE AGREEMENT
(Portion of APN 035-090-080)

THIS AGREEMENT is made and entered into this _____ day of _____, 2020, by and between the City of Oakley ("City"), on the one hand, and Thomas Seeno and Rosalia Seeno Family Trust ("Seller"). This Agreement is made with reference to the following facts:

WHEREAS, Seller is the legal owner of real property located at 4960 Fuschia Way and commonly known as Assessor's Parcel Number 035-090-080 ("Seller's Parcel"); and

WHEREAS, City desires to purchase a portion of Seller's Parcel located adjacent to the rear of City's Civic Center Plaza site, consisting of an approximately 17,267 square foot area as depicted in Exhibit "A," attached hereto and incorporated herein by this reference ("Property") for the purpose of expanding the parking lot of the Oakley Police Department; and,

WHEREAS, the City desires to complete a lot line adjustment that will create a new parcel from Seller's Parcel to be purchased by the City for the expanding parking lot;

WHEREAS, City desires to purchase and Seller is willing to sell and convey to City for the price and under the terms and conditions specified herein, fee simple interest to the Property; and,

WHEREAS, the trustees representing the Seller are willing to consent to the sale of the Property to City for the price and under the terms and conditions specified herein.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

For good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. <u>Entire Contract</u>

The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for the Grant Deed and shall relieve City of all further obligations or claims on this account.

2. <u>Seller shall</u>

A. Deposit in an escrow designated by the City, a Grant Deed suitable for recordation and conveying from Seller to City, fee simple title to the Property. Seller shall convey to City good and clear title to the Property, free and clear of all liens, leases, encumbrances, assessments and taxes. Seller shall deposit the Grant Deed into escrow on or before September 9, 2020. Seller shall be responsible for payment of all property taxes, assessments and liens, if any, up to the Close of Escrow. The Grant Deed shall be delivered to City upon Close of Escrow.

B. Clear any title exceptions not acceptable to City prior to Close of Escrow, including without limitation:

1. Any lien or encumbrance related to the deed of trust to secure an indebtedness; and,

2. Any lien or encumbrance related to an oil and gas lease executed by Thomas G. Seeno and Rosalia Seeno as lessor and Western Continental Operating Company, a corporation as lessee, recorded May 01, 1967 in Book 5358, Page 267 of Official Records.

3. City shall

A. Pay the sum of TEN DOLLARS ($10) per square foot for the Property, which is estimated to be ONE HUNDRED, SEVENTY-TWO THOUSAND AND SIX HUNDRED AND SEVENTY DOLLARS ($172.670.00) (the "Acquisition Amount") for the Property into an escrow account designated by City for the account of the Seller and conditioned upon the Property vesting in City free and clear of all liens, leases, encumbrances, assessments and taxes. The entire Acquisition Amount shall be paid at Close of Escrow.

B. Pay for, at its sole expense, any and all costs associated with the lot line adjustment and creation of the new parcel to be conveyed to the City. improvements to the land necessary for the completion of the parking lot, landscaping and any other public facilities necessary to complete City's parking lot expansion project.

C. Pay all escrow, recording and title insurance charges, if any, incurred in this transaction.

D. Have the authority to deduct and pay from the amount shown in Paragraph 2.A above any amount necessary to satisfy any liens, bond demands and delinquent taxes due in any year except the year in which this escrow closes, together with penalties and interest thereon, and/or delinquent and unpaid non delinquent assessments, which may have become a lien at the close of escrow. Current taxes, if unpaid, shall be segregated and prorated as of the close of escrow and paid from the amount shown in Paragraph 2.A above. Close of escrow for this transaction shall be contingent upon the title company receiving deeds of reconveyance from any deed of trust or mortgage holder trustees and beneficiaries.

Taxes for the tax year in which escrow closes shall be cleared and paid in the manner required by Section 5086 of the Revenue and Taxation Code, if unpaid at the at the close of escrow.

E. Pay for, at its sole expense, any and all improvements to the land necessary for the completion of the parking lot expansion, wall, landscaping and any other public facilities necessary to complete City's parking lot expansion project.

F. Work in good faith with any subsequent buyer of the remaining portion of Seller's Parcel for the development of single-family homes.

4. Payment of Deed of Trust

If the Property is secured by a mortgage(s) or deed(s) of trust, Seller is responsible for payment of any demand under authority of said mortgage or deed of trust out of Seller's proceeds. Such amounts may include, but not be limited to, payments of unpaid principal and interest.

5. Escrow Instructions

Seller hereby authorizes City to prepare and file escrow instructions in accordance with this Agreement on behalf of all parties. Close of Escrow shall be the date on which the Grant Deed, as described in Paragraph 2.A. above, is delivered to City and the payment for purchase of the Property has been deposited into escrow as set forth in Paragraph 3.A. above. Close of Escrow shall occur after September 8, 2020 and no later than September 18, 2020. The final date for Close of Escrow

may be extended in writing by mutual agreement of the parties in accordance with subparagraph 3.A. above.

6. Brokerage Services

In consideration of real estate brokerage service rendered by Brokers, Seller agrees to pay Brokers a real estate Brokerage Fee in a sum equal to 3% of the Purchase Price. This provision shall serve as irrevocable instruction to Escrow Holder to pay such Brokerage Fee to Brokers out of the proceeds accruing to the account of Seller at the Closing. City has no broker representation and shall not be responsible for the payment of any brokerage services.

Broker for Seller is: **KW Commercial of Danville, California** with the following contact information:

Kathleen Kragen, Director: 760 Camino Ramon. #200, Danville, CA 94526
Phone: (925)-448-4508 Fax: (925)-855-1333
Email: kkragen@kwcommercial.com
Agent Federal ID #: 567-41-0049
Broker DRE License #: 01359403
Agent DRE License #: 00974611
KW-Danville Tax ID: 47-0877190

7 Hazardous Wastes

The acquisition price for the Property reflects the fair market value of the Property without the presence of contamination. Seller hereby warrants that it is unaware of any hazardous materials or other materials of environmental concern existing on the Property.

Up to the date of Close of Escrow, Seller agrees that it will not use, generate, manufacture, store, dump, bury, leak or dispose of any flammable, explosive or radioactive material, toxic substance, hazardous material, or the equivalent on the Property and will use its best efforts to prevent others from doing so.

8. Right of Possession and Use

It is agreed and confirmed by the parties hereto that, notwithstanding the other provisions in this Agreement, the right of possession and use of the subject property by City, and/or its designees or assignees including the right to remove and dispose of existing improvements and install all improvements deemed necessary by City to complete its parking lot expansion project. City shall hold Seller harmless and free from any liability, claim or loss of any kind arising out the acts or omissions of City, its agents, officers and employees as a result of this right of possession and use.

9. Binding on Successors and Assigns

This Agreement shall be recorded and shall be binding on and inure to the benefit of the respective heirs, successors and assigns of the parties to this Agreement. Seller shall inform potential buyers of Seller's Parcel of the terms and conditions of this Agreement.

10. No Leases

Except as provided in Paragraph 10, below, Seller warrants that there are no oral or written leases, options or other possessory rights on all or any portion of Seller's Parcel, and Seller further agrees to hold City harmless and reimburse City for any and all of its losses and expenses occasioned by reason of any lease, options or other possessory rights on Seller's Parcel.

11. Release of All Claims

Seller hereby acknowledges and agrees that the receipt and acceptance of the payment set forth in Paragraph 2.A of this Agreement constitutes full and complete satisfaction of all claims, costs,

expenses including relocation expenses, demands, damages, compensation for acquisition of the Property as described herein, severance damages, loss of business goodwill, interest, litigation expenses, and attorney fees, and all claims, whether or not asserted or alleged by Seller or subsequent owner, for other losses or damages recognized under law which Seller or subsequent owner could assert or allege against the City, as a result of the City's acquisition of the property described herein, including but not limited to relocation expenses and/or benefits pursuant to existing Federal and/or HCD guidelines or any other law, regulation, or guideline. Seller hereby waives and releases all rights, claims, costs, expenses, demands, damages or causes of action the Seller has or may have in the future against the City as a result of or arising out of the City's acquisition of the property described herein. In furtherance of the intentions set forth herein, Seller acknowledges that they are familiar with Section 1542 of the Civil Code of the State of California, which provides:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

Seller hereby waives and relinquishes any right or benefit which it has or may have under Section 1542 of the Civil Code of the State of California or any similar provision of statutory or non-statutory law of any other applicable jurisdiction to the full extent that it may lawfully waive all such rights and benefits pertaining to the subject matter of this Paragraph 11.

12. Approval of City

Seller understands that this Agreement is subject to approval by the City Council of the City of Oakley and this Agreement shall have no force or effect unless and until such approval has been obtained.

13. Warranties

A. Seller represents and warrants that the signatories to this Agreement are authorized to enter into this Agreement to convey real property and authorize the releases contained herein, and that no other authorizations are required to implement this Agreement on behalf of Seller.

B. Seller represents that it will have at time of escrow the power to sell, transfer and convey all right, title and interest in the Property to City save and except for City-approved exceptions. Seller further represents that, except as disclosed in this Agreement, to the best of its current knowledge, the Property is not subject to any litigation proceedings, or investigation and contains no easements or interests of other parties which, if revealed or known, might materially affect the obligations or intentions of either party with respect to the objects of this Agreement. Seller further represents that there are no contracts, agreements or understandings with other parties concerning the Property that Seller has not already disclosed in writing to City.

C. Seller warrants that they shall not allow any liens, encumbrances, assessments, easements, leases or taxes to accrue on the Property during the pending of its transfer to the City except as provided in this Agreement, nor shall Seller attempt to resell the Property to any other person or entity whatsoever, during the pending of its sale to the City without the express written consent of the City, which consent shall not be unreasonably withheld.

14. Notices

All notices pertaining to this Agreement shall be in writing delivered to the parties hereto by personally by hand, by courier service or express mail, or by first-class mail postage prepaid, to the addresses set forth below. All notices shall be deemed given or delivered (a) if sent by mail, when deposited in the mail, first-class postage prepaid, addressed to the party to be notified, (b) if delivered by hand, courier service or express mail, when delivered, or (c) if transmitted by facsimile, when

transmitted. The parties may, by notice as provided above, designate a different address to which notice shall be given.

TO SELLER:	Stephanie M. Seeno-Smick 308 Paraiso Drive Danville, CA 94562 *and* Gregory M. Seeno 5247 Ironwood Lane Oakley, CA 94561
TO CITY:	City Manager 3231 Main Street Oakley, CA 94561

15. Specific Performance.

In the event of a breach of this Agreement by Seller, City shall be entitled to pursue any and all remedies available to it against Seller, including, without limitation, claims for all damages attributable to Seller's breach, and specific performance of this Agreement

16. General Provisions.

a. Entire Agreement. This Agreement constitutes the entire Agreement between Seller and City pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by all of the parties hereto. No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

b. Time of the Essence. Time is of the essence in this Agreement. In the event that any date specified in this Agreement falls on a Saturday, Sunday or public holiday, such date shall be deemed to be the succeeding day on which the public agency and major banks are open for business.

c. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

d. Headings. The captions to the paragraphs of this Agreement are inserted for convenience only and shall not affect the intent of this Agreement.

e. Language Construction. The language of each and all paragraphs, terms and/or provisions of this Agreement, shall, in all cases and for any and all purposes, and in any way and all circumstances whatsoever, be construed as a whole, according to its fair meaning, and not for or against any party hereto and with no regard whatsoever to the identity or status of any person or persons who drafted all or any portion of this Agreement.

f. Exercise of Discretion. Where the terms of this Agreement require approval or the exercise of discretion by Seller or the City, discretion shall not be exercised in an unreasonable, arbitrary, or capricious manner.

g. Counterparts. This Agreement may be simultaneously executed in multiple counterparts, all of which shall constitute one and the same instrument.

h. Recordation. This Agreement shall be recorded and shall constitute obligations running with the land described in Exhibit A, and shall be binding upon all future owners, tenants, and holders of any interest in such land, or any portion thereof.

IN WITNESS WHEREOF, the CITY OF OAKLEY, a municipal corporation, has authorized the execution of this Agreement in triplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2020-____, adopted by the Council of the City of Oakley on the 8th day of September 2020, and Seller has caused this instrument to be executed in duplicate on their behalves.

CITY OF OAKLEY

By: _____
Bryan H. Montgomery, City Manager

Date: _____

ATTEST:

By: _____
Libby Vreonis, City Clerk

APPROVED AS TO FORM:

By: _____
Derek P. Cole, City Attorney

SELLER:

By: _____
Stephanie M. Seeno-Smick, Co-Trustee

Date: _____

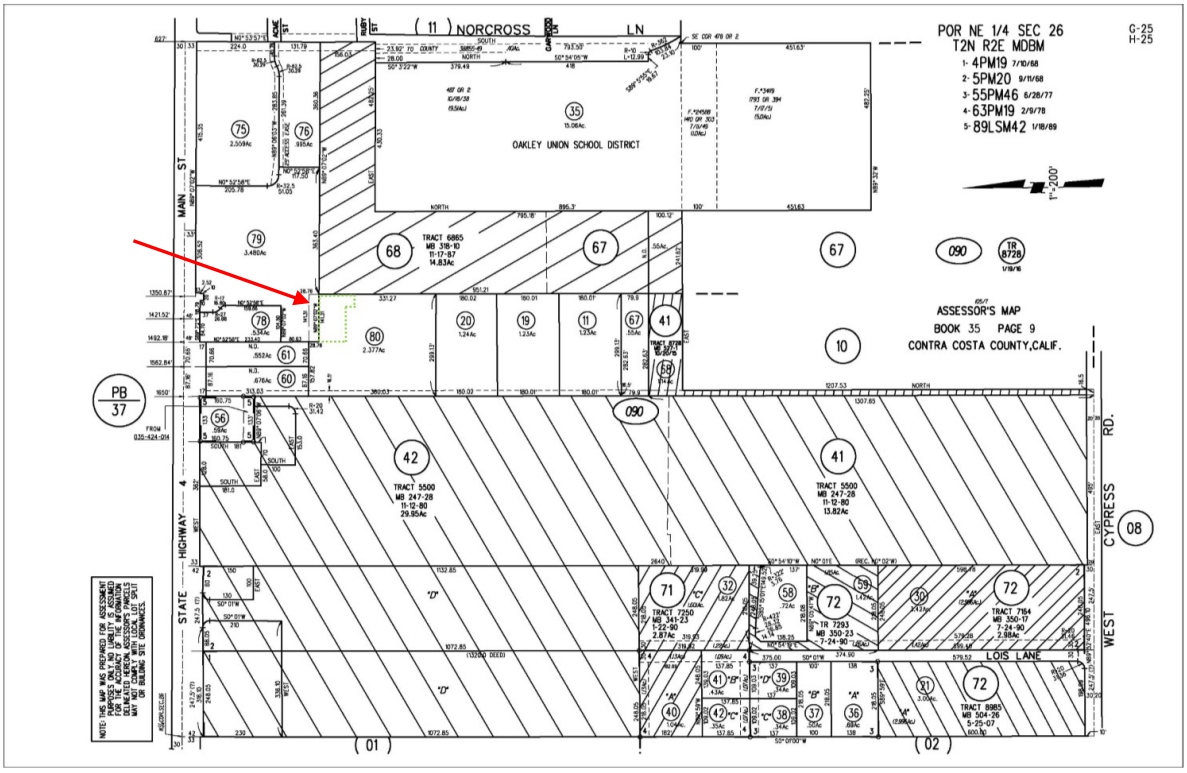
By: _____
Gregory M. Seeno, Co-Trustee

Date: _____

NO OBLIGATION OTHER THAN SET FORTH HEREIN WILL BE RECOGNIZED

EXHIBIT A


141.31
156'
56'
56'
Wrideat Way
Bradford Ave


NORCROSS LN
POR NE 1/4 SEC 26
T2N R2E MDBM
1- 4PM19 7/10/68
2- 5PM20 9/11/68
3- 55PM46 6/28/77
4- 63PM19 2/9/78
5- 89LSM42 1/18/89
G-25
H-25
OAKLEY UNION SCHOOL DISTRICT
1"=200'
MAIN ST
HIGHWAY 4
STATE
CYPRESS RD.
WEST
LOIS LANE
ASSESSOR'S MAP
BOOK 35 PAGE 9
CONTRA COSTA COUNTY,CALIF.
PB 37
TRACT 6865
MB 318-10
11-17-87
14.83Ac
TRACT 5500
MB 247-28
11-12-80
29.95Ac
TRACT 5500
MB 247-28
11-12-80
13.82Ac
TRACT 7250
MB 343-23
1-22-90
2.87Ac
TR 7293
MB 350-23
7-24-90
TRACT 7184
MB 350-17
7-24-90
2.98Ac
TRACT BIRS
MB 504-26
5-25-07
(01)
(02)

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH THE THOMAS AND ROSALIA FAMILY TRUST FOR THE PURCHASE OF A PORTION OF THE PROPERTY LOCATED AT 4960 FUSCHIA WAY IN OAKLEY (APN 035-090-080) FOR THE EXPANSION OF THE POLICE DEPARTMENT PARKING LOT.

BE IT RESOLVED by the City Council of the City of Oakley that the City Manager is hereby authorized and directed to sign on behalf of the City a certain Purchase Agreement with the Thomas and Rosalia Seeno Family Trust for the purchase of approximately 17,267 square feet of real property; and, an exact copy of said Agreement is attached hereto.

BE IT FURTHER RESOLVED that the City Council appropriates funds from the General Fund's Fund Balance and authorizes the use of these appropriated funds required to effectuate the property purchase contemplated in the Agreement.

The foregoing resolution was introduced at a regular meeting of the Oakley City held on the 8th day of September, 2020 by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: September 8, 2020

TO: Mayor & City Council

Approved and Forwarded to the City Council

FROM: Bryan Montgomery, City Manager

SUBJECT: **RESOLUTION CONTINUING THE DECLARATION OF THE EXISTENCE OF AN EMERGENCY AFFECTING THE PUBLIC HEALTH AND SAFETY DUE TO THE NOVEL CORONAVIRUS (COVID-19) PANDEMIC**

Background and Recommendation

On March 17, 2020, the City Council adopted by Resolution 24-20 that formally declared emergency in Oakley due to the Coronavirus (COVID-19) pandemic. On May 12, 2020 and on June 9th the City Council extended the declaration.

A considerable amount of restrictions continue to exist within the prevailing Contra Costa Health Officer orders relating to COVID-19 and the City continues to make expenditures and take other actions related to the pandemic. It is the declaration of an emergency that better ensures some reimbursement for these expenditures and precautionary/emergency measures are likely to continue for at least another 60 days. It is advisable that the declaration of an emergency be extended yet again and be reconsidered again at the November 10, 2020 City Council Meeting.

Fiscal Impact

The declaration is helpful and necessary for the City to seek reimbursement for costs associated with the pandemic.

Recommendation

Staff recommends the City Council adopt the resolution that continues the declaration of emergency and that it be reconsidered at the November 10, 2020 City Council Meeting.

Attachment

1. Resolution

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY CONTINUING THE DECLARATION OF AN EMERGENCY AFFECTING THE PUBLIC HEALTH AND SAFETY DUE TO THE NOVEL CORONAVIRUS (COVID-19) PANDEMIC

WHEREAS, California Government Code Section 8630 empowers the City Council to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, public health officials have detected novel coronavirus COVID-19 ("COVID-19"), an infectious disease to which there is no known natural immunity and for which there is currently no vaccine, in numerous countries and the Center for Disease Control has determined COVID-19 presents a serious and imminent threat, and has confirmed community transmission in the Bay Area; and

WHEREAS, on March 4, 2020, the Governor of California proclaimed a state of emergency to exist in California as a result of the threat of COVID-19; on March 10, 2020, Contra Costa County proclaimed the existence of a local emergency caused by the introduction of COVID-19 and its contribution to the shortage of essential health care supplies; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency;

WHEREAS, on March 16, 2020, the Health Officer of the County of Contra Costa issued an order to address the COVID-19 public-health crisis; and

WHEREAS, on March 17, 2020 by Resolution 24-20, the Oakley City Council declared the existence of an emergency within the City of Oakley caused by COVID-19, and

WHEREAS, Resolution 24-20, in compliance with California Government Code Section 8630, called for the City Council to review the need for continuing the emergency declaration at least once every 60 days until termination; and

WHEREAS, Resolution 60-20 extended the declaration of emergency to be reconsidered once again at the City Council meeting to be held on June 9, 2020; and

WHEREAS, on June 9, 2020 the City Council extended the declaration of emergency once again; and

WHEREAS, the health orders related to COVID-19 issued by the Health Officer of the County of Contra Costa continue various related restrictions to deal with the pandemic.

NOW, THEREFORE, BE IT RESOLVED that City Council hereby continues and extends the declaration of emergency originally made on March 17, 2020 and the matter will be reconsidered at the November 10, 2020 City Council Meeting.

BE IT FURTHER RESOLVED that the City Manager, in consultation with the Mayor and with the advisement of the City Attorney, shall have the power to take such actions as are reasonable under the circumstances to carry out any of the directives or duties necessary to effectuate the goals and objectives of this declaration.

BE IT FURTHER RESOLVED that residents of Oakley are encouraged to remain calm, acknowledging that our country has faced many challenges and obstacles throughout our history and working together we have always persevered through those, as we will with the COVID-19 emergency.

PASSED, APPROVED AND ADOPTED this 8th day of September, 2020 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date