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, November 10, 2020
6:30 PM
Oakley City Council Chambers, 3231 Main Street, Oakley, CA
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.

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

A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley City Council and/or City Council Acting as the Successor Agency to the

Oakley Redevelopment Agency/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.

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

We provide social media options to stay connected to City Hall through Facebook, Twitter, Next Door and Instagram. Other opportunities to connect with City Hall include Engage In Oakley, Oakley OnDemand on the city's website; and by emailing info@ci.oakley.ca.us. Constant Contacts. Please contact us at (925) 625-7000 for additional information or at www.oakleyinfo.com.

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

Please keep cell phones/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 City Council/Oakley Public Financing Authority

1.2 Pledge of Allegiance to the Flag (Mayor Romick)

1.3 Proclamation Recognizing Law Enforcement Records and Support Personnel Week (Mayor Romick)

Proclamation

1.4 Update provided by Contra Costa Water District (Connstance Holdaway, Vice President, Board of Directors)
Presentation

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 Minutes of the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency and Special Public Financing Authority Meeting Held October 27, 2020 (Libby Vreonis, City Clerk)
Minutes 102720

3.2 Accept Report Out of Closed Session Memo (Derek P. Cole, City Attorney)
Memo

3.3 Waive the Second Reading and Adopt an Ordinance Adding Sections 2.7.004 and 2.7.006 to Chapter 7 of Title 2 of the Oakley Municipal Code Prohibiting Candidates' Use of the City's Current or Previous Logo/Seal or any Similar or Substantive Portion thereof, and Adding Sections 9.5.112(a)(14)(b) and 9.5.112(a)(14)(c) regarding Placement of Political Signs Prior to Elections and Requiring a Statement of Responsibility for Removal of Campaign, Candidacy or Ballot Measure Signs (Libby Vreonis, City Clerk)

Ordinance

3.4 Waive the Second Reading and Adopt an Ordinance Adding Article 8 ("Shared Mobility Devices") to Chapter 2 ("Streets and Sidewalks") of Title 6 of the Oakley Municipal Code Relating to the Placement and Use of Shared Mobility Devices in the Public Right-of-Way (Libby Vreonis, City Clerk/Paralegal)
Ordinance

3.5 City Council 1st Quarter Investment Report (Tim Przybyla, Finance Director)
Staff Report
1. City of Oakley Investment Report for the quarter ended September 30, 2020.

3.6 Successor Agency 1st Quarter Investment Report (Tim Przybyla, Finance Director)
Staff Report
1. City of Oakley as Successor Agency to the Redevelopment Agency Investment Report for the quarter ended September 30, 2020.

3.7 Consideration of a Resolution Approving an Agreement with Freyer & Laureta, Inc. and Amending the City of Oakley Fiscal Year 2020/21 Budget to Appropriate Funding for Engineering Design Services associated with CIP Number 253 - Police Department Parking Lot Expansion Project (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Proposal
2. Resolution

3.8 Acceptance of Park, Pond, and Storm Drain Pump Station Improvements associated with Emerson Ranch Subdivision 9032, Parcel H for Emerson Ranch Park (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. VICINITY MAP - Emerson Ranch Park

3.9 Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 1 Subdivision 9032 located near East Cypress Road and Emerson Ranch Parkway (Kevin Rohani, P.E., Public Works Director/City Engineer)
Staff Report
1. Resolution
2. VICINITY MAP - Neighborhood 1

3.10 Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 2A Subdivision 9347 located near East Cypress Road and Emerson Ranch Parkway (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report

1. Resolution

2. VICINITY MAP - Neighborhood 2A

3.11 Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 2B Subdivision 9348 located near East Cypress Road and Emerson Ranch Parkway (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report

1. Resolution

2. VICINITY MAP - Neighborhood 2B

3.12 Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 3 Subdivision 9349 located near East Cypress Road and Emerson Ranch Parkway (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report

1. Resolution

2. VICINITY MAP - Neighborhood 3

3.13 Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 4 Subdivision 9350 located near East Cypress Road and Emerson Ranch Parkway (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report

1. Resolution

2. VICINITY MAP - Neighborhood 4

3.14 Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 5 Subdivision 9351 located near East Cypress Road and Emerson Ranch Way (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report

1. Resolution

2 VICINITY MAP - Neighborhood 5

3.15 Approval of Subdivision Improvement Agreement and Final Map for the Oakley Logistics Center-Phase 2, Subdivision 9549 located near Bridgehead Road and Wilbur Avenue (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report

1. Resolution - SIA
2. Resolution - Final Map
3. SD 9549 - SIA
4. Final Map - SD 9549.pdf

3.16 Adopt a Resolution Amending Employee Salary Schedule Removing a Job Classification and Adding a New Job Classification (Nancy Marquez-Suarez, Assistant to the City Manager/HR Manager)

Staff Report
1. Resolution
2. Salary Ranges and New Employee Classifications - also Identified in Attachment A to the Resolution

3.17 Pre-Approved Accessory Dwelling Units (ADU) Program - Request the City Council to Authorize the City Manager to Execute a Personal Services Agreement with Precision Civil Engineering, Inc. in an Amount Not to Exceed $50,000 to Assist the City in Developing the Pre-Approved ADU Program (Ken Strelo, Principal Planner)

Staff Report
1. Draft Personal Services Agreement with Proposal as Exhibit A
2. Draft Resolution

3.18 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

4.PUBLIC HEARINGS

4.1 Conduct Public Hearing and Adopt a Resolution Approving the Emerson 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. Resolution

Exhibit A - Reimbursement Agreement

3. Property Meeting Q&A - 10-28-2020

4.2 Bethel Island LLC. Vesting Tentative Map Amendment (TM 03-20) – Request to amend the overall land plan of the existing Bethel Island LLC. Subdivision # 9156 to add 150 dwelling units. The new land plan results in a 1,205 unit subdivision and associated site improvements. The project site is designated Specific Plan in the Oakley 2020 General Plan and zoned SP-1 (East Cypress Corridor Specific Plan). The project is located south and southwest of Summer Lake South. (APN's: 020-140-048 and 020-150-003) (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. Proposed Subdivision 9156 Vesting Tentative Map
3. Planning Area 1 (Lesher) Vesting Tentative Map 9404, Planning Area 4 (Bethel Island LLC) Vesting Tentative Map 9156 East Cypress Corridor
4. Proposed Resolution
5. PowerPoint Presentation

4.3 Lesher Vesting Tentative Map Amendment (TM 04-20) – Request to amend the overall land plan of the existing Lesher Subdivision # 9404. This includes the remapping and addition of 227 dwelling units. The new land plan results in a 1283 unit subdivision and associated site improvements. The project site is designated Specific Plan in the Oakley 2020 General Plan and zoned SP-1 (East Cypress Corridor Specific Plan). The Project is located at the northwest corner of Bethel Island Rd. and East Cypress Rd. (APN's: 032-082-005 and 013) (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. Proposed Subdivision 9404 Vesting Tentative Map
3. Planning Area 1 (Lesher) Vesting Tentative Map 9404, Planning Area 4 (Bethel Island LLC) Vesting Tentative Map 9156 East Cypress Corridor Specific Plan Environmental Impact Report Addendum
4. Proposed Resolution
5. PowerPoint Presentation

5.REGULAR CALENDAR

6.REPORTS

6.1 CITY MANAGER
(a) City Manager
(b) Discussion regarding concepts for the oak tree area at Civic Center Park

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

8.1 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
One Potential Case.

8.2 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
City of Oakley v. Douglas and Lori Scheer
Contra Costa Superior Court Case No. CIVMSC19-00402.

8.3 Report Out of Closed Session (Derek Cole, City Attorney)

9.ADJOURN

Law Enforcement Records and Support Personnel Week

WHEREAS, the City Council of the City of Oakley appreciates the valuable contributions of our employees to the community; and

WHEREAS, the City Council wishes to specifically recognize and commend Police Records Assistants and Police Service Assistants for their outstanding dedication, hard work, and team effort in their roles as police support personnel; and

WHEREAS, the administrative professionals consistently demonstrate exemplary communication with community members, as well as with local, state and country-wide broadcasting of high-priority law enforcement information; and

WHEREAS, also demonstrated is excellent attention to detail with quality control, inventory, disposition of evidence and effective communication with the court community that is crucial to the successful completion of criminal cases; and

WHEREAS, dedication to the accuracy and efficient processing of police reports, property and evidence, court paperwork, and possess effective organizational skills which provide staff with assistance in the areas of data entry, filing, and report releases, along with positive and energetic attitudes make for a productive and pleasant workplace;

NOW, THEREFORE, BE IT PROCLAIMED that I, Mayor Romick, on behalf of the Oakley City Council, do hereby acknowledge with appreciation the women and men whose outstanding customer service, dedication, and professionalism ensure that the Oakley Police Department provides excellent service to the community and proudly recognize the week of November 8th through 14th, 2020, as *Law Enforcement Records and Support Personnel Week* in the City of Oakley and commend those dedicated professionals for their work on behalf of public safety.

DATED this 10th day of November, 2020.

_____

Kevin Romick, Mayor



CONTRA COSTA WATER DISTRICT

DISTRICT UPDATE

November 2020 | Vice President Holdaway

BOARD OF DIRECTORS

CONTRA COSTA WATER DISTRICT



Lisa M. Borba, AICP
President, Division 1



Connstance Holdaway
Vice President, Division 5



John A. Burgh
Director, Division 2

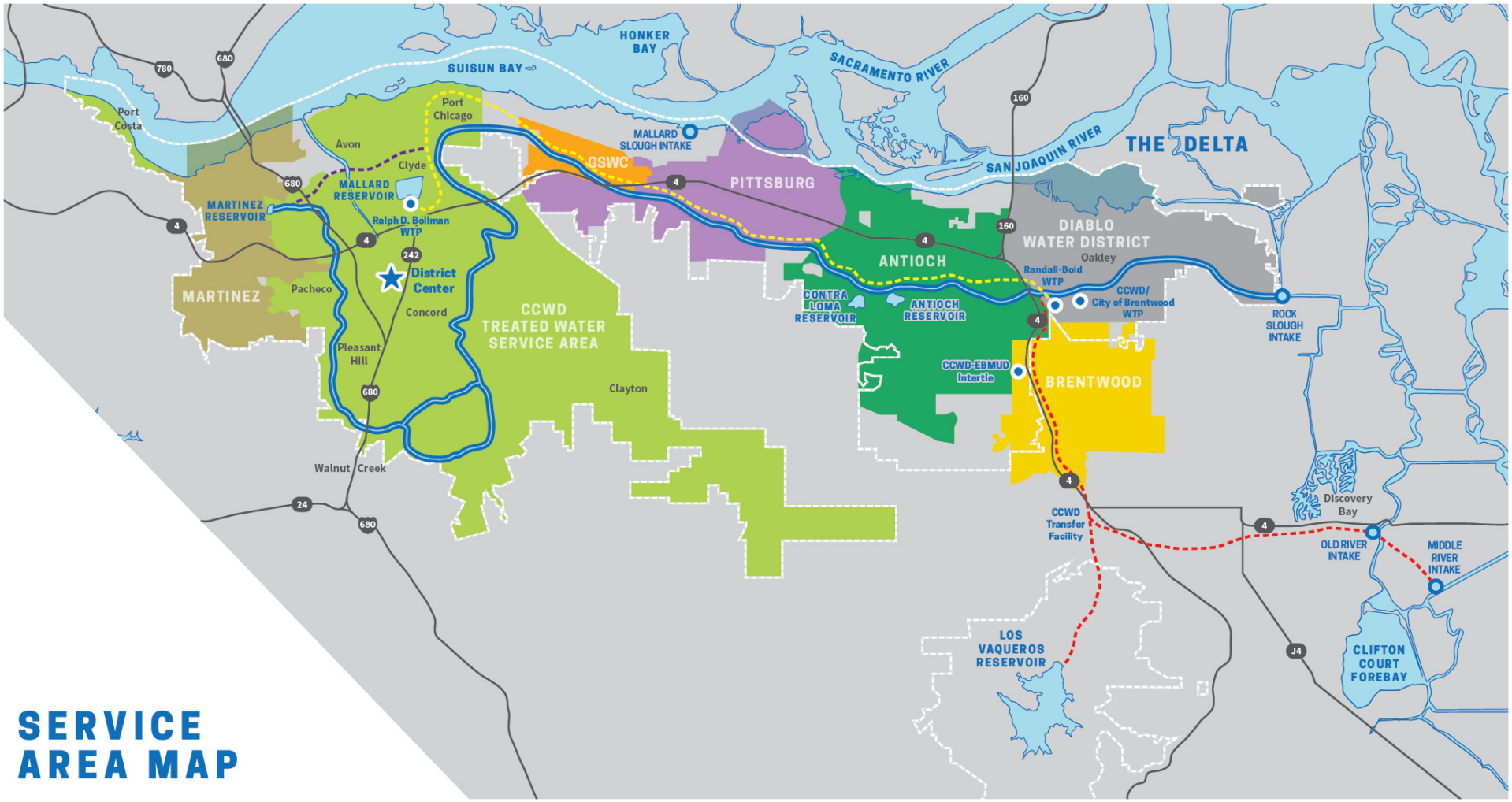


Ernesto A. Avila
Director, Division 3



Bette Boatmun
Director, Division 4

SERVICE AREA AND WATER SUPPLY



SERVICE AREA MAP

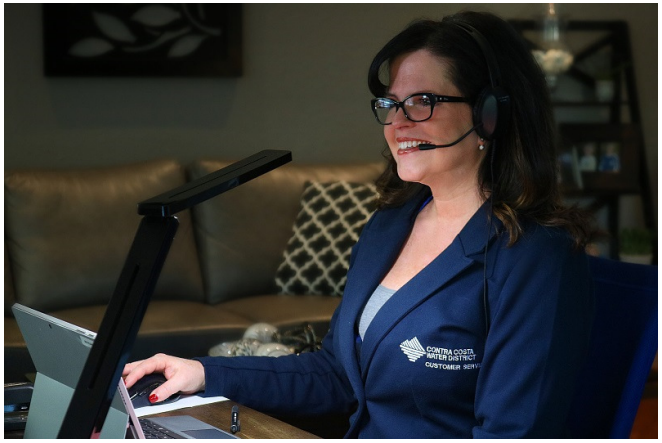
WATER SUPPLY TODAY



COVID-19 RESPONSE







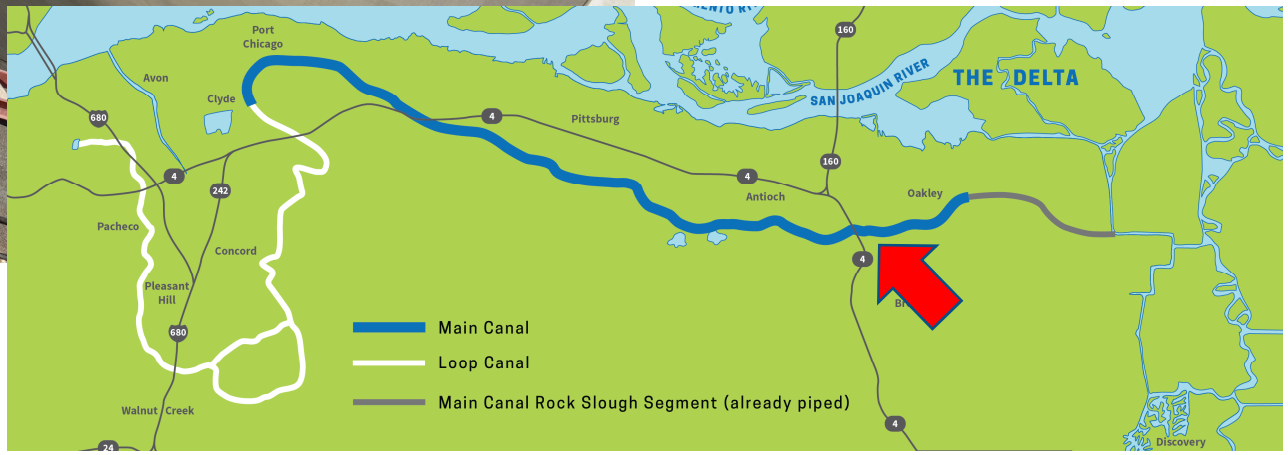


RANDALL-BOLD WTP



CONTRA COSTA CANAL





CONTRA COSTA WATER DISTRICT

LOS VAQUEROS RESERVOIR EXPANSION PROJECT



WATER EFFICIENCY SERVICES & REBATES

- Lawn to Garden Rebate
- Home Water Survey
- Web: ccwater.com/conserve
- Phone: 925-688-8320



SHOWING THE VALUE OF WATER

CONTRA COSTA WATER DISTRICT

Highlights

- Water quality
- Water treatment
- Resource protection
- Canal safety
- Career opportunities



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Questions? Please call 925-688-8000

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Contra Costa Water District

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Minutes of the Regular Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency and Special Meeting of the Oakley Public Financing Authority held October 27, 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 6:30pm. In addition to Mayor Romick, Vice Mayor Sue Higgins was present. Councilmembers Claire Alaura and Michael Krieg joined remotely by teleconference. Councilmember Pope was not present.

1.2 Pledge of Allegiance to the Flag (Mayor Romick)

Mayor Romick led the Pledge of Allegiance to the Flag.

1.3 Update provided by Diablo Water District (Dan Muelrath, General Manager)

General Manager Dan Muelrath provided an update to the City Council. He discussed current water supply conditions, local groundwater, plans for the future, fiscal sustainability, projects for Fiscal Year 20/21, details of new software for customers to allow customers to view water use and manage alerts, and building community partnerships.

Councilmember Alaura inquired what has been done thus far regarding the joint feasibility study with Ironhouse Sanitary District, how they might be able to work together, and what it will mean for consumers.

Mr. Muelrath responded that they are evaluating many types of options for projects including purple pipe, landscape irrigation, direct portable reuse (not allowed in CA) and the study provides that the best return on investment would be aquifer storage and recovery, but it is only feasible if grant funds from the state are received. He explained purple pipe is not as cost effective.

Mayor Romick thanked him for his report.

2) PUBLIC COMMENTS

None.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting held October 13, 2020 (Libby Vreonis, City Clerk)

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

3.3 Creation of an Ad-Hoc Subcommittee of the City Council Concerning East Contra Costa Fire Protection District (Derek Cole, City Attorney

Councilmember Alaura requested items 3.1 and 3.3 be pulled.

Item 3.1

Councilmember Alaura requested a correction to comment 3.3, page 21 of the agenda, in the paragraph beginning with "Councilmember Alaura". She requested the last sentence be changed from "now" to "not".

Item 3.3

Councilmember Alaura commented that the creation of an ad-hoc subcommittee is great step forward to work on issues with the Fire District and mentioned the waiting period to establish the ad-hoc subcommittee has to do with the election; they are waiting until the new Council is formed.

It was moved by Councilmember Krieg and seconded by Vice Mayor Higgins to approve the Consent Calendar with Item 3.1 amended. Motion was unanimous and so ordered. (4-0)

4) PUBLIC HEARINGS

4.1 Cypress Square Master Sign Program (SP 01-20) – Request for approval of a Master Sign Program for the Cypress Square Shopping Center (Ken Strelo, Principal Planner)

Principal Planner Ken Strelo presented the staff report.

Vice Mayor Higgins inquired if the building owner or tenants are paying for signs.

Mr. Strelo responded that tenants will likely pay for signs and will be required to obtain building and sign permits. He explained that the purpose of the resolution is to have sign consistency. He expressed that he does not believe the landlord will pay for the tenants' signs.

Councilmember Krieg inquired if there are situations where this has happened before and if staff thinks it could be problem for some tenants.

Mr. Strelo responded that this could vary from shopping center to shopping center; however, previously it applied to new shopping centers so all tenants had to adhere to a master sign program; here, existing tenants have not had to previously adhere to a master sign program so some tenants could be impacted and some may not be impacted.

Mayor Romick commented that the program will provide tenants a five year period to make arrangements for conforming signs.

City Manager Bryan Montgomery commented that it is common for landlords and tenants to negotiate leases and signs are a private matter that could be worked out between them.

Mayor Romick opened the public hearing.

There were no public comments received; therefore, 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. (4-0)

5) REGULAR CALENDAR

5.1 Waive the First Reading and Introduce an Ordinance Adding Article 8 ("Shared Mobility Devices") to Chapter 2 ("Streets and Sidewalks") of Title 6 of the Oakley Municipal Code Relating to the Placement and Use of Shared Mobility Devices in the Public Right-of-Way (Libby Vreonis, City Clerk/Paralegal)

City Clerk/Paralegal Libby Vreonis presented the staff report.

Councilmember Alaura requested to change the definition of shared mobility devices to include people-powered devices.

Mayor Romick suggested a change could be made to reflect all devices reserved by a smartphone application to be inclusive of all types of devices.

City Attorney Derek Cole suggested the language could be changed to read "that may be powered by a motor". He mentioned the amendment should be included in the motion.

It was moved by Councilmember Alaura and seconded by Councilmember Krieg to waive the first reading and introduce the ordinance as amended (replace "is" with "may be" in OMC Section 6.2.804). Motion was unanimous and so ordered. (4-0)

5.2 Waive the First Reading and Introduce an Ordinance regarding Campaign Contributions Limitations, Campaign Signs and Candidates' Use of the City's Logo/Seal or Similar Reproduction (Libby Vreonis, City Clerk/Paralegal)

City Clerk/Paralegal Libby Vreonis presented the staff report.

Vice Mayor Higgins inquired if the City can trademark its logo.

Mrs. Vreonis responded that the City can trademark its logo; however there is an annual expense to the City to do so.

Vice Mayor Higgins inquired if people can use the City's logo on Zoom in the background although they do not have rights to it similar to songs being used on Instagram when people say they are using songs but don't have rights to the song.

Mayor Romick asked if City Attorney Derek Cole may have comments regarding what recourse the City may have if the ordinance is adopted and people use the logo then ask for forgiveness.

Mr. Cole responded that the context would be relevant. He explained if the person is engaging in some form of protected speech, the City may not have recourse; however, is someone is using the logo for a commercial purpose to suggest they are somehow tied to the City or a candidate uses the logo, there may be recourse. He mentioned someone using the logo for a protest, for example, might be a situation where the City would not have recourse. He explained that his predecessor provided a detailed memo to the Council some years ago regarding this topic and it is something staff can look into further if preferred by the Council.

Mayor Romick commented that for this ordinance, the concern is that future candidates cannot stand in front of the City's logo and there are penalties if they do. He asked if that is correct.

Mr. Cole confirmed that it correct.

Councilmember Krieg mentioned he has business experience with intellectual property and he is not certain that a challenge to someone using the City's logo would be resolved in the short period of time for an election campaign; therefore, he doesn't support that aspect of it. He commented he is inclined to opt to do nothing, but he would like to hear other comments.

Mayor Romick inquired if the Council does nothing at all, it accepts the state default contribution limitations which does not include anything regarding campaign signs or the logo.

Mrs. Vreonis confirmed that is correct.

Mayor Romick commented that Oakley is not as inundated as other surrounding cities with signs; however, he would like to see signs not placed 90 days prior to an election as he has viewed occurring in other local cities. He mentioned he understands that the City wouldn't be able to prosecute anyone with the short period of time during an election for use of the City's seal/logo; however, he would like to let candidates know they cannot use it; therefore, he is in favor of Option 2 presented in the staff report. He mentioned he is not real keen on campaign contribution limitations.

Vice Mayor Higgins commented she doesn't mind how much money is contributed to a campaign because she sees it as an ethical issue; the candidate has to determine what that contribution means and how it will be used to promote themselves and not who gave it to them; it is something they will have to work out on their own.

Mrs. Vreonis shared information regarding contribution amounts from Oakley's 2016, 2018 and 2020 elections. She explained there has been a considerable jump in contributions made during the current election.

Councilmember Alaura commented she is more inclined to go with Option 2 as the state law sets a limit. She mentioned she understands that there has been an increase in contributions for the current election but that it is a different type of campaign that people are running these days the candidate will have to answer to their contributors and to the public for contributions received and whether or not that will have any impact on their future decisions. She expressed there should be regulation on when signs can be placed and taken down. She mentioned she does not feel that the City would be able to prosecute or hold anyone accountable anyone during the short period of an election for use of the City's seal/logo, but most reasonable people would see it as a warning not to use it, although it is unknown who you might get in the future so

she is uncertain if it is necessary, or as Vice Mayor Higgins suggested, a trademark may suffice to address use of the City's seal/logo even outside an election campaign. She mentioned she would go with Option 2 and regulate campaign signs, and perhaps trademark the City's seal/logo.

Mayor Romick asked if Councilmember Krieg had any further comment.

Councilmember Krieg commented that trademarking the City's seal/logo may carry more weight. He mentioned while people may not always understand what you can or cannot do with intellectual property, he believes most people understand that you can't use something that has been trademarked. He mentioned if it costs the City money to do it, so be it and the Council can decide. He mentioned as long as everyone understands that there is probably not a lot the City can do if a candidate uses the City's seal/logo during a campaign, it could be useful for the City Clerk to include in candidate paperwork so candidates are aware they should not use it. He commented he could get on board with Option 2.

Mayor Romick asked Mrs. Vreonis to repeat what Option 2 provides.

Mayor Romick asked if there is consensus on campaign signs and received consensus on: no placement of signs before 90 days, taking signs down 10 days after an election and having a signed Statement of Responsibility before signs may be placed.

Mayor Romick mentioned there is consensus on the default state contribution limits, trademark of the City seal/logo and campaign signs. He inquired what action the Council would take to move forward on these items.

City Attorney Derek Cole mentioned the action would be to introduce the ordinance identified as Option 2 that would enact changes to Oakley Municipal Code Sections 2.7.004 and 2.7.006 as well as add various subsections to Section 9.5.112.

It was moved by Councilmember Krieg and seconded by Councilmember Alaura to waive the first reading and introduce the ordinance. Motion was unanimous and so ordered. (4-0)

6) REPORTS

6.1 CITY MANAGER
(a) City Manager

None.

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

Vice Mayor Higgins announced on Halloween, food distribution will occur at St. Anthony Church, 12 p.m. until 2 p.m. and beginning November 5, food distribution at the Oakley Senior Center will change to every Thursday, 1:00 p.m. until 2:30 p.m. and anyone is welcome to call them if

they have questions. She also announced that the You, Me, We=Oakley! committee met and has information available on the City's website regarding an ofrenda honoring departed loved ones located at La Costa October 29 through November 2 for Dia de Los Muertos. She reported she attended a League of California Cities East Bay Division meeting where Ron Davis whom advises the Governor on police reform presented and Carolyn Coleman was sworn in as the League's Executive Director. She also reported she attended an Ironhouse Sanitary District meeting and the discussion was regarding a section of sagging pipe in which the Board took no action, leaving it up to staff to work with the developer and reach a compromise.

Councilmember Alaura reported she also attended the online League of California Cities East Bay Division meeting where Ron Davis whom advises the Governor on police reform presented. She shared that the concept discussed regarding police reform was a reimagining of police, not defunding police, but instead reevaluating responsibilities which have been placed on police over past decades and whether those responsibilities, particularly involving mental health, should be shared or taken, and work in conjunction with the county as it has mental health resources. She explained she understood the direction to be that it is up to each individual city to figure it out and form partnerships.

Councilmember Krieg reported that he attended a You, Me, We=Oakley! committee meeting along with Vice Mayor Higgins. He shared that the committee is looking at ways to hold citizenship workshops, possibly virtually or otherwise, which they hope may occur soon.

Mayor Romick announced that Contra Costa County moved from the red tier to the orange tier for COVID-19 this morning which means restaurants can now accommodate 50% indoor dining capacity, along with other openings available on the County's website. He shared that the City received a letter from the Summer Lakes Home Owners Association thanking the City for the slurry seal project. He reported he attended a Contra Costa Transportation Authority meeting and a concept called "Linked21" was introduced. He explained "21" refers 21 Northern California regions and how they might link together by transportation methods available; however, it focuses on transporting people to San Francisco and Santa Clara where there are jobs. He shared there were objections made because San Francisco and Santa Clara are not keeping up with housing and jobs should be coming to where there is housing, not the other way around.

(b) Requests for Future Agendas

Vice Mayor Higgins mentioned SB1120 allows for 8 units where 1 home stands now unless cities have capped areas at 4 units. She asked if staff could look at a cap of 4 units.

7) WORK SESSIONS

None.

Mayor Romick announced the closed session items.

8) CLOSED SESSION

8.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
City of Oakley v. Scelsi, et al.
Contra Costa Superior Court Case No. MSN16-1620

A report was given by the City Attorney and no reportable action was taken.

8.2 CONFERENCE WITH LEGAL COUSEL-ANTICIPATED LITIGATION
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)
One Potential Case.

A report was given by the City Attorney and no reportable action was taken.

8.3 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
One Potential Case.

A report was given by the City Attorney and no reportable action was taken.

8.4 Report Out of Closed Session (Derek Cole, City Attorney)

9) ADJOURN

There being no further business, the meeting was adjourned at 8:14 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

OAKLEY
CALIFORNIA

MEMORANDUM

Office of the City Attorney

Date: November 3, 2020

To: Mayor and Members of City Council

Cc: Bryan Montgomery, City Manager

From: Derek P. Cole, City Attorney

Subject: Closed Session Report-Out Memo

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF NOVEMBER 10, 2020

Background and Analysis

The City Council considered the following closed session items at its meeting held October 27, 2020:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
City of Oakley v. Scelsi, et al.
Contra Costa Superior Court Case No. MSN16-1620

A report was given by the City Attorney and no reportable action was taken.

CONFERENCE WITH LEGAL COUSEL-ANTICIPATED LITIGATION
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)
One Potential Case.

A report was given by the City Attorney and no reportable action was taken.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
One Potential Case.

A report was given by the City Attorney and no reportable action was taken.

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

None.

ORDINANCE NO. ___-20

AN ORDINANCE OF THE OAKLEY CITY COUNCIL ADDING SECTIONS 2.7.004 AND 2.7.006 TO CHAPTER 7 OF TITLE 2 OF THE OAKLEY MUNICIPAL CODE PROHIBITING CANDIDATES' USE OF THE CITY'S LOGO/SEAL OR SIMILAR REPRODUCTION, AND ADDING SECTIONS 9.5.112(a)(14)(b) and 9.5.112(a)(14)(c) REGARDING PLACEMENT OF POLITICAL SIGNS PRIOR TO ELECTIONS AND REQUIRING A STATEMENT OF RESPONSIBILITY FOR REMOVAL OF CAMPAIGN, CANDIDACY OR BALLOT MEASURE SIGNS

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

Section 1. Chapter 7 of Title 2 of the Oakley Municipal Code is hereby amended to add Sections 2.7.004 and 2.7.006 to read as follows:

"2.7.004 Candidates' Use of City Logo/Seal Prohibited.

Candidates' use of the City of Oakley's current or previous logo or seal, use of any similar or like-kind reproduction of the City of Oakley's current or previous logo or seal, or use of any substantive portion of the City of Oakley's current or previous logo or seal thereof is prohibited.

2.7.006 Violations.

Violations of Section 2.7.004 may be punishable as set forth in Chapter 5 of Title 1 of this Code or by any other means of law."

Section 2. Chapter 5 of Title 9 of the Oakley Municipal Code is hereby amended to add subsections 9.5.112(a)(14)(b) and 9.5.112(a)(14)(c) to read as follows:

"b. Temporary signs allowing elections, candidacies or ballot measures shall be placed no sooner than ninety (90) days prior to an election.

c. A Statement of Responsibility on a form provided by the City must be completed by any candidate for a general municipal election or any election, candidacy or ballot measure prior to the placement of any temporary sign advertising or representing such election, candidacy or ballot measure. At minimum, the form shall name the responsible party for removal of such temporary signs, provide contact information for the responsible party and be signed by the responsible party."

Section 3. Severability.

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

Section 4. California Environmental Quality Act ("CEQA") finding.

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

Section 5. Effective Date and Publication.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2020 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

ORDINANCE NO. ___-20

AN ORDINANCE OF THE OAKLEY CITY COUNCIL ADDING ARTICLE 8 ("SHARED MOBILITY DEVICES") TO CHAPTER 2 ("STREETS AND SIDEWALKS") OF TITLE 6 OF THE OAKLEY MUNICIPAL CODE RELATING TO THE PLACEMENT AND USE OF SHARED MOBILITY DEVICES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, Dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations, have arrived for public use in many cities suddenly and unexpectedly, and have since proliferated rapidly. These shared mobility devices are unregulated, and are frequently abandoned by users in streets, sidewalks, and other public places throughout the cities where they are present, creating serious safety concerns, especially for a city's most vulnerable pedestrians; and

WHEREAS, the City Council finds that this ordinance will protect the health and safety of the public from the hazards posed by the unregulated operation of shared mobility devices within the City; and

WHEREAS, the City of Oakley, California, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (Cal. Pub. Res, § 21000) and State CEQA guidelines (14 CCR 15000), has determined that this ordinance is exempt pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

NOW THEREFORE, THE OAKLEY CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

Section 2. Article 8 ("Shared Mobility Devices") to Chapter 2 of Title 6 is hereby added to the Oakley Municipal Code as follows:

"Article 8 SHARED MOBILITY DEVICES

6.2.802 Purpose.

The purpose of this chapter is to prohibit shared mobility devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City, so as to allow for adequate pedestrian traffic flow and to promote public safety.

6.2.804 Definition.

For purposes of this chapter, "shared mobility device" means any wheeled device, other than an automobile or motorcycle, that may be powered by a motor; is accessed via an on-demand portal, whether a smartphone application, membership card, or similar method; is operated by a private entity that owns, manages, and maintains devices for

shared use by members of the public; and is available to members of the public in unstaffed, self-service locations, except for those locations which are designated by the City.

6.2.806 General Requirements.

A. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a shared mobility device in a public right-of-way or on public property anywhere within the City.

B. It is unlawful to operate a shared mobility device in a public right-of-way or on public property anywhere within the City.

C. It is unlawful to provide or offer for use a shared mobility device anywhere within the City.

6.2.808 Violations.

Violations of this Article may be punishable as set forth in Chapter 5 of Title 1 of this code and by any other means provided by law."

Section 3. Severability.

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

Section 4. Effective Date and Publication.

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

The Foregoing Ordinance No. __-20 was introduced with the reading waived at a regular meeting of the City Council of the City of Oakley on the ____ day of October, 2020. The Ordinance was adopted with the second reading waived at a regular meeting of the City Council of the City of Oakley on the ___ day of November, 2020, and ordered passed to print by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

STAFF REPORT

DATE: November 10, 2020

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

FROM: Tim Przybyla, Finance Director

SUBJECT: **City of Oakley Quarterly Investment Report (1st Quarter FY 20-21)**

Background and Analysis

California law and the City's Investment Policy require the City's fiscal officer to submit a quarterly investment report to the City Council at the end of each quarter. The report should contain information on all securities held, and include a statement denoting the ability of the local agency to meet its expenditure requirements for the next six months.

Fiscal Impact

City resources are organized and accounted for on a fund basis with some of those funds being restricted for specified uses and others that are unrestricted. For investment purposes, however, the funds are invested as a pool. The Investment Report for the Period Ending September 30, 2020 attached shows a combined pool balance of $51,808,387.98. In addition, the pool had combined 1st Quarter accrued interest earnings of $103,623. Interest for the period continues to reflect the lower rates currently being offered on safe, short-term investments.

The City is in compliance with the adopted investment policy and able to meet its expenditure requirements for the next six months.

Staff Recommendation

Staff recommends the City Council accept the investment report for the 1st Quarter of Fiscal Year 2020-2021.

Attachments

City of Oakley Investment Report for the quarter ended September 30, 2020.

OAKLEY
CALIFORNIA

Quarterly Investment Report

For the Quarter Ended September 30, 2020

Type*	Name of Institution	Rate	Maturity****	Cost Amount	Market Value**
Investments in Wells Fargo Bank Account					
12	Overnight Sweep Investment	0.000%	9/30/2020	$ 1,481,947.37	$ 1,481,947.37
Investments with Wells Fargo Investment Advisors:					
9	Institutional Money Market	0.010%	N/A	1,814,181.78	1,814,181.78
Investments with State of California:					
3	Local Agency Investment Fund (LAIF)-City	0.840%	N/A	46,965,516.23	47,158,757.44
Investments with CalTRUST					
11	Short-Term Investment Account-City	0.088%	N/A	273,488.02	273,488.02
Total Investments Other than Bond Proceeds				**50,535,133.40**	**50,728,374.61**
Investments with Wells Fargo Trust (bond proceeds): * **					
	2012 Refunding Revenue Bonds				
9	***Government Money Market***				
	Wells Fargo Advantage Gov MM Svc	0.195%	N/A	925,368.30	931,397.75
4	***Certificates of Deposit (3)***				
	2014 Refunding Revenue Bonds				
9	***Government Money Market***				
	Wells Fargo Advantage Gov MM Svc	0.189%	N/A	347,565.01	350,661.81
Investments with USBank Trust (bond proceeds): * **					
	2016 Lease Revenue Bonds				
9	***Government Money Market***				
	USBank - First American Government Obligation	0.000%	N/A	321.27	321.27
Total Investments of Bond Proceeds				**1,273,254.58**	**1,282,380.83**
	Total All City Investments			**$ 51,808,387.98**	**$ 52,010,755.44**

Accrued Interest of Investments other than Bond Proceeds:	
Wells Fargo Investment Advisors	14.86
Local Agency Investment Fund	103,608.43
Accrued Interest as of 09/30/20	$ 103,623.29

* **Type of investment** as described in Authorized Investments section of the City's adopted Investment Policy

1. U.S Government Securities	5. Bankers Acceptance	9. Money market funds
2. U.S. Government Agency Securities	6. Commercial Paper	10. Repurchase agreements
3. Local Agency Investment Fund	7. Medium term notes	11. CalTRUST Short Term Account
4. Certificates of Deposit	8. Mutual funds	12. Overnight Sweep

** **Market Valuation** for LAIF was obtained at http://www.treasurer.ca.gov/pmia-laif/mktvalue/2020/202009.pdf
Market value for all other investments was obtained from FT Interactive Data. As the City holds its investments to maturity, market value fluctuations are not significant.

*** **Investment of bond proceeds** is governed by each bond's Trust Agreement. All of the amounts with Wells Fargo Trust are debt service reserve funds. Investment income remains with the individual bond accounts.

**** With the exception of CD's, all accounts have same day or next day liquidity

The City of Oakley is in compliance with the City's annually adopted investment policy and is able to meet its operating expenditure requirements for the next six months.

Approved by Tim Przybyla
Finance Director

10/27/20
Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

FROM: Tim Przybyla, Finance Director

SUBJECT: **City of Oakley as Successor Agency to the Oakley Redevelopment Agency – Quarterly Investment Report (1st Quarter FY 20-21)**

Background and Analysis

California law and the City's Investment Policy require the Agency's fiscal officer to submit a quarterly investment report to the Agency's governing board. The report should contain information on all securities held, and include a statement denoting the ability of the local agency to meet its expenditure requirements for the next six months.

Fiscal Impact

The Investment Report for the Period Ending September 30, 2020 attached shows a balance of $178,482.57 in cash for operations. To increase annual cash flow savings of refunding bonds, cash reserves were applied to bond insurance with Build America Mutual (BAM). The Reserve Requirements are satisfied in face amounts of $571,000 for 2015 Bonds and $1,827,318.76 for 2018 Bonds.

The Agency is in compliance with the City's annually adopted investment policy. The tax revenues distributed to the Agency is sufficient to make the Agency's enforceable obligation payments as approved by the Department of Finance.

Staff Recommendation

Staff recommends the City Council, as the Board of the Successor Agency, accept the investment report for the 1st Quarter of Fiscal Year 2020-2021.

Attachments

City of Oakley as Successor Agency to the Redevelopment Agency Investment Report for the quarter ended September 30, 2020.

OAKLEY
CALIFORNIA

City of Oakley as Successor Agency to the Oakley Redevelopment Agency

Quarterly Investment Report

For the Quarter Ended September 30, 2020

Type*	Name of Institution	Rate	Maturity***	Cost Amount	Market Value
Investments in Wells Fargo Bank Account					
	Successor Agency Checking	0.160%	N/A	$ 178,482.57	$ 178,482.57
Total Investments Other than Bond Proceeds				**178,482.57**	**178,482.57**
Investments with US Bank Trust (bond proceeds): **					
	20015 A&B Tax Allocation Refunding Bonds			-	-
	2018 Tax Allocation Refunding Bonds			-	-
Total Investments of Bond Proceeds				-	-
	Total Agency Investments			**$ 178,482.57**	**$ 178,482.57**

* **Type of investment** as described in Authorized Investments section of the City's adopted Investment Policy

1. U.S Government Securities	5. Bankers Acceptance	9. Money market funds
2. U.S. Government Agency Securities	6. Commercial Paper	10. Repurchase agreements
3. Local Agency Investment Fund	7. Medium term notes	11. CalTRUST Short Term Account
4. Certificates of Deposit	8. Mutual funds	12. Overnight Sweep

** **Investment of bond proceeds** is governed by each bond's Trust Agreement. Reserve Requirements are satisfied by BAM surety policy in face amounts equal to $571,000 for 2015 Bonds and $1,827,318.76 for 2018 Bonds.

*** All Successor Agency accounts have same day or next day liquidity

The City of Oakley, as Successor Agency to the Oakley Redevelopment Agency, is in compliance with the City's annually adopted investment policy.

Approved by Tim Przybyla
Finance Director

10/27/20
Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

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

SUBJECT: **Consideration of a Resolution Approving an Agreement with Freyer & Laureta, Inc. and Amending the City of Oakley Fiscal Year 2020/21 Budget to Appropriate Funding for Engineering Design Services associated with CIP Number 253 - Police Department Parking Lot Expansion Project**

Background and Analysis

The transition of the Police Department operations from County Sherriff to City of Oakley Police Department has been successfully done; and as a result, the new Oakley Police Department has been able to expand its workforce to accommodate the increasing service needs of the community. A key part of this transition was the remodeling of the existing Police Department building to address office space needs for the Police Officers and support staff that was completed in 2019.

The next component in this expansion project is to improve and expand the parking lot that is used by Police Officers. Currently the Police Department parking lot is on the west side of the Police Department building that is adjacent to the Black Bear Diner Restaurant. This existing parking lot does not have adequate space for all of the vehicles and equipment that is used by the Police Department staff. This problem has necessitated the utilization of off-site locations for parking and equipment storage. This approach is neither efficient nor safe.

To address this chronic parking issue, the City of Oakley was able to acquire a vacant property that backs up to the south side of the existing Police Department parking lot, with access to West Ruby Street. This property will be used to construct a new parking lot, to expand the existing parking facilities for the Police Department.

The CIP No. 253 project scope of work includes the grading and paving of a new parking lot that will connect the existing Police Department parking lot to West Ruby Street. The new parking lot will have landscaping and lights similar to the rest of the parking lots at the Civic Center, and will complement the parking facilities that are currently in use. This new parking lot will provide Police Officers direct access to West Ruby Street and other major streets in Oakley without having to navigate the busy

parking lot that is used by Black Bear Diner Restaurant customers. This will be a significant safety improvement.

Staff has worked with the consulting firm Freyer & Laureta, Inc. to prepare the proposal to perform engineering design for this project. This firm is very familiar with this site and were involved in the initial steps for property mapping and acquisition. The plan is to have this project designed over the winter months and have bid documents ready for advertising in early 2021 to take advantage of the favorable bid climate in the winter months. The construction of this project will take place in spring 2021.

Fiscal Impact

Approval of this resolution will accept the proposal and authorize the City Manager to execute an agreement with Freyer & Laureta, Inc. for a cost not to exceed $59,800 for the design of the Police Department Parking Lot Expansion Project. With this approval, funds will be transferred from the General Fund (Fund 100) into the General Capital Projects Fund (Fund 201) and expended out of Fund 201.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the proposal with Freyer & Laureta, Inc. for design services associated with CIP No. 253 - Police Department Parking Lot Expansion Project, authorizing the City Manager to enter into an agreement not to exceed $59,800 and amending the budget to appropriate the transfer of $59,800 from the General Fund into Fund 201 and the expenditure of $59,800 for the design of CIP project No. 253.

Attachments

1) Freyer & Laureta, Inc. Proposal
2) Resolution

October 12, 2020

Mr. Kevin Rohani, P.E.
City of Oakley
Public Works Director/City Engineer
3231 Main Street
Oakley, CA 94561

Re: **DESIGN SERVICES PROPOSAL, CITY OF OAKLEY**
POLICE DEPARTMENT PARKING LOT EXPANSION PROJECT

Dear Mr. Rohani:

Thank you for the opportunity to present this proposal to you for the preparation of civil engineering, electrical engineering, and landscape architecture construction documents for the subject project. The team members we propose for this project include Freyer & Laureta (F&L) as civil engineer and surveyor, Gates and Associates as landscape architect, and Zeiger Engineers as electrical engineer. We propose the following Scope of Services:

Scope of Services

Task 1: Project Management and Coordination

F&L will provide project coordination, monitoring, and administration for this project. Services provided under this Task are as follows:

- Attendance of project kickoff meeting, progress meetings, and project coordination meetings.
- Monitor task budgets and project schedule.
- Perform quality assurance/quality control (QA/QC) activities.
- Prepare monthly progress and cost summaries report, and invoices.

Task 2: Site Investigation, Data Collection, Record Research

Services provided under this Task are as follows:

- Review existing records, reports, maps, and other documents relevant to the limits and scope of this project.
- A boundary and topographic survey will be performed for this project area.

Survey will be based on an assumed benchmark local to the project area. Survey will also include the following:

- Driveway point of connection in West Ruby Street will be located.
- Measurement of inverts and pipe sizes for all entering and exiting pipes for sanitary sewer or storm manholes within the project area (if any).
- Areas of depressions within the project area will be surveyed.
- Visible improvements, walkways and utilities, trees over 6" in diameter, within the project area will be surveyed. Survey information will be translated to AutoCad drawings for use in the design effort.
- Boundary survey will be performed based on recorded maps.

Task 3: Parking Lot Design

Design services to be provided are as follows:

Civil Design

- Parking Lot Layout Plan will be prepared for the site in coordination with the landscape architect and City staff. The parking lot will be connected to the existing Police parking lot and West Ruby Street.
- A Civil Site Grading Drainage Plan will be prepared for the site.
- Structural details for fence foundations will be provided.
- An Erosion and Storm Water Control Plan will be prepared showing proposed drainage system and erosion/pollution controls proposed during construction for the project site.
- A Stormwater Control Plan will be prepared for the project site.

Landscape Design

- Preparation of construction documents for landscape planting and irrigation improvements including:
  - Cover sheet with notes and legends.
  - Planting and Fencing Plan (10 scale) and details.

- Irrigation Plan (10 scale) and details. Our proposal assumes connection to existing irrigation system.
- Calculation of water budget requirements as per local and State code.
- Coordination of consultant work including grading, site utilities, Stormwater Treatment zones, site lighting locations, fencing footing detail, and Diablo Water District.
- Final landscape technical specifications using the standards of City of Oakley standard specifications for all work within the scope area.

Electrical Design

- Electrical design for site lighting will per performed under the assumption that the existing service is adequate for the connection of the new parking lot lights and no work is required for service upgrade.
- Provide photometric study of the proposed lighting for the parking lot.
- Provide the design installation of the new parking lot lights to connect into the existing lighting circuits.
- Attend coordination meetings with City staff.

The following submittals will be prepared for this project:

Preliminary Design (65% Design Submittal)

Plan sheets, list of technical specifications, and opinion of probable cost (engineering cost estimate) will be submitted to the City.

Pre-Final Design Submittal (95% Design Submittal)

Upon receiving review comments on the 65% Design Submittal, F&L shall proceed with the Pre-Final Design Submittal. The 95% Design Submittal will include complete detailed plan drawings, standard and project details, technical specifications, and 95% opinion of probable cost (engineering cost estimate) with line item detail.

Final Design Submittal (100% Design Submittal)

Upon receiving review comments on the 95% Design Submittal, F&L shall proceed with the Final Design Submittal. The Final Design Submittal will include complete detailed and stamped/signed plan drawings, standard and project details, technical specifications, and 100% opinion of probable cost (engineering cost estimate) with line item detail.

Task 4: Bid and Construction Support

Construction consultation services will be provided to assist the City in obtaining construction work that is in substantial conformance to the contract documents. Our construction services will consist of the following:

- Interpretation of contract documents, review of extra work requests, review of shop drawings and other contractor submittals.
- When requested, site visits will be made to resolve field issues.
- Transfer Contractor As-Builts into AutoCAD drawings for City archiving.
- Provide project close-out support.

Proposed Fee Schedule

All work will be on a time and materials (t&m) basis, not exceed the following limits without City authorization (please review the Fee Breakdown matrix for breakdown of costs):

Project Management and Coordination	$1,500
Boundary and Topographic Survey	$11,100
Parking Lot Design	$39,200
Bid and Construction Support	$8,000
	$59,800

Items specifically excluded from this scope of work:

- Geotechnical work including design of appropriate pavement section(s) approved by geotechnical engineer.
- Special studies and reports in support of any applications, permitting, etc.
- Payment of any fees or charges for review(s), permitting, application processing, etc.
- Construction surveys.
- Traffic control plans.
- Attendance of public meetings.
- Tree management for all existing trees within the scope area.
- Horticultural and soils consulting.
- Any architectural hardscape, structures, lighting fixtures, and site furnishing.
- Arborist report and tree removal/preservation plans and details.
- Rendered illustrative site plan.

Thank you again for the opportunity of submitting this proposal to you. We look forward to working with you on this project. If you have any questions, please feel free to call us.

Sincerely,
FREYER & LAURETA, INC.



Richard J. Laureta, P.E.
President

ESTIMATED BUDGET FOR ENGINEERING DESIGN SERVICES
Police Parking Lot Expansion
City of Oakley, California

TASKS	ESTIMATED LABOR (Hours) Personnel & Rates ($/hr)					TOTAL LABOR COST ($)	EXPENSES AND ADMINISTRATION				ESTIMATED COST	
	F&L Administrative	2-Man Survey Crew	F&L Staff Engineer II	F&L Project Manager	F&L Principal		UNIT	QNTY	UNIT COST ($)	2% MARKUP ($)	TOTAL COST PER ITEM ($)	SUB TOTALS ($)
	85	350	140	205	235							
Task I: Project Management and Coordination												
Meetings (2 meetings)				2	2	$880					$880	
Monthly progress and cost summary report, invoices	2				2	$640					$640	
Subtotal Labor Hours - Task I	2			2	4	**$1,520**	Estimated Cost - Task I					**$1,500**
Task II: Site Investigation, Data Collection, Record Research												
Review existing records, drawings, limits of project, field reconnaissance		24	4	2		$9,370					$9,370	
Develop design Base Map included property lines			8	2	1	$1,765					$1,765	
Subtotal Labor Hours - Task II		24	12	4	1	**$11,135**	Estimated Cost - Task II					**$11,100**
Task III: Parking Lot Design (65%, 95%, Bid Set Submittals)												
Civil Design			110	24	4	$21,260					$21,260	
Electrical Design							Electrical Design	1	$4,600	$92	$4,692	
Landscape Design							Landscape Design	1	$13,000	$260	$13,260	
Subtotal Labor Hours - Task III			110	24	4	**$21,260**	Estimated Cost - Task III					**$39,200**
Task IV: Bid and Construction Support												
Civiil Support			16	4	2	$3,530					$3,530	
Electrical Support							Electrical Support	1	$1,200	$24	$1,224	
Landscape Support							Landscape Support	1	$3,200	$64	$3,264	
Subtotal Labor Hours - Task IV			16	4	2	**$3,530**	Estimated Cost - Task IV					**$8,000**
Total Labor Hours	**2**	**24**	**138**	**34**	**11**	**$37,445**	**Total Estimated Cost**					**$59,800**

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING AN AGREEMENT WITH FREYER & LAURETA, INC. FOR ENGINEERING DESIGN SERVICES ASSOCIATED WITH THE POLICE DEPARTMENT PARKING LOT EXPANSION PROJECT CIP NO. 253, THE BUDGET ADJUSTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the operation of a safe and functional parking lot for the Police Department has been a priority for the City of Oakley; and

WHEREAS, CIP Project No. 253 is to design the improvements for the Police Department Parking Lot Expansion Project; and

WHEREAS, Freyer & Laureta, Inc., is the engineer of record who performed the survey and engineering document preparation for the property purchase for the new parking lot and is most familiar with the site; and

WHEREAS, Freyer & Laureta, Inc., has submitted a proposal to prepare design services for CIP Project No. 253 for an amount not to exceed $59,800 which staff believe fulfills the project design requirements; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Oakley hereby approves the proposal with Freyer & Laureta, Inc. for the design of CIP Project No. 253 for an amount not to exceed $59,800, in the form attached hereto as Exhibit A, and authorizes the City Manager to execute into the agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the City Council of the City of Oakley on amending the budget to appropriate the transfer of $59,800 from the General Fund (Fund 100) into General Capital Projects (Fund 201) and the expenditure of that $59,800 for the design of CIP project No. 253.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 10th of November, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

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

SUBJECT: Acceptance of Park, Pond, and Storm Drain Pump Station Improvements associated with Emerson Ranch Subdivision 9032, Parcel H for Emerson Ranch Park

---

Background and Analysis

Brookfield Emerson Land LLC, a Delaware Limited Liability Corporation, hereinafter referred to as the (Developer), is required to develop a public park within the Emerson Ranch Subdivision 9032 to meet the development's Conditions of Approval. On June 23, 2015, City Council approved a Subdivision Improvement Agreement with the Developer to construct Emerson Ranch Park, which outlined the conditions and responsibilities of the developer.

Emerson Ranch Park is Parcel H of the recorded final map for Emerson Ranch Neighborhood 1 Subdivision 9032 recorded on May 20, 2015 Map Book 523, Page 44. The park is 5.56 acres and located at the north end of Emerson Ranch Way as shown in the attached Vicinity Map.

The improvements include picnic areas, shade structure, basketball court, playground equipment, ball field, walkway around the pond, and a storm drain pump station. Emerson Ranch Park will be the 36th public park within the City of Oakley and is a very nice feature for the community.

Fiscal Impact

Upon acceptance of the park, the City will incur annual costs associated with the on-going maintenance of the park. The maintenance costs for the park will be paid for by the Community Facilities District (CFD 2015-1).

Staff Recommendation

The landscape and park improvements for Emerson Ranch Park as shown on the *"Emerson Ranch Park"* plans prepared by Vandertoolen and Associates, the pond improvements as shown in the *"Emerson Ranch – Phase 1 Grading Plans"* prepared by Carlson, Barbee and Gibson, and the storm drain pump station

improvements *"Emerson Ranch Lake & Storm Water Pump Station Construction Plans"* prepared by Coleman Engineering are determined to be complete. They were inspected by staff and were determined to substantially conform to the approved plans and specifications. With these park improvements now complete, staff recommends that the park be formally accepted, and the City to begin maintenance on November 11, 2020. The improvements have been installed since 2016; and the equipment, furnishings, trees, and the hardscape at this park as outlined in the executed Subdivision Improvement Agreement related to design or material defects has been established and no warranty period is required for these improvements.

Attachments

1) Resolution
2) Vicinity Map

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA, ACCEPTING THE SUBDIVISION IMPROVEMENTS FOR EMERSON RANCH PARK, POND, AND STORM DRAIN PUMP STATION ASSOCIATED WITH SUBDIVISION 9032 AND BEGIN THE MAINTENANCE BY THE CITY

WHEREAS, on May 20, 2015, the City Council approved the final map for Subdivision 9032 Emerson Ranch Neighborhood 1, which dedicated Parcel H to the City of Oakley in fee for public use; and

WHEREAS, on June 23, 2015, City Council approved the Subdivision Improvement Agreement with Brookfield Emerson Land LLC, a Delaware Limited Liability Corporation, for the development of Emerson Ranch Park within Subdivision 9032 Emerson Ranch Neighborhood 1; and

WHEREAS, the required public park landscape, pond, and storm drain pump station improvements have been completed and constructed in substantial conformance with the approved plans; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley as follows:

a) Accept the dedication for Parcel H for Emerson Ranch Park for public use as recorded in Subdivision 9032 in Map Book 523, Page 44; and
b) The public park landscape, pond, and storm drain pump station improvements for Emerson Ranch Park are accepted and begin the maintenance by the City.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 10th of November, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

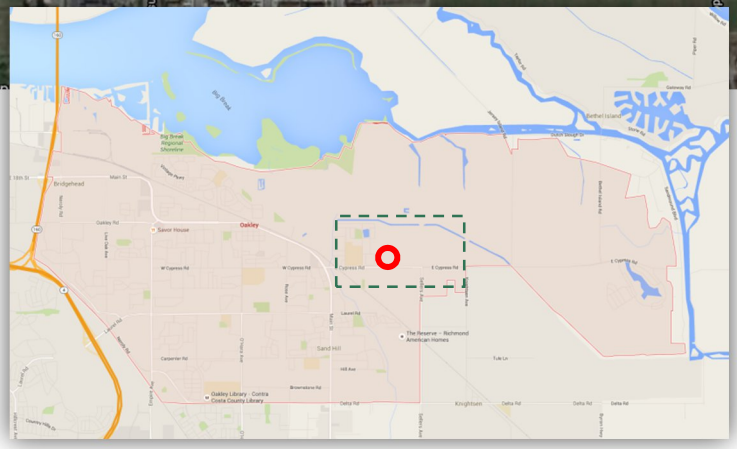
ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

VICINITY MAP – EMERSON RANCH PARK





OAKLEY
CALIFORNIA

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

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

SUBJECT: Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 1 Subdivision 9032 located near East Cypress Road and Emerson Ranch Way

---

Background and Analysis

The Emerson Ranch Neighborhood 1 Subdivision is a 110-lot subdivision located near East Cypress Road and Emerson Ranch Way.

On April 28, 2015, the City Council adopted Resolution Number 46-15 which approved the Subdivision Improvement Agreement (SIA) with Brookfield Emerson Land LLC, a Delaware Limited Liability Company (Developer) related to Subdivision 9032 (Emerson Ranch Neighborhood 1). The SIA included the requirements that the Developer would commence construction of the improvements for Subdivision 9032.

The Developer has since completed all of the required improvements for Subdivision 9032 and constructed all 110 houses within the subdivision. At this time, the Developer has requested that the City accept the improvements for maintenance. The Public Works and Engineering staff has completed a final inspection of all public improvements and has found them to be in substantial compliance with the approved plans. The improvements in this neighborhood have been installed for four years and the improvements have met the one year warranty requirements.

Fiscal Impact

Upon acceptance of the improvements, the City will be obligated to maintain the Public Infrastructure. Preventative street maintenance for public roadway are currently funded using Gas Tax. Storm drains, lighting, and landscaping are funded through the Community Facilities District (CFD 2015-1).

Staff Recommendation

Staff recommends that the City Council adopt the Resolution accepting the subdivision improvements associated with Subdivision 9032 and for the City to begin the maintenance obligation for the public infrastructure for this subdivision.

Attachments

1) Resolution
2) Vicinity Map

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, ACCEPTING THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH THE EMERSON RANCH NEIGHBORHOOD 1 SUBDIVISION 9032 AND FOR THE CITY TO BEGIN THE MAINTENANCE OF THE SUBDIVISION IMPROVEMENTS

WHEREAS, on April 28, 2015 the City Council approved the Subdivision Improvement Agreement with Brookfield Emerson Land LLC, a Delaware Limited Liability Company related to Subdivision 9032 (Emerson Ranch Neighborhood 1); and

WHEREAS, the City of Oakley Public Works and Engineering staff has inspected the Subdivision Improvements and have determined that said improvements have been constructed in substantial compliance with the approved improvement plans for Subdivision 9032 titled "EMERSON RANCH – PHASE 1 GRADING PLAN SUBDIVISION 9032" & "EMERSON RANCH – PHASE 1 IMPROVEMENT PLAN SUBDIVISION 9032" prepared by Carlson, Barbee, and Gibson, Inc.; and

WHEREAS, the City Clerk's Statement on the Subdivision 9032 Final Map states that the City Council did accept, subject to improvement, any streets, roads, avenues, drives, or easements shown on the map as dedicated to public use; and

NOW THEREFORE, the City Council of the City of Oakley hereby resolves as follows:

a) The Subdivision Improvements associated with Subdivision 9032 have been accepted for public maintenance, including the following streets within the project boundaries: a portion of East Cypress Road, Emerson Ranch Way, Ibis Drive, Shearwater Way, Hansford Way, a portion of Littleton Street, Parkfield Way, Parkfield Court, Bluestone Drive, Dunmore Street; and

b) In accordance with the City Clerk's Statement on the Subdivision 9032 Final Map, the roads, avenues, drives, or easements and right of way dedications shown on the map such as Parcel A and Parcel H as dedicated to public use are accepted. Offer of Dedication for Roadway Purposes for East Cypress and Sellers Avenue and Levee Easements are hereby accepted.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on November 10, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

ATTEST:

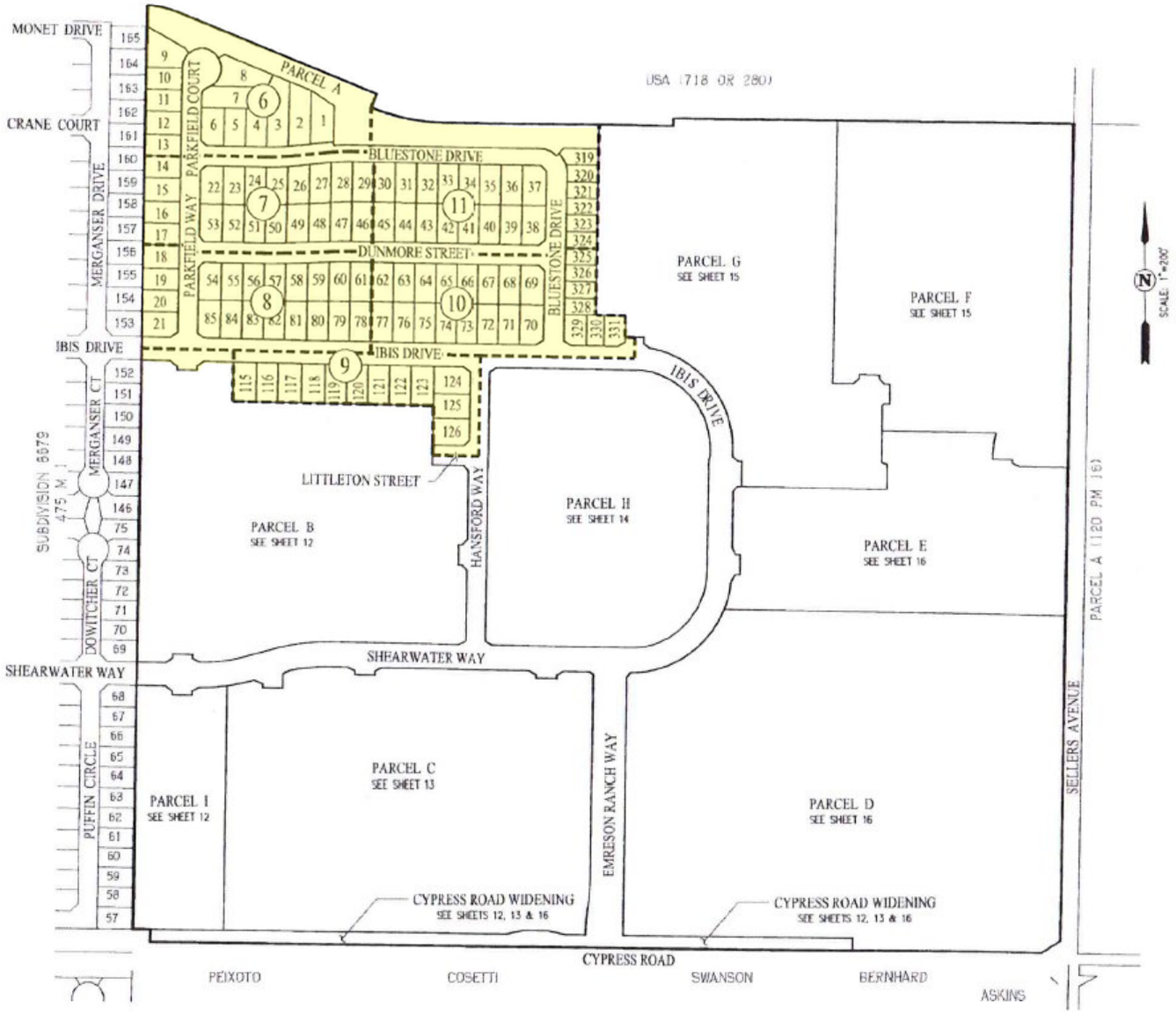
_____
Kevin Romick, Mayor

_____
Libby Vreonis, City Clerk

_____
Date

VICINITY MAP

EMERSON RANCH SUBDIVISION 9032 (NEIGHBORHOOD 1)



OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

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

SUBJECT: Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 2A Subdivision 9347 located near East Cypress Road and Emerson Ranch Way

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Background and Analysis

The Emerson Ranch Neighborhood 2A Subdivision is a 117-lot subdivision located near East Cypress Road and Emerson Ranch Way.

On October 11, 2016, the City Council adopted Resolution Number 155-16 which approved the Subdivision Improvement Agreement (SIA) with Brookfield Emerson Land LLC, a Delaware Limited Liability Company (Developer) related to Subdivision 9347 (Emerson Ranch Neighborhood 2A). The SIA included the requirements that the Developer would commence construction of the improvements for Subdivision 9347.

The Developer has since completed all of the required improvements for Subdivision 9347 and constructed all 117 houses within the subdivision. At this time, the Developer has requested that the City accept the improvements for maintenance. The Public Works and Engineering staff has completed a final inspection of all public improvements and has found them to be in substantial compliance with the approved plans. The improvements in this neighborhood have been installed for four years and the improvements have met the one year warranty requirements.

Fiscal Impact

Upon acceptance of the improvements, the City will be obligated to maintain the Public Infrastructure. Preventative street maintenance for public roadway are currently funded using Gas Tax. Storm drains, lighting, and landscaping are funded through the Community Facilities District (CFD 2015-1).

Staff Recommendation

Staff recommends that the City Council adopt the Resolution accepting the subdivision improvements associated with Subdivision 9347 and for the City to begin the maintenance obligation for the public infrastructure of this subdivision.

Attachments

1) Resolution
2) Vicinity Map

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, ACCEPTING THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH THE EMERSON RANCH NEIGHBORHOOD 2A SUBDIVISION 9347 AND FOR THE CITY TO BEGIN THE MAINTENANCE OF THE SUBDIVISION IMPROVEMENTS

WHEREAS, on October 11, 2016 the City Council approved the Subdivision Improvement Agreement with Brookfield Emerson Land LLC, a Delaware Limited Liability Company related to Subdivision 9347 (Emerson Ranch Neighborhood 2A); and

WHEREAS, the City of Oakley Public Works and Engineering staff has inspected the Subdivision Improvements and have determined that said improvements have been constructed in substantial compliance with the approved improvement plans for Subdivision 9347 titled "EMERSON RANCH – PHASE 1 GRADING PLAN SUBDIVISION 9032" & "EMERSON RANCH – PHASE 1 IMPROVEMENT PLAN SUBDIVISION 9032" prepared by Carlson, Barbee, and Gibson, Inc.; and

WHEREAS, the City Clerk's Statement on the Subdivision 9347 Final Map states that the City Council did accept, subject to improvement, any streets, roads, avenues, drives, or easements shown on the map as dedicated to public use; and

NOW THEREFORE, the City Council of the City of Oakley hereby resolves as follows:

a) The Subdivision Improvements associated with Subdivision 9347 have been accepted for public maintenance, including the following streets within the project boundaries: Brinwood Way, Littleton Street, Parkfield Way, and Wynn Street; and

b) In accordance with the City Clerk's Statement on the Subdivision 9347 Final Map, the roads, avenues, drives, or easements and right of way dedications shown on the map such as Parcel A dedicated to public use is accepted.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on November 10, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

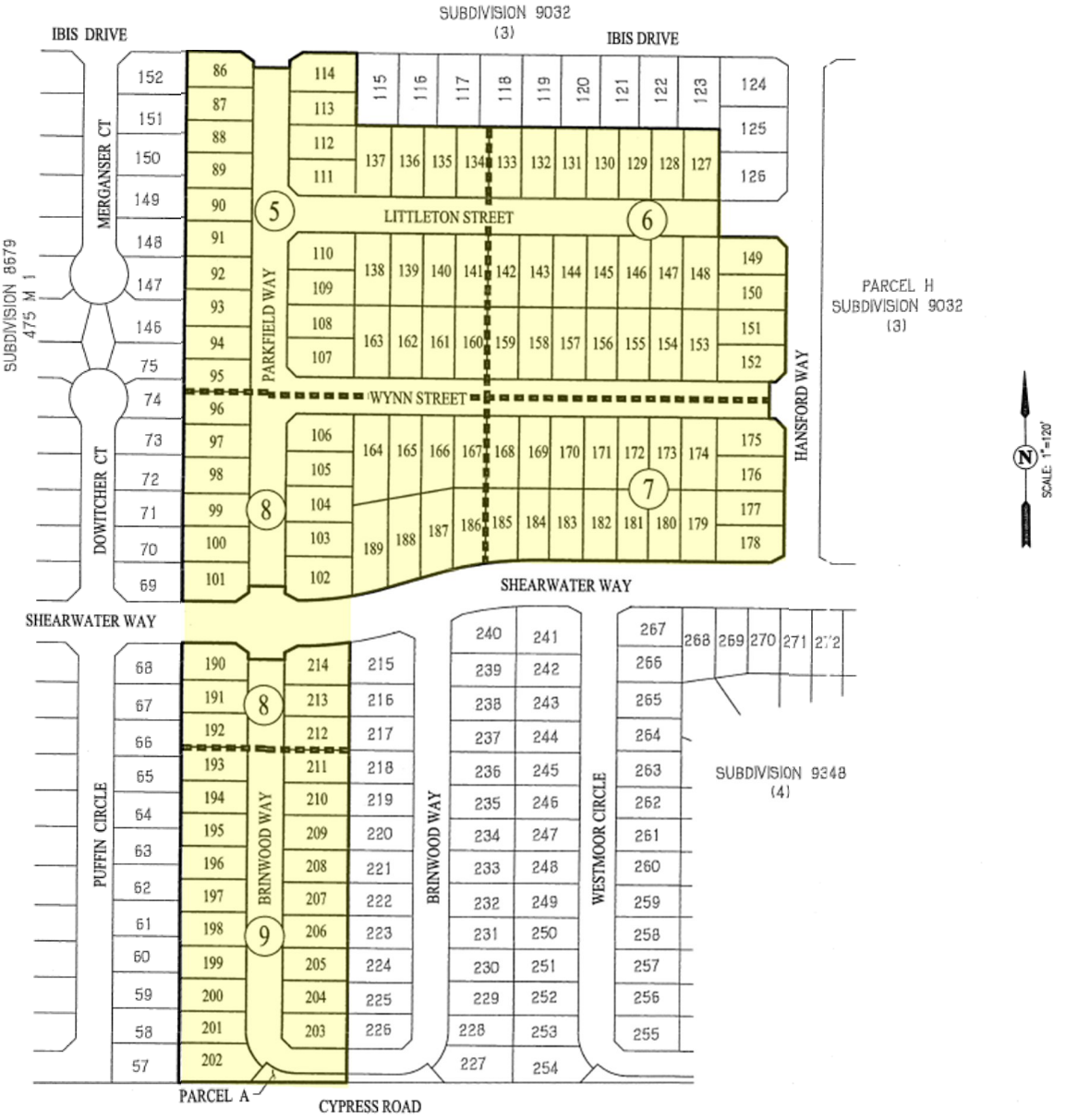
ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

VICINITY MAP

EMERSON RANCH SUBDIVISION 9347 (NEIGHBORHOOD 2A)



OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

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

SUBJECT: Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 2B Subdivision 9348 located near East Cypress Road and Emerson Ranch Way

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Background and Analysis

The Emerson Ranch Neighborhood 2B Subdivision is a 104-lot subdivision located near East Cypress Road and Emerson Ranch Way.

On April 28, 2015, the City Council adopted Resolution Number 48-15 which approved the Subdivision Improvement Agreement (SIA) with Brookfield Emerson Land LLC, a Delaware Limited Liability Company (Developer) related to Subdivision 9348 Emerson Ranch Neighborhood 2B. The SIA included the requirements that the Developer would commence construction of the improvements for Subdivision 9348.

The Developer has since completed all of the required improvements for Subdivision 9348 and constructed all 104 houses within the subdivision. At this time, the Developer has requested that the City accept the improvements for maintenance. The Public Works and Engineering staff has completed a final inspection of all public improvements and has found them to be in substantial compliance with the approved plans. The improvements in the neighborhood have been installed for four years and the improvements have met the one year warranty requirements.

Fiscal Impact

Upon acceptance of the improvements, the City will be obligated to maintain the Public Infrastructure. Preventative street maintenance for public roadways are currently funded using Gas Tax. Storm drains, lighting, and landscaping are funded through the Community Facilities District (CFD 2015-1).

Staff Recommendation

Staff recommends that the City Council adopt the Resolution accepting the subdivision improvements associated with Subdivision 9348 and for the City to begin the maintenance obligation for the public infrastructure of this subdivision.

Attachments

1) Resolution
2) Vicinity Map

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, ACCEPTING THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH THE EMERSON RANCH NEIGHBORHOOD 2B SUBDIVISION 9348 AND FOR THE CITY TO BEGIN THE MAINTENANCE OF THE SUBDIVISION IMPROVEMENTS

WHEREAS, on April 28, 2015 the City Council approved the Subdivision Improvement Agreement with Brookfield Emerson Land LLC, a Delaware Limited Liability Company related to Subdivision 9348 (Emerson Ranch Neighborhood 2B); and

WHEREAS, the City of Oakley Public Works and Engineering staff has inspected the Subdivision Improvements and have determined that said improvements have been constructed in substantial compliance with the approved improvement plans for Subdivision 9348 titled "EMERSON RANCH – PHASE 1 GRADING PLAN SUBDIVISION 9032" & "EMERSON RANCH – PHASE 1 IMPROVEMENT PLAN SUBDIVISION 9032" prepared by Carlson, Barbee and Gibson, Inc.; and

WHEREAS, the City Clerk's Statement on the Subdivision 9348 Final Map states that the City Council did accept, subject to improvement, any streets, roads, avenues, drives, or easements shown on the map as dedicated to public use; and

NOW THEREFORE, the City Council of the City of Oakley hereby resolves as follows:

a) The Subdivision Improvements associated with Subdivision 9348 have been accepted for public maintenance, including the following streets within the project boundaries: Brinwood Way, Pendleton Court, and Westmoor Circle; and

b) In accordance with the City Clerk's Statement on the Subdivision 9348 Final Map, the roads, avenues, drives, or easements and right of way dedications shown on the map such as Parcel A, B, C, and D dedicated to public use is accepted.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on November 10, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

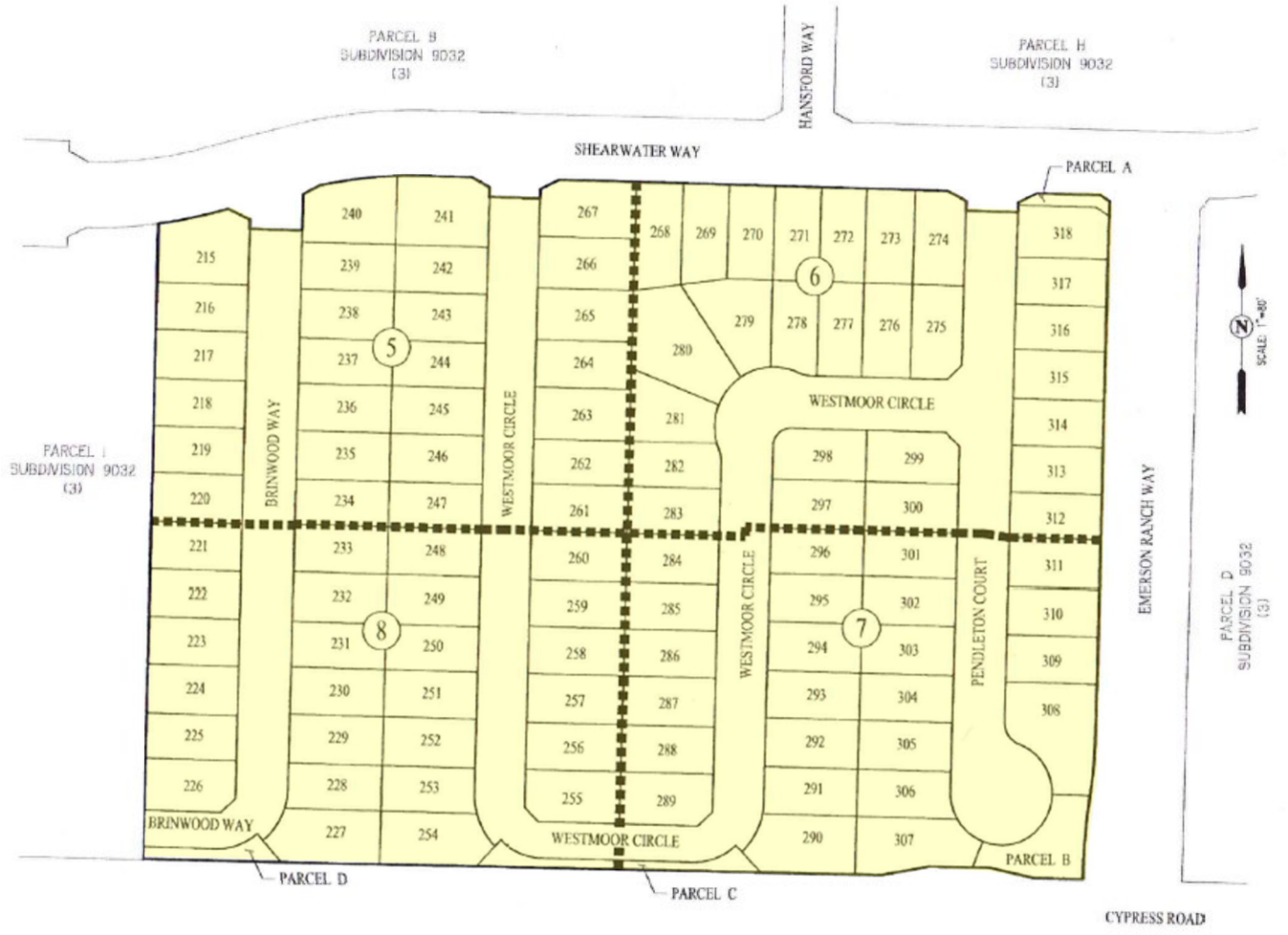
ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

VICINITY MAP

EMERSON RANCH SUBDIVISION 9348 (NEIGHBORHOOD 2B)



OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

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

SUBJECT: Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 3 Subdivision 9349 located near East Cypress Road and Emerson Ranch Way

---

Background and Analysis

The Emerson Ranch Neighborhood 3 Subdivision is an 86-lot subdivision located near East Cypress Road and Emerson Ranch Way.

On May 26, 2015, the City Council adopted Resolution Number 68-15 which approved the Subdivision Improvement Agreement (SIA) with Brookfield Emerson Land LLC, a Delaware Limited Liability Company (Developer) related to Subdivision 9349 (Emerson Ranch Neighborhood 3). The SIA included the requirements that the Developer would commence construction of the improvements for Subdivision 9349.

The Developer has since completed all of the required improvements for Subdivision 9349 and constructed all 86 houses within the subdivision. At this time, the Developer has requested that the City accept the improvements for maintenance. The Public Works and Engineering staff has completed a final inspection of all public improvements and has found them to be in substantial compliance with the approved plans. The improvements in this neighborhood have been installed for four years and the improvements have met the one year warranty requirements.

Fiscal Impact

Upon acceptance of the improvements, the City will be obligated to maintain the Public Infrastructure. Preventative street maintenance for public roadway are currently funded using Gas Tax. Storm drains, lighting, and landscaping are funded through the Community Facilities District (CFD 2015-1).

Staff Recommendation

Staff recommends that the City Council adopt the Resolution accepting the subdivision improvements associated with Subdivision 9349 and for the City to begin the maintenance obligation for the public infrastructure of this subdivision.

Attachments

1) Resolution
2) Vicinity Map

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, ACCEPTING THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH THE EMERSON RANCH NEIGHBORHOOD 3 SUBDIVISION 9349 AND FOR THE CITY TO BEGIN THE MAINTENANCE OF THE SUBDIVISION IMPROVEMENTS

WHEREAS, on May 26, 2015 the City Council approved the Subdivision Improvement Agreement with Brookfield Emerson Land LLC, a Delaware Limited Liability Company related to Subdivision 9349 (Emerson Ranch Neighborhood 3); and

WHEREAS, the City of Oakley Public Works and Engineering staff has inspected the Subdivision Improvements and have determined that said improvements have been constructed in substantial compliance with the approved improvement plans for Subdivision 9349 titled "EMERSON RANCH – PHASE 2 GRADING PLAN SUBDIVISION 9349, 9350, & 9351" & "EMERSON RANCH – NEIGHBORHOOD 3 IMPROVEMENT PLAN SUBDIVISION 9349" prepared by Carlson, Barbee and Gibson, Inc.; and

WHEREAS, the City Clerk's Statement on the Subdivision 9349 Final Map states that the City Council did accept, subject to improvement, any streets, roads, avenues, drives, or easements shown on the map as dedicated to public use; and

NOW THEREFORE, the City Council of the City of Oakley hereby resolves as follows:

a) The Subdivision Improvements associated with Subdivision 9349 have been accepted for public maintenance, including the following streets within the project boundaries: Willowrun Way, Amberwind Circle, and Riverrock Drive; and

b) In accordance with the City Clerk's Statement on the Subdivision 9349 Final Map, the roads, avenues, drives, or easements and right of way dedications shown on the map such as Parcel A, B, C, and D dedicated to public use is accepted.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on November 10, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

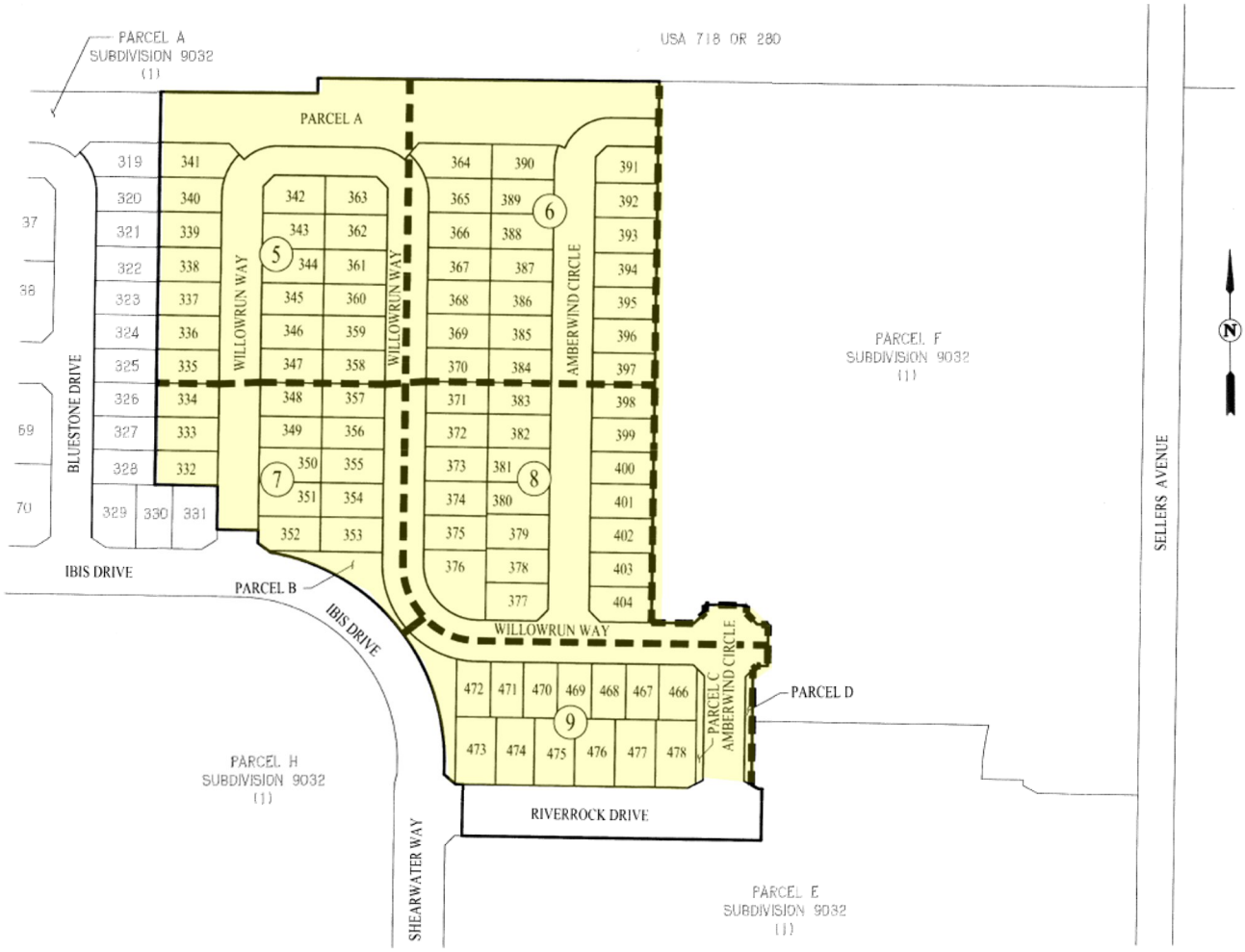
ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

VICINITY MAP

EMERSON RANCH SUBDIVISION 9349 (NEIGHBORHOOD 3)



OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

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

SUBJECT: Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 4 Subdivision 9350 located near East Cypress Road and Emerson Ranch Way

---

Background and Analysis

The Emerson Ranch Neighborhood 4 Subdivision is a 54-lot subdivision located near East Cypress Road and Emerson Ranch Way.

On October 11, 2016, the City Council adopted Resolution Number 157-16 which approved the Subdivision Improvement Agreement (SIA) with Brookfield Emerson Land LLC, a Delaware Limited Liability Company (Developer) related to Subdivision 9350 (Emerson Ranch Neighborhood 4). The SIA included the requirements that the Developer would commence construction of the improvements for Subdivision 9350.

The Developer has since completed all of the required improvements for Subdivision 9350 and constructed all 54 houses within the subdivision. At this time, the Developer has requested that the City accept the improvements for maintenance. The Public Works and Engineering staff has completed a final inspection of all public improvements and has found them to be in substantial compliance with the approved plans. The improvements in neighborhood has been installed for four years and the improvements have met the one year warranty requirements.

Fiscal Impact

Upon acceptance of the improvements, the City will be obligated to maintain the Public Infrastructure. Preventative street maintenance for public roadway are currently funded using Gas Tax. Storm drains, lighting, and landscaping are funded through the Community Facilities District (CFD 2015-1).

Staff Recommendation

Staff recommends that the City Council adopt the Resolution accepting the subdivision improvements associated with Subdivision 9350 and for the City to begin the maintenance obligation for the public infrastructure of this subdivision.

Attachments

1) Resolution
2) Vicinity Map

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, ACCEPTING THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH THE EMERSON RANCH NEIGHBORHOOD 4 SUBDIVISION 9350 AND FOR THE CITY TO BEGINNING THE MAINTENANCE OF THE SUBDIVISION IMPROVEMENTS

WHEREAS, on October 11, 2016 the City Council approved the Subdivision Improvement Agreement with Brookfield Emerson Land LLC, a Delaware Limited Liability Company related to Subdivision 9350 (Emerson Ranch Neighborhood 4); and

WHEREAS, the City of Oakley Public Works and Engineering staff has inspected the Subdivision Improvements and have determined that said improvements have been constructed in substantial compliance with the approved improvement plans for Subdivision 9350 titled "EMERSON RANCH – PHASE 2 GRADING PLAN SUBDIVISION 9349, 9350, & 9351" & "EMERSON RANCH PHASE 2B IMPROVEMENT PLAN SUBDIVISIONS 9350 & 9351" prepared by Carlson, Barbee, and Gibson, Inc.; and

WHEREAS, the City Clerk's Statement on the Subdivision 9350 Final Map states that the City Council did accept, subject to improvement, any streets, roads, avenues, drives, or easements shown on the map as dedicated to public use; and

NOW THEREFORE, the City Council of the City of Oakley hereby resolves as follows:

a) The Subdivision Improvements associated with Subdivision 9350 have been accepted for public maintenance, including the following streets within the project boundaries: Windrift Way, Coolcrest Drive, Riverrock Drive and Sellers Avenue; and

b) In accordance with the City Clerk's Statement on the Subdivision 9350 Final Map, the roads, avenues, drives, or easements and right of way dedications shown on the map such as Parcel A, B, C, and D dedicated to public use is accepted.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on November 10, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

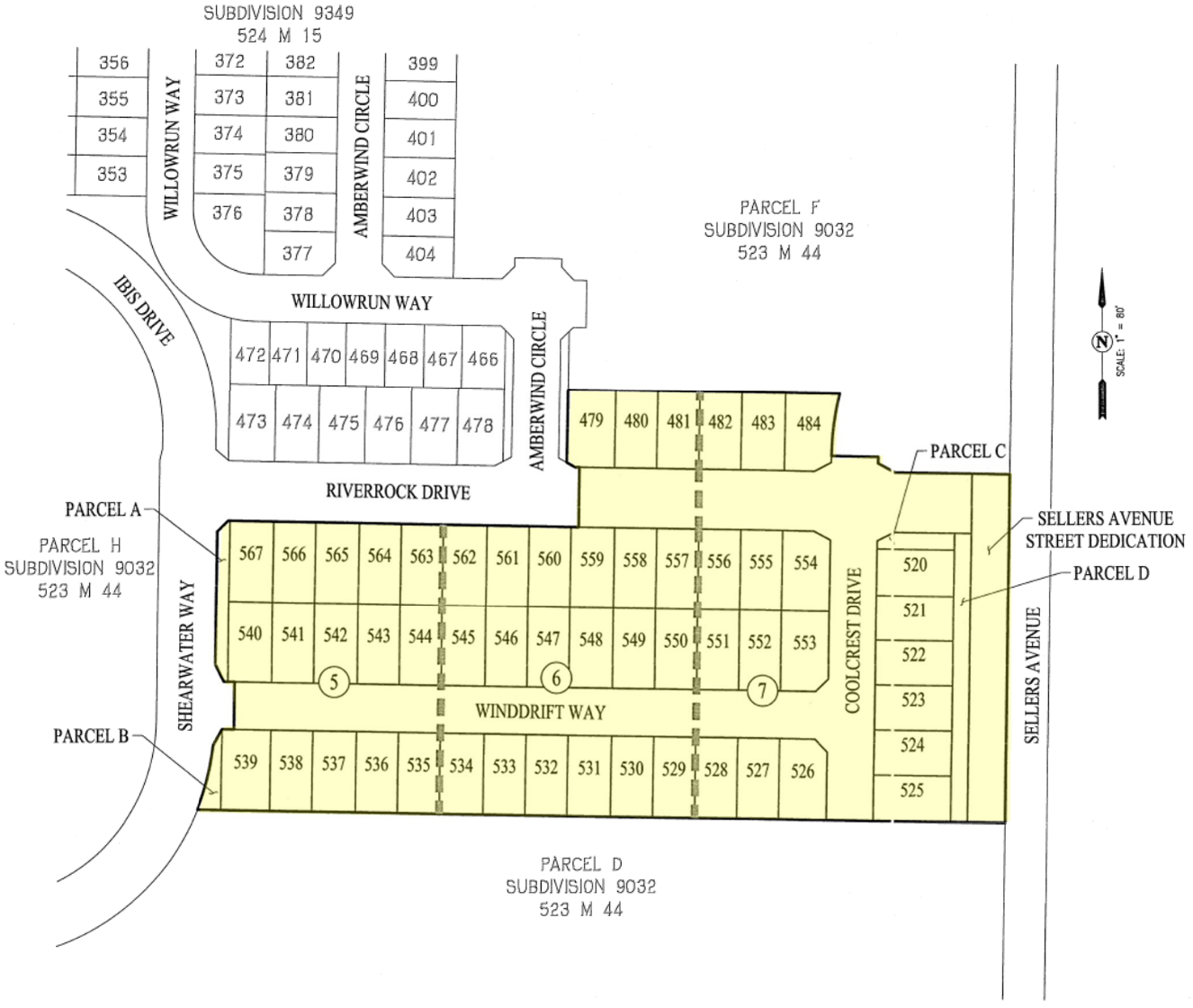
ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

VICINITY MAP

EMERSON RANCH SUBDIVISION 9350 (NEIGHBORHOOD 4)



OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

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

SUBJECT: Acceptance of Subdivision Improvements Associated with Emerson Ranch Neighborhood 5 Subdivision 9351 located near East Cypress Road and Emerson Ranch Way

---

Background and Analysis

The Emerson Ranch Neighborhood 5 Subdivision is a 96-lot subdivision located near East Cypress Road and Emerson Ranch Way.

On September 22, 2015, the City Council adopted Resolution Number 115-15 which approved the Subdivision Improvement Agreement (SIA) with Brookfield Emerson Land LLC, a Delaware Limited Liability Company (Developer) related to Subdivision 9351 (Emerson Ranch Neighborhood 5). The SIA included the requirements that the Developer would commence construction of the improvements for Subdivision 9351.

The Developer has since completed all of the required improvements for Subdivision 9351 and constructed all 96 houses within the subdivision. At this time, the Developer has requested that the City accept the improvements for maintenance. The Public Works and Engineering staff has completed a final inspection of all public improvements and has found them to be in substantial compliance with the approved plans. The improvements in this neighborhood have been installed for four years and the improvements have met the one year warranty requirements.

Fiscal Impact

Upon acceptance of the improvements, the City will be obligated to maintain the Public Infrastructure. Preventative street maintenance for public roadway are currently funded using Gas Tax. Storm drains, lighting, and landscaping are funded through the Community Facilities District (CFD 2015-1).

Staff Recommendation

Staff recommends that the City Council adopt the Resolution accepting the subdivision improvements associated with Subdivision 9351 and for the City to begin the maintenance obligation for the public infrastructure of this subdivision.

Attachments

1) Resolution
2) Vicinity Map

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, ACCEPTING THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH THE EMERSON RANCH NEIGHBORHOOD 5 SUBDIVISION 9351 AND FOR THE CITY TO BEGIN THE MAINTENANCE OF THE SUBDIVISION IMPROVEMENTS

WHEREAS, on September 22, 2015 the City Council approved the Subdivision Improvement Agreement with Brookfield Emerson Land LLC, a Delaware Limited Liability Company related to Subdivision 9351 (Emerson Ranch Neighborhood 5); and

WHEREAS, the City of Oakley Public Works and Engineering staff has inspected the Subdivision Improvements and have determined that said improvements have been constructed in substantial compliance with the approved improvement plans for Subdivision 9351 titled "EMERSON RANCH – PHASE 2 GRADING PLAN SUBDIVISION 9349, 9350, & 9351" & "EMERSON RANCH PHASE 2B IMPROVEMENT PLAN SUBDIVISIONS 9350 & 9351" prepared by Carlson, Barbee and Gibson, Inc.; and

WHEREAS, the City Clerk's Statement on the Subdivision 9351 Final Map states that the City Council did accept, subject to improvement, any streets, roads, avenues, drives, or easements shown on the map as dedicated to public use; and

NOW THEREFORE, the City Council of the City of Oakley hereby resolves as follows:

a) The Subdivision Improvements associated with Subdivision 9351 have been accepted for public maintenance, including the following streets within the project boundaries: Amberwind Circle, Coolcrest Drive, and Sellers Avenue; and

b) In accordance with the City Clerk's Statement on the Subdivision 9350 Final Map, the roads, avenues, drives, or easements and right of way dedications shown on the map such as Parcel A and B dedicated to public use is accepted.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on November 10, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

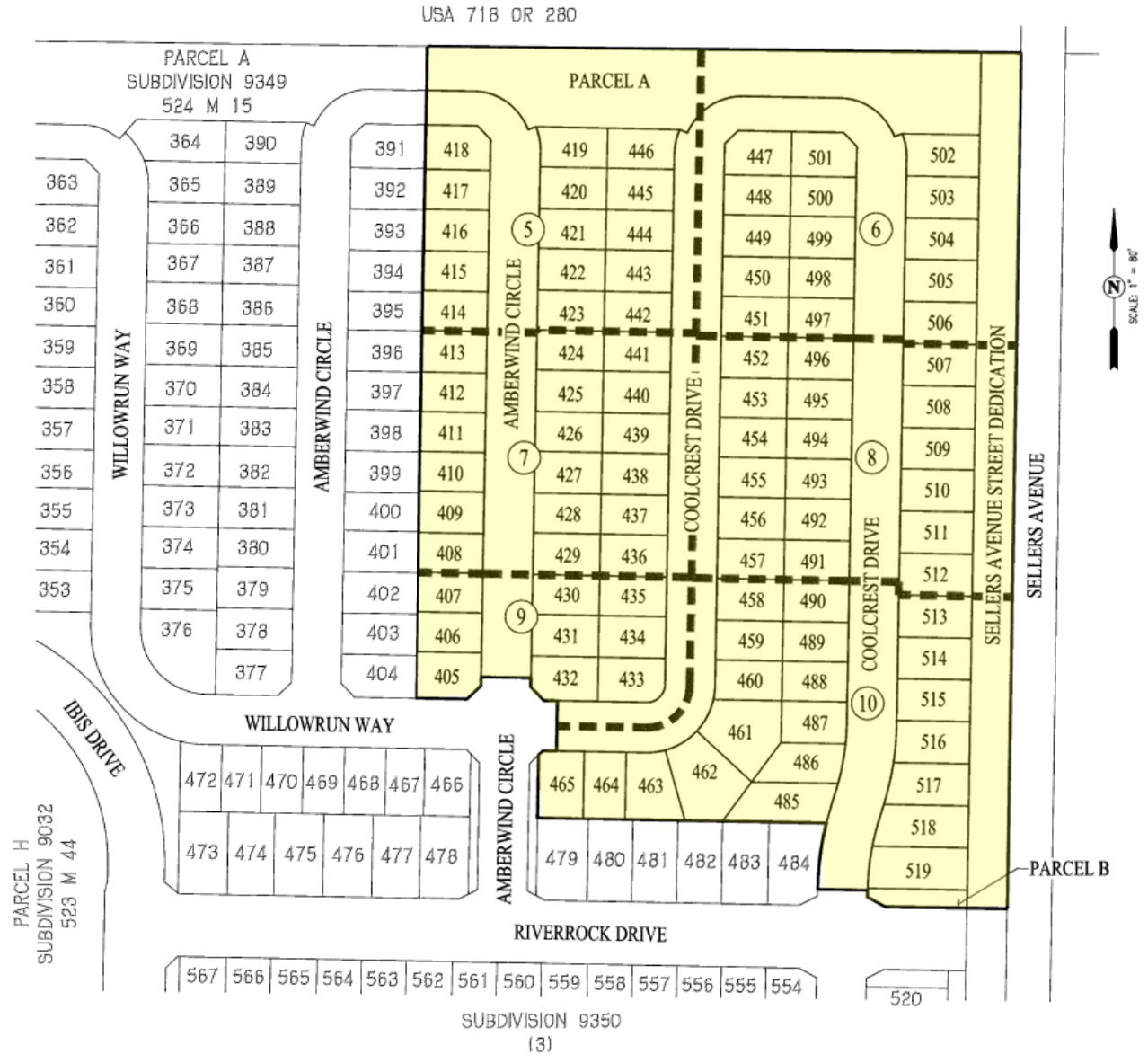
ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

VICINITY MAP

EMERSON RANCH SUBDIVISION 9351 (NEIGHBORHOOD 5)



OAKLEY
CALIFORNIA

STAFF REPORT

Date: November 10, 2020

Approved and Forwarded to the City Council

To: Bryan H. Montgomery, City Manager

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

Subject: Approval of Subdivision Improvement Agreement and Final Map for Oakley Logistics Center-Phase 2, Subdivision 9549 located near Bridgehead Road and Wilbur Avenue

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Background and Analysis

On December 17th, 2018, NP Oakley LLC ("APPLICANT") submitted an application requesting approval of a Vesting Tentative Map (TM05-018) to create eight parcels within the 375.7-acre subject property.

On December 17th, 2019, the City Council of the City of Oakley adopted Resolution No. 147-19 which conditionally approved the Vesting Tentative Map (TM-05-18). The project is proposed to be developed in multiple phases with the approval of Phase 1 Subdivision 9513 on April 01, 2020.

NP Oakley LLC, a Delaware Limited Liability Company ("Developer") has submitted the Final Map for phase 2, Subdivision 9549 to the City Engineer for review. In order to satisfy all remaining conditions of approval, the Developer has requested that the City enter into a Subdivision Improvement Agreement (SIA), attachment 3. The SIA requires Developer to complete the public improvements as required by the Conditions of Approval for Subdivision 9549. As part of this agreement, the Developer is required to provide securities for the total amount of the estimated cost of $1,103,000 for the Improvements.

The City Engineer and City Surveyor have reviewed the tentative map approval documents and the final map, and have found the map to be technically correct, in substantial compliance with the conditionally approved tentative map, and all final map conditions of approval have been met (or are being secured by way of the Subdivision Improvement Agreement). A copy of the Final Map has been prepared by Carlson, Barbee, & Gibson, Inc. and attached as Attachment 4.

Fiscal Impact
There is no fiscal impact associated with this action.

Staff Recommendation
Staff recommends that the City Council:

1) Adopt the attached resolution (Attachment 1) approving the Subdivision Improvement Agreement with NP Oakley LLC, A Delaware Limited Liability Company for Subdivision 9549 and authorizing the City Manager to sign the agreement.

2) Adopt the attached resolution (Attachment 2) approving the Final Map entitled “Oakley Logistics Center SUBDIVISION 9549”.

Attachments
1) Resolution Approving the Subdivision Improvement Agreement (SIA)
2) Resolution Approving the Final Map for Subdivision 9549
3) Subdivision Improvement Agreement (SIA)
    Exhibit A – Vesting Tentative Map & City Council Resolution 147-19
    Exhibit B - Prevailing Wage
    Exhibit C - Insurance Requirements
    Exhibit D - Verification of Required Insurance
4) Subdivision 9549 Final Map

RESOLUTION NO. 20-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT WITH NP OAKLEY LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR SUBDIVISION 9549 OAKLEY LOGISTICS CENTER AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, the City Council of the City of Oakley, California, wishes to enter into a Subdivision Improvement Agreement with NP Oakley LLC, a Delaware Limited Liability Company for the development of a Light Industrial development known as Subdivision 9549 Oakley Logistics Center; and

WHEREAS, this agreement will require the developer to complete approximately $1,103,000 for the Improvements in accordance with the project conditions of approval and City standards.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the Subdivision Improvement Agreement with NP Oakley LLC, a Delaware Limited Liability Company is hereby approved and the City Manager is hereby authorized to execute the Subdivision Improvement Agreement for the development of Subdivision 9549 Oakley Logistics Center in the form attached hereto as Exhibit A and is made part of this resolution.

PASSED AND ADOPTED by the City Council of the City of Oakley, California, this 10th day of November 2020 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

RESOLUTION NO. 20-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY CALIFORNIA, APPROVING THE FINAL MAP TITLED "SUBDIVISION 9549" OAKLEY LOGISTICS CENTER LOCATED NEAR 6000 BRIDGEHEAD ROAD AND WILBUR AVENUE.

WHEREAS, on December 17th, 2018, NP Oakley LLC, a Delaware Limited Liability Company ("APPLICANT") submitted an application requesting approval of a Vesting Tentative Map (TM05-018) to create eight parcels within the 375.7-acre subject property; and

WHEREAS, on December 17th, 2019, the City Council of the City of Oakley adopted Resolution 147-19 which conditionally approved the Vesting Tentative Map; and

WHEREAS, APPLICANT has requested that the City Council approve the Final Map for Subdivision 9549, Oakley Logistics Center; and

WHEREAS, the City Engineer has reviewed the proposed Final Map that all the conditions of approval have been substantially satisfied; and

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

WHEREAS, the City has determined that the Final Map is statutory exempt from the California Environmental Quality Act (CEQA) Statutory Exemptions, Title 14 of the California Code of Regulations Section 15268(b)(3) Ministerial Projects, approval of final subdivision maps.

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

1. Finds that the Final Map is statutory exempt from the California Environmental Quality Act (CEQA) Statutory Exemptions, Title 14 of the California Code of Regulations Section 15268(b)(3) Ministerial Projects, approval of final subdivision maps; and

2. Approves the Final Map labeled "Subdivision 9549" Oakley Logistics Center, as prepared by Carson, Barbee and Gibson, Inc. be approved; and

3. Authorizes the City Clerk to transmit the Final Map to the County Recorder of the County of Contra Costa for filing.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 10th of November, 2020 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

CITY OF OAKLEY
SUBDIVISION IMPROVEMENT AGREEMENT
SUBDIVISION 9549 – OAKLEY LOGISTICS CENTER

This agreement is made and entered into this 10th day of November, 2020 by and between the City of Oakley, a municipal corporation, hereinafter referred to as "CITY", and NP Oakley LLC, a Delaware Limited Liability Company, hereinafter referred to as "DEVELOPER".

R E C I T A L S

WHEREAS, it has been determined by the City Council of the City of Oakley, State of California, that DEVELOPER, the subdivider of Subdivision 9549, desires to improve and dedicate those public improvements (hereafter "The Improvements") required by the conditions of approval for the project as adopted by the City of Oakley City Council via Resolution Number 147-19 in accordance with the requirements and conditions set forth in approvals, the requirements of the Subdivision Map Act of the State of California, and those certain plans and specifications for said development approved by CITY and titled (i) "Phase 2 Grading Plans for Oakley Logistics Center", and (ii) "Building Four Private Site Improvement Plans" as prepared by Carson, Barbee and Gibson (collectively, the "Improvement Plans"), now on file in the office of the City Engineer, which are hereby referred to for a more definite and distinct description of the work to be performed under this Agreement as though set forth at length herein; and

WHEREAS, DEVELOPER and CITY acknowledge that not all conditions of approval ("COA") contained in Resolution Number 147-19 have been satisfied, but nevertheless, DEVELOPER desires to file a final map. The satisfaction of all COA, including the following specific COA are the subject of this Agreement. DEVELOPER's agreement to satisfy all COA including the aforementioned COA and construct the Improvements identified in the aforementioned COA is a material part of the consideration for this Agreement; and

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

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

1. Improvements.

DEVELOPER agrees to install the road improvements (both public and private), sewer and drainage improvements, signs, street lights, fire hydrants, landscaping, and such other improvements (including appurtenant equipment) as required as conditions of approval of Vesting Tentative Map 05-18 as set forth in Exhibit A to this Agreement, which

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

DEVELOPER will commence construction of The Improvements within 30 days following the date on which CITY executes this Agreement. DEVELOPER shall complete said work not later than 12 months following said date of execution in a good workmanlike manner, in accordance with accepted construction practices and in a manner equal or superior to the requirements of the City of Oakley Municipal Code and Contra Costa County Ordinance Code and rulings made thereunder; and where there is a conflict between the improvement plans and the City Municipal Code or County Ordinance Code, the stricter requirements shall govern. It is understood that the City of Oakley was incorporated effective July 1, 1999, and as such continues to rely on certain laws, ordinances and design standards of the County of Contra Costa. References herein to the County Code or County Ordinance Code are understood to refer to such ordinances and codes as if adopted by the City of Oakley. If DEVELOPER is delayed at anytime in the progress of the critical elements of the work by any act or neglect of City or by fire, unusual delay in transportation, adverse weather conditions beyond the historical annual means or not reasonably anticipatable, or unavoidable casualties, the date for completion set forth in this section shall be automatically extended the time for completion of the Improvements. Before the City will grant an extension, DEVELOPER must show good cause satisfactory to the City for the extension and provide evidence satisfactory to the City that sufficient security will remain in place during the term of the extension to ensure the faithful performance of this Agreement. These determinations shall be made by the City in its sole discretion.

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

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

The estimated cost of constructing The Improvements required by this Agreement as adjusted for inflation is agreed to be $1,103,000 for Improvements. Said amounts include costs and reasonable expenses and fees which may be incurred in enforcing the obligation secured.

3. Bonds Furnished.

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

a. Faithful Performance. Either a cash deposit, a corporate surety bond issued by a company duly and legally licensed to conduct a general surety business in the State of California, or an instrument of credit equivalent to one hundred percent (100%) of the estimate set forth in Paragraph 2 and sufficient to assure CITY that The Improvements will be satisfactorily completed. A minimum of one percent (1%) of the security shall be a cash deposit.

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

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

4. Prevailing Wage.

The CITY has determined that construction of any public improvements fall within the definition of “public works” set forth in California Labor Code Section 1720. Subject to any amendments to Labor Code Section 1720 et seq., DEVELOPER shall comply with Labor Code Section 1720 et seq., shall comply with the provisions set forth in Exhibit B and shall ensure that any contractors and subcontractors comply with the provisions of Exhibit B for any public improvements. DEVELOPER shall waive, indemnify, hold harmless and defend CITY concerning any liability arising out of Labor Code Section 1720 et seq.

5. Insurance Required.

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

6. Work Performance and Guarantee.

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

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

temporary or permanent repairs which may be required as determined in the sole discretion and judgment of CITY.

If CITY, at its sole option, makes or causes to be made the necessary repairs or replacements or performs the necessary work, DEVELOPER shall pay, in addition to actual costs and expenses of such repair or work, fifty percent (50%) of such costs and expenses for overhead and interest at the maximum rate of interest permitted by law accruing thirty (30) days from the date of billing for such work or repairs.

7. Inspection of the Work.

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

8. Agreement Assignment.

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

9. Abandonment of Work.

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

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

In the event of any such notice of breach of this Agreement, DEVELOPER's surety shall have the duty to take over and complete The Improvements herein specified; provided, however, that if the surety, within thirty (30) days after the serving upon it of such notice of breach, does not give CITY written notice of its intention to take over the performance of the contract, and does not commence performance thereof within thirty

(30) days after notice to CITY of such election, CITY may take over the work and prosecute the same to completion, by contract or by any other method CITY may deem advisable, for the account and at the expense of DEVELOPER and DEVELOPER's surety shall be liable to CITY for any damages and/or reasonable and documented excess costs occasioned by CITY thereby; and, in such event, CITY, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to DEVELOPER as may be on the site of the work and necessary therefor.

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

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

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

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

NP Oakley LLC, a Delaware Limited Liability Company
Attention: Evan Fitts
4825 NW 41st Street, Suite 500
Riverside, MO 64150

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

Berkley Insurance Company
475 Steamboat Road
Greenwich, CT 06830

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

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

10. Use of Streets or Improvements.

At all times prior to the final acceptance of the work by CITY, the use of any or all streets and improvements within the work to be performed under this Agreement shall be at the sole and exclusive risk of DEVELOPER. The issuance of any building or occupancy permit by CITY for dwellings located within the tract shall not be construed in any manner

to constitute a partial or final acceptance or approval of any or all such improvements by CITY. DEVELOPER agrees that CITY's Building Official may withhold the issuance of building or occupancy permits when the work or its progress may substantially and/or detrimentally affect public health and safety.

11. Safety Devices.

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

12. Acceptance of Work.

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

13. Patent and Copyright Costs.

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

14. Alterations in Plans and Specifications.

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

15. Liability.

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

1. That CITY does not, and shall not, waive any rights against DEVELOPER which it may have by reason of the aforesaid hold harmless agreement, because of the acceptance by CITY, or the deposit with CITY by DEVELOPER, of any of the insurance policies described in Paragraph 4 hereof.

2. That the aforesaid hold harmless agreement by DEVELOPER shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not CITY has prepared, supplied, or approved of plans and/or specifications for the subdivision, or regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

b. Design Defect. If, in the opinion of the CITY, a design defect in the work of improvement becomes apparent during the course of construction, or within one (1) year following acceptance by the CITY of the improvements, and said design defect, in the opinion of the CITY, may substantially impair the public health and safety, DEVELOPER shall, upon order by the CITY, correct said design defect at his sole cost and expense, and the sureties under the Faithful Performance and Labor and Materials Bonds shall be liable to the CITY for the corrective work required.

c. Litigation Expenses. In the event that legal action is instituted by either party to this Agreement, and said action seeks damages for breach of this Agreement or seeks to specifically enforce the terms of this Agreement, and, in the event

judgment is entered in said action, the prevailing party shall be entitled to recover its attorneys' fees and court costs. If CITY is the prevailing party, CITY shall also be entitled to recover its attorney's fees and costs in any action against DEVELOPER's surety on the bonds provided under paragraph 3.

16. Recitals.

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

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

CITY OF OAKLEY

By:

_____
Bryan H. Montgomery
City Manager

APPROVED AS TO FORM:

_____
Derek P. Cole
City Attorney

ATTEST:

_____
Libby Vreonis, City Clerk

DEVELOPER

By:

_____
Nathaniel Hagedorn
Manager

NP Oakley, LLC, A Delaware Limited Liability Company

By:

_____

NPD Management, LLC, a Missouri Limited Liability Company, its Manager

Exhibits: Exhibit A – City of Oakley, City Council, Resolution 147-19

Exhibit B – Prevailing Wage

Exhibit C - Insurance Requirements

Exhibit D - Verification of Required Insurance

EXHIBIT A

(RESOLUTION 147-19)

RESOLUTION NO. 147-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND APPROVING VESTING TENTATIVE MAP (TM 05-18) AND DESIGN REVIEW (DR 12-18) ON A PROPERTY LOCATED AT 6000 BRIDGEHEAD ROAD (APN'S: 037-020-008, -009, -010, AND -014 THROUGH -022) FOR THE PROJECT KNOWN AS THE "OAKLEY LOGISTICS CENTER"

WHEREAS, on December 17, 2018, NP Oakley, LLC., ("Applicant") submitted an application requesting 1) Certification of the Environmental Impact Report, including adoption of Findings of Fact and a Statement of Overriding Considerations; 2) Adoption of the Mitigation Monitoring and Reporting Program; and approval of 3) a General Plan Amendment (GPA 04-18) to amend the land use designation of the 143.3-acre project site from Light Industrial (LI) /Business Park (BP) /Utility Energy (UE) to Light Industrial (LI)) with the remainder of the subject property being Delta Recreation (DR), and to remove the proposed extension of Live Oak Avenue from Figure 3-1, Circulation Diagram, of the General Plan; 4) a Rezone (RZ 08-18) to amend the zoning designation of the 375.7-acre subject property from Specific Plan (SP-3) to Planned Unit Development (P-1); 5) a Vesting Tentative Map (TM 05-18) to create eight parcels within the 375.7-acre subject property; 6) Design Review (DR 12-18), including the Final Development Plan, for the project's design, including site plans, architectural elevations, conceptual landscape plans, and other physical development; and 7) Development Agreement (DA 01-18) for the proposed development between the City of Oakley and the project applicant. The project site is located at 6000 Bridgehead Road (APN's: 037-020-008, -009, -010, and -014 through -022). ("Project"); and

WHEREAS, the project site is designated as *Light Industrial (LI) and Delta Recreation (DR)* in the Oakley 2020 General Plan per City Council Resolution No.146-19 and zoned Planned Development (P-1) District per Ordinance No. 02-20; and

WHEREAS, the "Project" was analyzed under the Oakley Logistics Center Project EIR (SCH # 2019029113); and

WHEREAS, on December 5, 2019, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. On December 5, 2019, 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 and outside the library at Freedom High School located at 1050 Neroly Road. The notice was also mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to parties requesting such notice, and to outside agencies; and

WHEREAS, on December 17, 2019, 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

consists of 8 parcels. Construction and grading of the project are subject to building or grading permits, and violations of any such permits are subject to appropriate enforcement;

6. The design of the subdivision includes the construction of improvements within public right-of-way that are consistent with major subdivisions and the City's design standards. The improvements consist of widening Bridgehead Road, with additional roadway, sidewalks, curbs and gutters, and landscaping adjacent to the projects frontage. The remainder of the subdivision will be accessed through new roads with landscaping and lighting; and

7. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. The Vesting Tentative Map does not conflict with easements acquired by the public for access and utilities.

B. In regards to the application requesting Design Review approval for (DR 12-18) for the project, the City Council finds that:

1. The proposed Design Review plans are substantially consistent with the applicable General Plan designation and approved Vesting Tentative Map. The proposed use is allowed for by the approval of the projects General Plan Amendment and Rezone applications; and

2. The proposed Design Review plans comply with all applicable Planned Development (P-1) District regulations as set forth in the approval of the projects Rezone application; and

3. The proposed design and materials of the Oakley Logistics Center buildings are compatible with the applicable adopted City of Oakley Commercial and Industrial Design Guideline standards, subject to the approved Final Development Plan.

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

D. The Environmental Impact Report (EIR) for the Oakley Logistics Center project was certified by the City of Oakley City Council on December 17, 2019. The

Vesting Tentative Map and Design Review applications were analyzed under the Oakley Logistics Center Project EIR (SCH # 2019029113).

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 **Vesting Tentative Map (TM 05-18) and Design Review (DR 12-18)** 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 **December 17, 2018**, as well as additional information acquired since that time and made part of the project file.

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

PLANNING DIVISION CONDITIONS

General:

1. This **Vesting Tentative Map (TM 05-18) and Design Review (DR 12-18)** is approved, as shown on the plans, date stamped by the Planning Division on **October 9, 2019**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. This approval for **Vesting Tentative Map (TM 05-18) and Design Review (DR 12-18)** 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 **December 17, 2022**. 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 **December 17, 2019**.

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. Parking stalls shall be 9 feet wide by 19 feet deep and all drive aisles shall be a minimum 24 feet in width as reviewed and approved by the Community Development Director.

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

10. Light poles shall be a maximum height of 30 feet within employee or public parking areas and shall provide glare shields where adjacent to existing residences per the review and approval of the Community Development Director. Light Poles within truck courts and outside storage areas may be taller depending on user needs and shall be approved by the Community Development Director.

11. Trash enclosures shall match Oakley Disposal and City standards and shall provide adequate space to accommodate both trash and recycling. Also, trash enclosures shall be constructed with a roof to match the building design and materials, have metal gates, and when appropriate be surrounded by landscaping with climbing vines on three sides per the review and approval of the Community Development Director.

12. Tenants may utilize trash receptacles such as compactors, trash containers, or recycling containers at their dock positions so long as they are completely enclosed and protected from the elements.

13. Any outdoor storage shall be kept neat and orderly at all times, per the review and approval of the Community Development Director.

Architecture:

14. Roof-mounted equipment shall not be visible when standing at grade level within 50' of the building. Should roof-mounted equipment be visible it much be architecturally screened from view per the review and approval of the Community Development Director.

15. The light fixtures on the buildings shall be decorative fixtures in line with the architecture per the review and approval of the Community Development Director.

Landscaping Requirements:

16. 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 shell 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.

17. 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.

18. Parking lot trees, where feasible, shall achieve to provide shading of the parking areas at tree maturity.

19. 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.

20. If occupancy is requested prior to the installation of the landscape and irrigation improvements, then either a performance and payment bond, 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.

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

22. The applicant shall provide mitigation for the removal of any heritage and protected trees per OMC Section 9.1.1112(g)(11)(a).

Walls and Fences:

23. Anti-graffiti techniques shall be used on walls.

24. The applicant shall submit a wall and fence plan with each Building per the final review and approval of the Community Development Director. Walls and fences shall be decorative in nature, with a minimum level of vinyl coated chain link material.

Signage:

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

26. A Sign Plan shall be provided for the site. Only the following signs shall be allowed, subject to final review and approval by the Community Development Director prior to the issuance of a building permit for signs:

    - To be determined with each Building.

27. The wall signs shall be constructed of individual channel letters.

28. All signs shall be on permanent structure and of design and material to compliment the proposed buildings. 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.

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

Design Review:

30. All aspects of the architecture and site design for each building within the campus must be consistent with style of architecture submitted with the project. Each building shall be of high quality and have 360 degree design incorporated therein.

The review and approval of each building's design will be handled at the Building Permit submittal per the review and approval of the Community Development Director.

Mitigation Measures

31. All mitigation measures addressed in the Oakley Logistic Center EIR shall be complied with and addressed as outlined in the Mitigation Monitoring and Reporting Plan, per the review and approval of the Community Development Director.

32. All measures contained within the HCP Planning Survey Report dated **September 27, 2019** shall be complied with, per the review and approval of the Community Development Director.

Waste Management Plan:

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

BUILDING DIVISION CONDITIONS

34. 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.

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

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

PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF AN ENCROACHMENT AND/OR GRADING PERMIT:

37. 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.

38. 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.

39. 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.

40. PERMIT ISSUANCES. Improvements plans signed approval from Iron House Sewer District and Diablo Water Districted is required prior to City of Oakley release of any construction permit for Grading and Drainage.

41. 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.

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

    a) 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;

    b) 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.

43. CONSTRUCTION STREET PARKING. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the City Engineer.

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 and homeowner 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 sponsor 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:

    a) Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, and special events. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.

b) 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.

c) Prior to construction, advance notification of all affected residents 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.

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

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

48. 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.

49. 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.

50. 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.

51. 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.

52. CONSTRUCTION NOISE. Between the hours of 7:30 a.m. to 5:30 p.m., weekdays, construction, alteration or repair activities shall be allowed. 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 hours listed above unless prior written approval is obtained by the Public Works Department.

53. 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.

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE APPROVAL OF THE GRADING PLAN:

54. ENVIRONMENTAL CLEAN UP. A Land Use Covenant approved by Department of Toxic Substances Control (DTSC) must be provided providing proof that the proposed use complies with land use restrictions placed by DTSC.

55. 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.

56. GRADING.

a) 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 or concrete block and comply with the City's building code.

b) 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.

c) 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.

d) 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.

e) 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.

f) The burying of any construction debris is prohibited on construction sites

57. 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

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 IMPROVEMENT PLAN:

58. IMPROVEMENT PLAN APPROVAL. Improvements plans shall be signed approved from Iron House Sewer District and Diablo Water Districted, prior to approval of the City Engineer and release of any construction permit for grading and drainage improvements.

59. PUBLIC IMPROVEMENTS. Project streets within public right of way to must be designed to City public road standards and as shown on the Tentative Map with the following exceptions:

    a. The minimum street grade may be lowered from the standard 1% to 0.75% provided that the project proponent demonstrates that the City's drainage standards can be achieved.

    b. Submit a turning radius exhibit to the City Engineer for review and approval to illustrate that the ninety-degree turns of project streets can accommodate the largest expected vehicle to use the streets without the inclusion of City standard elbows. If the exhibit illustrates that elbows are

necessary to accommodate the expected traffic, then they shall be included in the improvement plans.

60. ROADWAY IMPROVEMENTS. The following improvements shall be installed by the developer as shown on the Tentative Map. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the City.

a. Frontage Improvements. Bridgehead Road shall be constructed with curb, gutter, sidewalk, street lights, pavement widening, signing, striping, and storm drainage as required and shown in the Tentative Map. Frontage improvements shall include a 2 inch grind and overlay for the existing southbound lanes within the project limits.

b. Onsite Improvements - Wilbur Avenue, A Street, B Street, C Street, and D Street shall be constructed per City Standards for a public road with the modifications shown on the Tentative Map. All other streets shall be installed to private roadway standards to the satisfaction of the City Engineer and East Contra Costa Fire District. Submit a Geotechnical Report that recommends the pavement section necessary to accommodate the truck traffic anticipated for this roadway network.

c. Offsite Improvements – The following improvements shall be installed consistent with the mitigation measures outlined in the Traffic Impact Report for the project to the satisfaction of the City Engineer:

i. Wilbur Avenue & Bridgehead Road – Install a four-way traffic signal with crosswalks. Improvements must be constructed and operational prior to the release of the Certificate of Occupancy of the fifth building constructed on site. *(MM 4.4-8a)*

ii. Main Street at Bridgehead Road/Neroly Road –
1) Installation of a dual eastbound left turn lane and a dual northbound left turn lane,
2) Implementation of signal coordination with the adjacent traffic signal at the SR 160 Eastbound Ramps.
Improvements must be constructed and operational prior to the release of Certificate of Occupancy of the first building constructed on site. *(MM 4.4-7a)*

iii. Big Break Road at Main Street –
1) Widening of the southbound Big Break Road approach to the intersection to allow for an additional approach lane,
2) Construction of a dual left turn lane on the eastbound Main Street approach to the intersection,

3) Widening of the eastbound and westbound Main Street approaches to allow for three through lanes in each direction.
The fair share contribution for these improvements is due two weeks prior to the approval of the Traffic Impact Fee Update or issuance of the building second building permit, whichever comes first. *(MM 4.4-8b)*

iv. Oakley Road at Live Oak Avenue – Widening of the westbound Oakley Road approach to the intersection to allow for a separate right turn lane. The fair share contribution for these improvements is due two weeks prior to the approval of the Traffic Impact Fee Update or issuance of the building second building permit, whichever comes first. *(MM 4.4-2)*

v. Main Street at Empire Avenue– Installation of a dual westbound left turn lane. The fair share contribution for these improvements is due two weeks prior to the approval of the Traffic Impact Fee Update or issuance of the building second building permit, whichever comes first. *(MM 4.4-7b)*

vi. Bridgehead Road between the Planned River Oaks Crossing Entrance and the Main Street and Neroly Road Intersection – Widening of this segment of Bridgehead Road from a two lane to a four lane cross-section. Improvements must be constructed and operational prior to the release of Certificate of Occupancy of the first building constructed on site. *(MM 4.4-9)*

61. DRAINAGE IMPROVEMENTS.

a. Offsite Improvements – Design and construct the proposed Del Antico Basin modification, as described in the Stormwater Control Plan, concurrently with the Phase 1 Backbone Infrastructure. The design and construction is not to exceed a total contribution (construction cost) of two-hundred and fifty thousand dollars ($250,000.00). One acre of the basin bottom shall be excavated and replaced with an 18-inch layer of engineered biosoil over a 12-inch layer of drain rock to the satisfaction of the City Engineer. The basin modification shall be constructed prior to the issuance of certificate of occupancy for any buildings to the satisfaction of the City Engineer.

b. Collect and convey all stormwater entering and /or originating on this property, without diversion and within an adequate storm drainage facility, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage facility that conveys the storm waters to an adequate natural watercourse.

c. Submit a final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for the proposed drainage system and stormwater pond to the city Engineer for review and approval. The report shall includes study of the downstream stormdrain facilities to confirm its adequacy and mitigate on-site so that the peak flows of post-project conditions do not exceed the pre-project peak flows.

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

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

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

g. On-site parking area and driveways shall not surface drain across public sidewalk or driveway aprons.

62. 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 as required by the City Engineer.

63. 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.

64. 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.

65. 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.

66. STREET LIGHTS. Install streetlights along all public streets as required by the City Engineer. The City Engineer shall determine the final number and location of the lights, and the lights shall be on an LS2-A rate service. Street lights shall be spun aluminum "cobra head" style as required by the City of Oakley Standard Plans.

67. LANDSCAPING IN PUBLIC RIGHT OF WAY.
   a) Install public right-of-way landscaping along the project's frontages as required by the City Engineer and Community Development Director.

   b) Maintain all landscaping within the public right-of-way until such time that the adjacent roadway improvements have been accepted for maintenance. Frontage landscaping shall be maintained by the owner.

   c) Prior to the issuance of certificate of occupancy, an inspection will be performed to verify the health and location of the street trees. Trees in poor health or those without adequate clearance from utilities will require replacement or relocation.

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

THE FOLLOWING PUBLIC WORKS AND ENGINEERING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO THE APPROVAL OF THE FINAL MAP:

69. BONDS. The applicant shall supply suitable securities for all site improvements that are a part of the development in a form acceptable to the City in the amount of 100% (performance), 50% (labor and material) prior to issuance of any permit.

70. FINAL MAP. Submit a Final Map prepared by a Licensed Land Surveyor. The parcel map shall be recorded, and the Subdivision Agreement must be executed before any building permits are issued. Insurance shall be provided per the terms of the Subdivision Agreement. Exception may be granted if the applicant wishes to file for a lot line adjustment prior to the recordation of the Final Map prior to the

release of the building permit or secure a letter from the owner that no lots can be sold until the Final Map is recorded.

71. DEDICATIONS. The following shall be dedicated on the final map. The dedication shall be recorded before any permits are issued.

    a. Dedicate the required right-of-way along the project frontage as shown in the typical sections of the Tentative Map.
    b. Public Utility Easement (PUE): 5' PUE beyond Parcel A, B & C and as required.
    c. Ingress-egress, storm drainage easements, as required.

    Any necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road, utility and drainage improvements shall be furnished to the City. Prior to the issuance of building number 1 the applicant must provide the necessary documentation that all existing easement no longer necessary have been quitclaimed.

72. 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 final map.

73. EASEMENTS. All easements no longer in use shall be abandoned/quitclaim. Recorded quitclaim documents or a certificate of compliance letter that all easements are not in conflict, nor restricts the construction of the proposed improvements. Documentation shall be provided to the City prior to release of any building permits.

74. UTILITY SETBACKS. Building foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. 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.

THE FOLLOWING SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT:

75. 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.

76. 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.

77. 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.

78. 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.

79. 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 specified in Section 8 of the Development Agreement prior to building permit issuance:

A. Pay to the City $3,000,000 (three million dollars) as full satisfaction of its obligation for City traffic impact fees as required by Ordinance No. 14-00, adopted by Resolution 49-03 as amended by 49-17.);

B. Developer shall voluntarily contribute to the City the amount of $850,000 (eight hundred and fifty thousand dollars) for the City, in its sole discretion, to utilize in a manner it believes best to serve and benefit its residents;

C. Regional Transportation Development Impact Mitigation Fee (authorized by Ordinance No. 14-00, adopted by Resolution No. 73-05).

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

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

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

G. East Contra Costa County Habitat Conservation Plan Fee (adopted by Resolution No. 112-07 & 124-07).

The applicant is required to fund the Traffic Impact Fee Update removing the Live Oak Extension and Live Oak Railroad Crossing on the existing project list pending approval of the General Plan Update to remove these projects in our roadway network.

80. ANNEXATIONS

Prior to the issuance of the first occupancy permit, the developer shall establish a funding mechanism to cover the annual financial impact that their project has on police services, maintenance and operation costs associated with regional, community, and neighborhood parks, street landscaping, street lights, stormwater facilities, street sweeping, streets and sidewalk maintenance within the project. Forming a new Community Facilities District (CFD) that includes tax components to address these financial impacts shall satisfy this requirement. All costs associated with meeting this requirement shall be paid for by the developer. Compliance with this requirement shall be to the satisfaction of the Public Works Director.

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.

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. The applicant shall be responsible for paying the County Recorder's Fee for the Notice of Determination as well as the State Department of Fish and Game's Filing Fee.

PASSED, APPROVED AND ADOPTED this 17th day of December, 2019 by the following vote:

AYES: Alaura, Higgins, Krieg, Pope, Romick
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

12-19-19

Date

EXHIBIT B

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

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

HOURS OF WORK:

A. In accordance with California Labor Code Section 1810, eight (8) hours of labor in performance of the Services shall constitute a legal day's work under this Agreement.

B. In accordance with California Labor Code Section 1811, the time of service of any worker employed in construction of the Improvements is limited to eight hours during any one calendar day, and forty hours during any one calendar week, except in accordance with California Labor Code Section 1815; which provides that work in excess of eight hours during any one calendar day and forty hours during any one calendar week is permitted upon compensation for all hours worked in excess of eight hours during any one calendar day and forty hours during any one calendar week at not less than one-and-one-half times the basic rate of pay.

C. The Developer and its contractors and subcontractors shall forfeit as a penalty to the City $25 for each worker employed in the construction of the Improvements for each calendar day during which the worker is required or permitted to work more than eight (8) hours in any one calendar day, or more than forty (40) hours in any one calendar week, in violation of the provisions of California Labor Code Section 1810 and following.

WAGES:

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

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

1. Any agreement executed between the Developer and a contractor or a contractor and a subcontractor for the construction of part of the Improvements shall include a copy of the provisions of California Labor Code Sections 1771, 1775, 1776, 1777.5, 1813, and 1815.

2. The contractor shall monitor payment of the specified general prevailing rate of per diem wages by the subcontractor by periodic review of any subcontractor's certified payroll records.

3. Upon becoming aware of a subcontractor's failure to pay the specified prevailing rate of wages, the contractor shall diligently take corrective action to halt or rectify the failure, including, but not limited to, retaining sufficient funds due the subcontractor for construction of the Improvements.

4. Prior to making final payment to the subcontractor, the contractor shall obtain an affidavit signed under penalty of perjury from the subcontractor that the subcontractor has paid the specified general prevailing rate of per diem wages employees engaged in the construction of the Improvements and any amounts due pursuant to California Labor Code Section 1813.

C. In accordance with California Labor Code Section 1776, the Developer and each contractor and subcontractor engaged in construction of the Improvements, shall keep accurate payroll records showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed in construction of the Improvements. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:

1. The information contained in the payroll record is true and correct.

2. The employer has complied with the requirements of Sections 1771, 1811, and 1815 for any services performed by the employer's employees on the public works project.

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

D. In accordance with California Labor Code Section 1777.5, the prime contractor, on behalf of the Developer and any contractors or subcontractors engaged in construction of the Improvements, shall be responsible for ensuring compliance with California Labor Code Section 1777.5 governing employment and payment of apprentices on public works contracts.

E. In case it becomes necessary for the Developer or any contractor or subcontractor engaged in construction of the Improvements to employ on the construction of the Improvements any person in a trade or occupation (except executive, supervisory, administrative, clerical, or other non manual workers as such) for which no minimum wage rate has been determined by the Director of the Department of Industrial Relations, the Developer, contractor or subcontractor shall pay the minimum rate of wages specified therein for the classification which most nearly corresponds to services to be performed by that person. The minimum rate thus furnished shall be applicable as a minimum for such trade or occupation from the time of the initial employment of the person affected and during the continuance of such employment.

EXHIBIT C

INSURANCE REQUIREMENTS

CONSTRUCTION CONTRACTS

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

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

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

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

Deductibles and Self-Insured Retentions

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

Other Insurance Provisions

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

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

Builder's Risk (Course of Construction) Insurance

Contractor may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall **name the City as a loss payee** as their interest may appear.
If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Claims Made Policies

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

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

Acceptability of Insurers

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

Waiver of Subrogation

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

Verification of Coverage

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

Subcontractors

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

Surety Bonds

Contractor shall provide the following Surety Bonds:
1. Bid bond
2. Performance bond
3. Payment bond
4. Maintenance bond

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

Special Risks or Circumstances

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

EXHIBIT D

VERIFICATION OF INSURANCE

SUBDIVISION 9549

OAKLEY LOGISTICS CENTER

CONSISTING OF 9 SHEETS

BEING A SUBDIVISION OF THE DESIGNATED REMAINDER OF SUBDIVISION 9513 (543 M 4), BEING ALSO A PORTION OF THE LAND DESCRIBED IN THAT GRANT DEED RECORDED AS DOCUMENT NO. 2019-0149702, CONTRA COSTA COUNTY RECORDS

CITY OF OAKLEY, COUNTY OF CONTRA COSTA, CALIFORNIA

cbg CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM

OCTOBER 2020

OWNER'S STATEMENT

THE UNDERSIGNED, BEING A PARTY HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE SAME.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:

1) THE AREAS DESIGNATED "PUBLIC UTILITY EASEMENT" (PUE) FOR USE OF STORM DRAIN, UNDERGROUND ELECTRIC, GAS, CABLE TELEVISION, AND TELEPHONE FACILITIES AND APPURTENANCES THERETO, INCLUDING CONSTRUCTION, ACCESS, AND MAINTENANCE OF SAID FACILITIES AND APPURTENANCES.
2) THE AREAS DEDICATED AS "EMERGENCY VEHICLE ACCESS EASEMENT" (EVAE) FOR THE INGRESS AND EGRESS OF EMERGENCY VEHICLES.

THE REAL PROPERTY DESCRIBED BELOW IS NOT DEDICATED FOR PUBLIC PURPOSES:

THE AREA DESIGNATED "PRIVATE ACCESS EASEMENT" (PAE) IS A RECIPROCAL EASEMENT FOR INGRESS AND EGRESS ACROSS PORTIONS OF LOTS 3 AND 4 FOR THE MUTUAL BENEFIT OF SAID LOTS.

THE AREA DESIGNATED PARCEL A (D STREET) AND PARCEL E (WILBUR AVENUE) ARE PRIVATE STREET(S) FOR THE USE OF, BUT NOT LIMITED TO, PURPOSES OF PRIVATE INGRESS AND EGRESS, PRIVATE UTILITIES, LANDSCAPING AND ALL THE APPURTENANCES TO THE ABOVE. MAINTENANCE OF SAID PRIVATE STREET(S) IS THE RESPONSIBILITY OF THE LAND OWNER IN ACCORDANCE WITH THE SUBDIVISION RESTRICTIONS GOVERNING THIS PROJECT.

THE AREAS DESIGNATED PARCEL B, PARCEL C AND PARCEL D ARE TO BE RETAINED BY THE OWNER.

NP OAKLEY, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: NPD MANAGEMENT, LLC, A MISSOURI LIMITED LIABILITY COMPANY, ITS MANAGER

BY: _____

NAME: _____

TITLE: _____

DATE: _____

BY: _____

NAME: _____

TITLE: _____

DATE: _____

OWNER'S ACKNOWLEDGMENT

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

STATE OF _____ } SS.
COUNTY OF _____ }

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

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

WITNESS MY HAND AND OFFICIAL SEAL:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

OWNER'S ACKNOWLEDGMENT

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

STATE OF _____ } SS.
COUNTY OF _____ }

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

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

WITNESS MY HAND AND OFFICIAL SEAL:

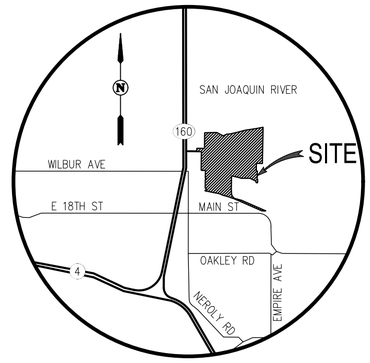
SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____



VICINITY MAP

NOT TO SCALE

CLERK OF THE BOARD OF SUPERVISORS ' STATEMENT

I HEREBY STATE, AS CHECKED BELOW, THAT:

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

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

DATED: _____

DAVID TWA
COUNTY ADMINISTRATOR
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

COUNTY RECORDER'S STATEMENT

FILED THE_____ DAY OF_____, 2020, IN BOOK_____ OF MAPS, AT PAGE _____, IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, AT THE REQUEST OF CHICAGO TITLE INSURANCE COMPANY.

DEBORAH COOPER
COUNTY RECORDER
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY RECORDER

PRELIMINARY

SUBDIVISION 9549
OAKLEY LOGISTICS CENTER

CONSISTING OF 9 SHEETS
BEING A SUBDIVISION OF THE DESIGNATED REMAINDER OF SUBDIVISION 9513 (543 M 4), BEING ALSO A PORTION OF THE LAND DESCRIBED IN THAT GRANT DEED RECORDED AS DOCUMENT NO. 2019-0149702, CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, COUNTY OF CONTRA COSTA, CALIFORNIA

cbg
CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM

OCTOBER 2020

TITLE NOTES:

THE LANDS INCLUDED WITHIN THIS SUBDIVISION ARE SUBJECT TO FOLLOWING TERMS AND PROVISIONS:

1. MATTERS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT TO RESTRICT USE OF PROPERTY" RECORDED DECEMBER 1, 1999 AS DOCUMENT NUMBER 99-311941 OF OFFICIAL RECORDS.
2. THE LAND LIES WITHIN THE BOUNDARIES OF THE OAKLEY REDEVELOPMENT PROJECT AREA PER DOCUMENT RECORDED NOVEMBER 9, 2001 AS DOCUMENT NUMBER 2001-346473 OF OFFICIAL RECORDS.
3. THE FOLLOWING UNRECORDED DOCUMENTS HAVE BEEN DISCLOSED PER DOCUMENT NUMBER 2019-0149702:
   A. EASEMENT DATED MARCH 17, 1958 IN FAVOR OF PG&E FOR PIPE LINE
   B. EASEMENT DATED MARCH 6, 1959 IN FAVOR OF PG&E FOR POLE LINE
   C. LEASE EASEMENT AND SIDETRACK AGREEMENT DATED MARCH 3, 1967 BETWEEN THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AND E.I. DU PONT DE NEMOURS AND COMPANY
   D. EASEMENT DATED MARCH 24, 1980 IN FAVOR OF UNION CARBIDE CORPORATION FOR PIPE LINE
4. MATTERS CONTAINED IN THE GRANT DEED DATED JANUARY 30, 2015 AS DOCUMENT NUMBER 2015-16164 OF OFFICIAL RECORDS
5. MATTERS CONTAINED IN THE DOCUMENT ENTITLED "LAND USE AND COVENANT AND AGREEMENT, ENVIRONMENTAL RESTRICTIONS" RECORDED MAY 31, 2019 AS DOCUMENT NUMBER 2019-0080542 OF OFFICIAL RECORDS
6. MATTERS CONTAINED IN THE DOCUMENT ENTITLED "MEMORANDUM OF AGREEMENT" RECORDED JANUARY 17, 2020 AS DOCUMENT NUMBER 2020-0010745 OF OFFICIAL RECORDS
7. MATTERS CONTAINED IN THE DEVELOPMENT AGREEMENT RECORDED FEBRUARY 27, 2020 AS DOCUMENT NUMBER 2020-0037074 OF OFFICIAL RECORDS
8. MATTERS CONTAINED IN THE DOCUMENT ENTITLED "SUBDIVISION ANNEXATION AND ASSESSMENT AUTHORIZATION DEFERRAL AGREEMENT SUBDIVISION 9513" RECORDED JUNE 01, 2020 AS DOCUMENT NUMBER 2020-0103536 OF OFFICIAL RECORDS
9. THE PROPERTY LIES WITHIN THE BOUNDARIES OF A MELLO-ROOS COMMUNITY FACILITIES DISTRICT PER DOCUMENT RECORDED JUNE 18, 2020 AS DOCUMENT NUMBER 2020-0118911 OF OFFICIAL RECORDS

SIGNATURE OMISSIONS:

PURSUANT TO GOVERNMENT CODE SECTION 66436 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

1. PACIFIC GAS AND ELECTRIC COMPANY:
   A. EASEMENT FOR POLE LINE PER BOOK 220, PAGE 84 OF OFFICIAL RECORDS (GREAT WESTERN POWER COMPANY)
   B. EASEMENT FOR PIPE LINES PER BOOK 685, PAGE 26 OF OFFICIAL RECORDS
   C. EASEMENT FOR PIPE LINES PER BOOK 790, PAGE 497 OF OFFICIAL RECORDS
   D. EASEMENT FOR GAS PIPE LINES PER BOOK 793, PAGE 373 OF OFFICIAL RECORDS
   E. EASEMENT FOR ELECTRICAL FACILITIES PER BOOK 1629, PAGE 68 OF OFFICIAL RECORDS
   F. EASEMENT FOR GAS PIPE LINES PER BOOK 3010, PAGE 488 OF OFFICIAL RECORDS
   G. EASEMENT FOR GAS PIPE LINE SIGN PER BOOK 10537, PAGE 56 OF OFFICIAL RECORDS (81-135036)
2. AT&T:
   A. EASEMENT FOR UTILITY FACILITIES PER BOOK 598, PAGE 330 OF OFFICIAL RECORDS (THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY)
   B. EASEMENT FOR UTILITY FACILITIES PER BOOK 3208, PAGE 337 OF OFFICIAL RECORDS (THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY)
3. CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT: EASEMENT FOR PIPE LINE PER BOOK 17262, PAGE 467 OF OFFICIAL RECORDS (92-43506)

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF NPD MANAGEMENT IN AUGUST OF 2019. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2023, AND THAT THE MONUMENTS ARE, OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

PRELIMINARY

_____
DATE

LICENSED LAND SURVEYOR
MARK H. WEHBER
7960
STATE OF CALIFORNIA

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

CITY SURVEYOR'S STATEMENT

I, FRANCIS JOSEPH KENNEDY, CITY SURVEYOR OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION 9549, OAKLEY LOGISTICS CENTER" AND AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

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

_____
DATE

REGISTERED PROFESSIONAL ENGINEER
FRANCIS J. KENNEDY
No. 21771
CIVIL
STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I, KOUROSH ROHANI, CITY ENGINEER OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION 9549, OAKLEY LOGISTICS CENTER"; THAT SAID SUBDIVISION AS SHOWN IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP APPROVED BY THE CITY OF OAKLEY CITY COUNCIL ON DECEMBER 17, 2019, AND ANY SUBSEQUENT MODIFICATIONS THEREOF; AND THAT ALL PROVISIONS OF STATE LAW AND LOCAL ORDINANCES WHICH GOVERNED THE FILING OF SUBDIVISION MAPS AT THE TIME SAID TENTATIVE MAP WAS APPROVED HAVE BEEN COMPLIED WITH.

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

DATE: _____

REGISTERED PROFESSIONAL ENGINEER
KOUROSH ROHANI
No. 51138
CIVIL
STATE OF CALIFORNIA

CITY CLERK'S STATEMENT

I, LIBBY VREONIS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLEY, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED FINAL MAP ENTITLED, "SUBDIVISION 9549, OAKLEY LOGISTICS CENTER", CONSISTING OF NINE (9) SHEETS, THIS STATEMENT BEING ON SHEET TWO (2) THEREOF, WAS PRESENTED TO THE CITY COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING THEREOF HELD ON THE _____ DAY OF _____ _____ , 20_____ AND THAT SAID COUNCIL DID THEREUPON, BY RESOLUTION NUMBER _____ PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP AND DO ACCEPT SUBJECT TO IMPROVEMENT ANY STREETS, ROADS OR EASEMENTS SHOWN THEREON AS DEDICATED FOR PUBLIC USE.

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

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

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

CITY COUNCIL STATEMENT

I, KOUROSH ROHANI, PUBLIC WORKS DIRECTOR OF THE CITY OF OAKLEY, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF OAKLEY HAS APPROVED THE TENTATIVE MAP FOR "SUBDIVISION 9549, OAKLEY LOGISTICS CENTER" DATED OCTOBER 9, 2019, WHICH INCLUDES THIS SUBDIVISION, UPON WHICH THIS FINAL MAP IS BASED.

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

SOILS REPORT

A GEOTECHNICAL EXPLORATION REPORT WAS PREPARED BY ENGEO INCORPORATED, DATED NOVEMBER, 2019, PROJECT NO. 15749.000.000, SIGNED BY STEVE HARRIS, GE AND HAS BEEN FILED AT THE OFFICE OF THE CITY ENGINEER.

SUBDIVISION 9549
OAKLEY LOGISTICS CENTER

CONSISTING OF 9 SHEETS

BEING A SUBDIVISION OF THE DESIGNATED REMAINDER OF SUBDIVISION 9513 (543 M 4), BEING ALSO A PORTION OF THE LAND DESCRIBED IN THAT GRANT DEED RECORDED AS DOCUMENT NO. 2019-0149702, CONTRA COSTA COUNTY RECORDS

CITY OF OAKLEY, COUNTY OF CONTRA COSTA, CALIFORNIA

cbg
CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM

SCALE: 1" = 400' OCTOBER 2020

400' 0' 200' 400' 800' 1600'

GRAPHIC SCALE

NOTE: COURSES SHOWN ALONG BANK OF SAN JOAQUIN RIVER ARE BASED OFF RECORD INFORMATION.

SAN JOAQUIN RIVER

APPROXIMATE TOP OF BANK

PARCEL D
153.08 AC±

LAURITZEN 2006-0189142

LAURITZEN 2006-0189144

65 LSM 27

LOT 2 (543 M 4)

LOT 1 (543 M 4)

LOT 3 (543 M 4)

LOGISTICS CENTER DRIVE (PRIVATE STREET) PARCEL B

WILBUR AVENUE (PRIVATE STREET) PARCEL B

WILBUR AVENUE (PRIVATE STREET)

PARCEL A (543 M 4)

BIG BREAK MARINA HOLDING, LLC 2018-016320

MC CAULEY 2014-186170

OXFOOT ASSOCIATES, LLC 1999-292550

SUBDIVISION 6333 287 M 12

VINTAGE PARKWAY

BIG BREAK ROAD

MAIN STREET

STATE OF CALIFORNIA HIGHWAY 160

BRIDGEHEAD ROAD

B.N.S.F. RAILWAY (FORMERLY A.T.&S.F. RAILWAY) 114 LSM 40

NGS MONUMENT PID AA3821

NGS MONUMENT PID JS4835

BASIS OF BEARINGS N70°45'54"E 12984.72'(GROUND)

FOUND 2" IRON PIPE (4)

FOUND BRASS DISK STREET MONUMENT STAMPED C.C.CO. ACCEPTED AS SECTION CORNER (2)(3)(4)(6)(7)

FOUND 2¼" DISK IN CONCRETE STAMPED "C" NO RECORD S79°29'46"E 0.50'

EASEMENT FOR PIPE LINE PER BK 10537, PG 56

EASEMENT FOR PIPE LINES PER BK 790, PG 497

EASEMENT FOR GAS PIPE LINES PER BK 793, PG 373

EASEMENT FOR TANK SITE PER 99-311941

EASEMENT FOR ELECTRICAL FACILITIES PER BK 1629, PG 68

EASEMENT FOR PIPE LINES PER 92-43506 BK 17262, PG 467

EASEMENT FOR UTILITY FACILITIES PER BK 3208, PG 337

LAND USE COVENANT AND AGREEMENT ENVIRONMENTAL RESTRICTION LIMIT PER 2019-0080542

LAND USE RESTRICTION BOUNDARY PER 2019-080542

AREA OF UNRECORDED LEASE TO A.T.&S.F. RAILWAY

SEE DETAIL A SHEET 4

SEE DETAIL B SHEET 4

SEE DETAIL C SHEET 4

SEE DETAIL D SHEET 4

SEE SHEET 7

SEE SHEET 5

SEE SHEET 5 FOR MONUMENT TIE INFORMTION

SECTION LINE

12' SDE(7)

18' SDE(7)

36' SDE(7)

N89°18'16"W 1627.34' SECTION LINE

N89°18'16"W 397.41'(10) (S89°53'00"E)(10)

N00°58'08"E 500.00'(10) (N00°14'30"W)(10)

N00°56'06"E 1595.85'

N00°36'35"E 1096.03'(7)

N01°45'44"W 2028.73

N00°55'35"E 1029.50' 524.47' 505.03'

N79°39'07"E 12525.97'(TIE)

N89°23'25"W 799.22'(7)

N89°01'53"W 740.27'

N89°50'26"W 638.58'

(S00°58'06"W 2386.60')(8) N00°58'08"E 2386.48' (N00°14'30"W 2290.00')(10)

N77°36'59"E 357.44'

N81°28'07"E 794.38'

N79°35'16"E 405.60'

N62°11'31"W 475.81'

N88°44'58"E 635.03'

462.07'(9) N77°41'13"W

N89°51'12"W 585.19'(9)

N00°58'35"E 919.14'(9)

N00°00'00"W 281.81'(9)

N78°48'31"W 955.76'(7)

(N66°21'08"W 1756.89')(8) N66°21'08"W 1732.48'

N66°21'08"W 1782.02' (S66°21'08"E 1781.13')(2)

N29°12'05"W(R)

(S00°58'56"W 789.54')(8) N0°57'14"E 789.86'

(S00°58'02"W 1323.04')(13) N0°57'39"E 1323.04'

119 PM 5

16 15 21 22

16 21 22

15 22 23

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN FOUND NGS MONUMENTS, HAVING PID NO. AA3821 AND JS4835, EPOCH 2010, THE BEARING BEING N70°45'54"E (CALCULATED AND MEASURED).

LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
– – – –	EASEMENT LINE
——— – ———	CENTERLINE
- - - - - -	TIE LINE
(T)	TOTAL
(R)	RADIAL
(M–M)	MONUMENT TO MONUMENT
(M–PL)	MONUMENT TO PROPERTY LINE
◉	FOUND STANDARD STREET MONUMENT
●	FOUND MONUMENT AS NOTED
◎	SET STANDARD STREET MONUMENT, STAMPED LS 7960
○	SET 5/8" REBAR AND CAP, LS 7960
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
WLE	WATER LINE EASEMENT
SNF	SEARCHED, NOT FOUND

REFERENCES:

(#) INDICATES REFERENCE NUMBER
(1) 7 LSM 4
(2) 114 LSM 40
(3) 146 LSM 4
(4) 65 LSM 27
(5) STATE HIGHWAY MONUMENT MAP S-173.23
(6) 105 LSM 16
(7) 543 M 4
(8) GRANT DEED 2019-0149702
(9) GRANT DEED 1999-0292550
(10) GRANT DEED 2018-0016320
(11) GRANT DEED 2014-0186170
(12) LOT LINE ADJUSTMENT 2009-0234501
(13) 287 M 12

EASEMENT NOTES:

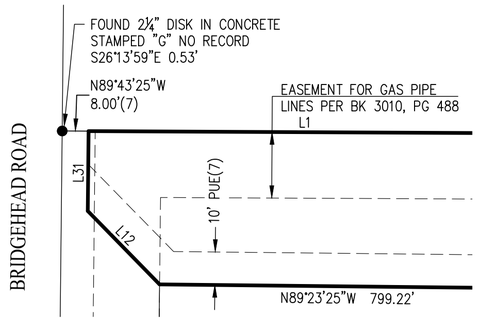
THE LOCATION AND EXTENT OF THE FOLLOWING EASEMENTS COULD NOT BE DETERMINED FROM RECORD:

1. EASEMENT FOR POLE LINE PURPOSES TO GREAT WESTERN POWER COMPANY OF CALIFORNIA (PG&E) PER BOOK 220, PAGE 84 OF OFFICIAL RECORDS.
2. EASEMENT FOR UTILITY FACILITIES TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY PER BOOK 598, PAGE 330 OF OFFICIAL RECORDS.

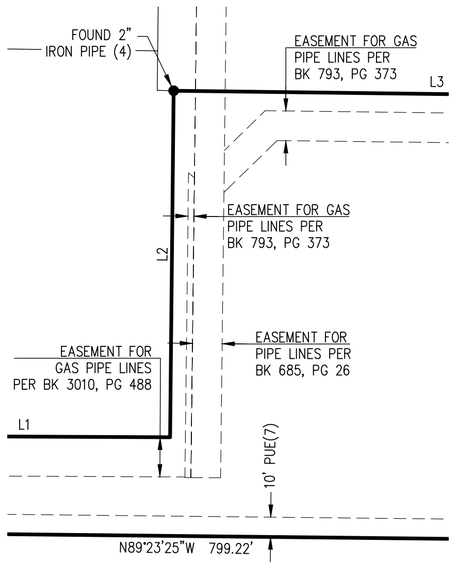
NOTES:

1. DISTANCES SHOWN HEREON ARE FEET AND DECIMALS THEREOF AND ARE "GROUND" DISTANCES.
2. TIE LINES ARE PERPENDICULAR TO CENTERLINES AND MONUMENT LINES UNLESS OTHERWISE NOTED.
3. THE AREA WITHIN THE SUBDIVISION BOUNDARY IS 317.033± ACRES.
4. SEE SHEET 4 FOR LINE AND CURVE TABLES.

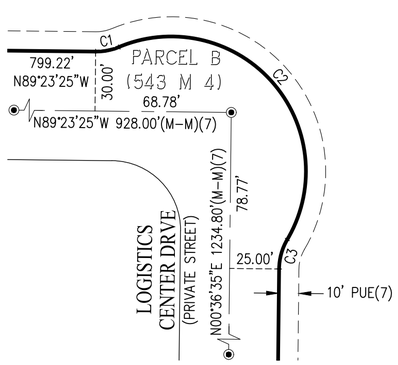
PRELIMINARY



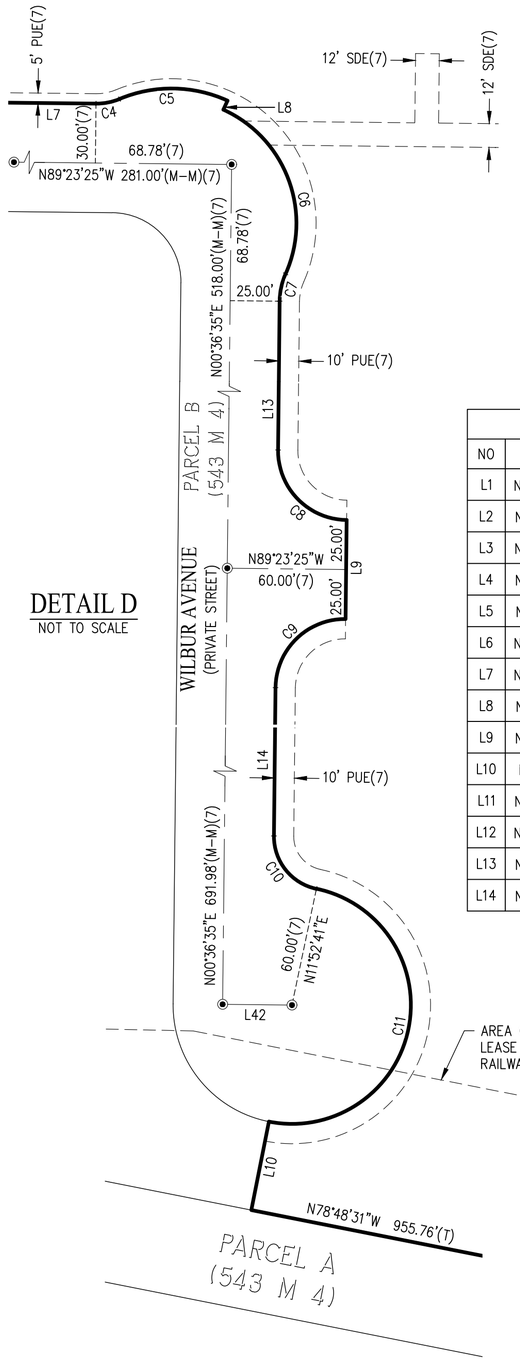
DETAIL A
NOT TO SCALE



DETAIL B
NOT TO SCALE



DETAIL C
NOT TO SCALE



DETAIL D
NOT TO SCALE

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C1	30.00'	23°18'41"	12.21'	(7)
C2	68.00'	143°09'35"	169.91'	(7)
C3	30.00'	29°50'54"	15.63'	(7)
C4	30.00'	23°18'41"	12.21'	(7)
C5	68.00'	47°13'48"	56.05'	(7)
C6	63.00'	89°23'34"	98.29'	(7)
C7	35.00'	23°18'41"	14.24'	(7)
C8	35.00'	90°00'00"	54.98'	(7)
C9	35.00'	90°00'00"	54.98'	(7)

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C10	27.00'	78°43'54"	37.10'	(7)
C11	60.00'	179°18'50"	187.78'	(7)
C12	300.00'	50°11'19"	262.79'	(8)
C13	5819.65'	1°24'57"	143.80'	(8)
C14	70.00'	30°26'11"	37.19'	(Δ=31°22'06" L=38.32')(2)
C15	5779.65'	9°47'27"	987.65'	(R=5779.65')(2)
C16	500.00'	10°00'00"	87.27'	(M-M)(7)
C17	500.00'	10°00'00"	87.27'	(M-M)(7)

LINE TABLE			
NO	BEARING	LENGTH	
L1	N89°43'25"W	616.55'	(7)
L2	N00°35'35"E	175.00'	(7)
L3	N89°17'25"W	501.21'	(7)
L4	N88°44'34"E	163.22'	
L5	N64°38'19"E	251.97'	
L6	N44°23'25"W	42.43'	(7)
L7	N89°23'25"W	157.22'	(7)
L8	N24°31'42"E	5.00'	(7)
L9	N00°36'35"E	50.00'	(7)
L10	N11°11'31"E	45.52'	(7)
L11	N66°59'16"W	274.60'	(7)
L12	N44°23'25"W	31.11'	(7)
L13	N00°36'35"E	389.22'	(7)
L14	N00°36'35"E	546.66'	(7)

LINE TABLE			
NO	BEARING	LENGTH	
L15	N85°10'55"E	59.08'	
L16	N85°09'39"E	153.25'	
L17	N76°16'11"E	305.37'	
L18	N74°50'46"E	375.98'	
L19	N89°18'16"W	74.83'	(8)
L20	N01°46'26"E	528.09'	(10)
L21	N00°58'08"E	23.00'	(11)
L22	N89°18'05"W	35.71'	(12)
L23	N01°55'48"E	225.07'	(9)
L24	N86°14'15"W	92.00'	(9)
L25	N22°39'20"W	119.83'	(9)
L26	N64°21'58"W	404.15'	(9)
L27	N72°24'10"W	189.00'	(9)
L28	N34°48'41"E	30.53'	(9)

LINE TABLE			
NO	BEARING	LENGTH	
L29	N75°08'59"W	430.95'	(9)
L30	N88°45'54"W	213.89'	(214.58')(2)
L31	N00°36'35"E	24.20'	(7)
L32	N44°27'02"W	9.72'	
L33	N18°08'41"W	288.98'	
L34	N88°54'07"W	215.29'	
L35	N01°00'17"E	31.48'	
L36	N88°40'33"W	57.04'	
L37	N30°07'37"W	20.96'	
L38	N89°24'28"W	54.89'	
L39	N89°23'25"W	220.00'	(M-M)(7)
L40	N80°36'35"E	51.91'	(M-M)(7)
L41	N89°23'25"W	483.23'	(M-M)(7)
L42	N89°23'25"W	35.00'	(M-M)(7)
L43	N00°20'52"E	30.14'	

SUBDIVISION 9549
OAKLEY LOGISTICS CENTER

CONSISTING OF 9 SHEETS

BEING A SUBDIVISION OF THE DESIGNATED REMAINDER OF SUBDIVISION 9513 (543 M 4), BEING ALSO A PORTION OF THE LAND DESCRIBED IN THAT GRANT DEED RECORDED AS DOCUMENT NO. 2019-0149702, CONTRA COSTA COUNTY RECORDS

CITY OF OAKLEY, COUNTY OF CONTRA COSTA, CALIFORNIA

cbg
CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM

SCALE: 1" = 50' OCTOBER 2020

50' 0' 25' 50' 100' 200'
GRAPHIC SCALE

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN FOUND NGS MONUMENTS, HAVING PID NO. AA3821 AND JS4835, EPOCH 2010, THE BEARING BEING N70°45'54"E (CALCULATED AND MEASURED).

LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
– – – –	EASEMENT LINE
——— – ———	CENTERLINE
- - - - - -	TIE LINE
(T)	TOTAL
(R)	RADIAL
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
◉	FOUND STANDARD STREET MONUMENT
●	FOUND MONUMENT AS NOTED
◎	SET STANDARD STREET MONUMENT, STAMPED LS 7960
○	SET 5/8" REBAR AND CAP, LS 7960
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
WLE	WATER LINE EASEMENT
(RNF)	SEARCHED, NOT FOUND

NOTES:

1. DISTANCES SHOWN HEREON ARE FEET AND DECIMALS THEREOF AND ARE "GROUND" DISTANCES.
2. TIE LINES ARE PERPENDICULAR TO CENTERLINES AND MONUMENT LINES UNLESS OTHERWISE NOTED.
3. THE AREA WITHIN THE SUBDIVISION BOUNDARY IS 317.033± ACRES.

EASEMENT NOTES:

THE LOCATION AND EXTENT OF THE FOLLOWING EASEMENTS COULD NOT BE DETERMINED FROM RECORD:

1. EASEMENT FOR POLE LINE PURPOSES TO GREAT WESTERN POWER COMPANY OF CALIFORNIA (PG&E) PER BOOK 220, PAGE 84 OF OFFICIAL RECORDS.
2. EASEMENT FOR UTILITY FACILITIES TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY PER BOOK 598, PAGE 330 OF OFFICIAL RECORDS.

REFERENCES:

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(1) 7 LSM 4
(2) 114 LSM 40
(3) 146 LSM 4
(4) 65 LSM 27
(5) STATE HIGHWAY MONUMENT MAP S-173.23
(6) 105 LSM 16
(7) 543 M 4
(8) GRANT DEED 2019-0149702
(9) GRANT DEED 1999-0292550
(10) GRANT DEED 2018-0016320
(11) GRANT DEED 2014-0186170
(12) LOT LINE ADJUSTMENT 2009-0234501
(13) 287 M 12

PRELIMINARY

PRELIMINARY

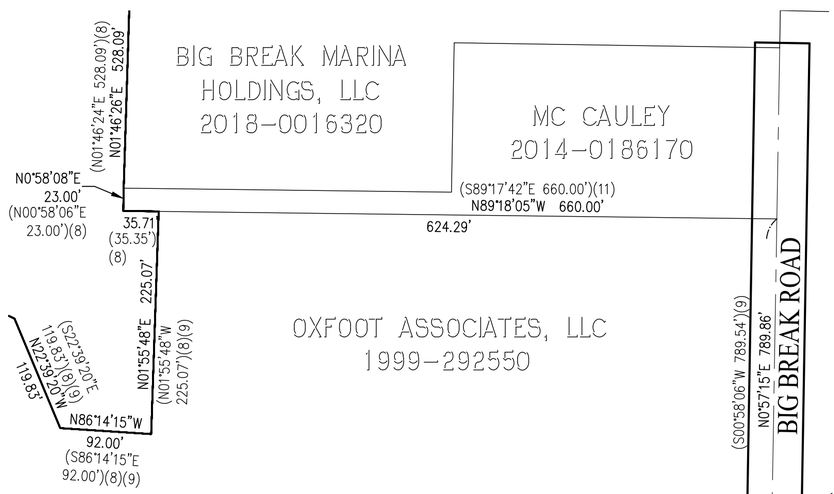
SUBDIVISION 9549
OAKLEY LOGISTICS CENTER

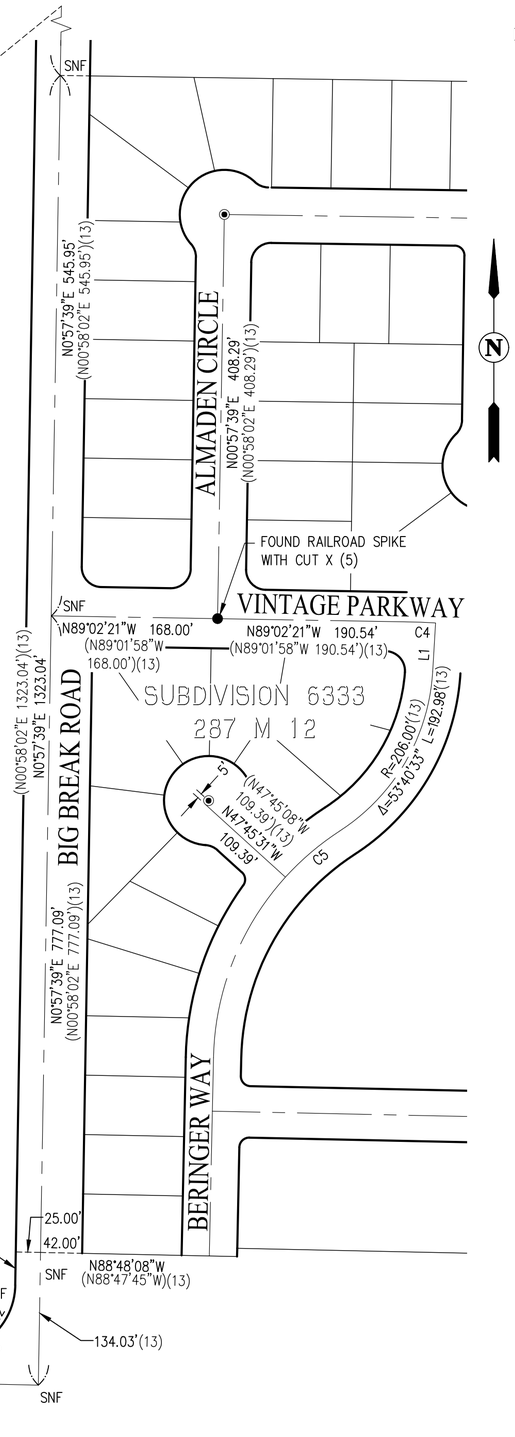
CONSISTING OF 9 SHEETS
BEING A SUBDIVISION OF THE DESIGNATED REMAINDER OF SUBDIVISION 9513 (543 M 4), BEING ALSO A PORTION OF THE LAND DESCRIBED IN THAT GRANT DEED RECORDED AS DOCUMENT NO. 2019-0149702, CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, COUNTY OF CONTRA COSTA, CALIFORNIA

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CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SCALE: 1" = 100' OCTOBER 2020

100' 0' 50' 100' 200' 400'
GRAPHIC SCALE





OXFOOT ASSOCIATES, LLC
1999–292550

LINE TABLE			
NO	BEARING	LENGTH	
L1	N03°23'12"E	49.35'	(N03°23'35"W 49.35')(5)

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C1	70.00'	30°26'11"	37.19'	(Δ=31°22'06" L=38.32')(2)
C2	70.00'	59°50'16"	73.11'	
C3	70.00'	90°16'27"	110.29'	(Δ=90°15'36" L=110.28')(2)
C4	700.00'	2°25'33"	29.64'	(13)
C5	280.00'	14°49'16"	72.43'	(13)

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN FOUND NGS MONUMENTS, HAVING PID NO. AA3821 AND JS4835, EPOCH 2010, THE BEARING BEING N70°45'54"E (CALCULATED AND MEASURED).

LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
– – – – –	EASEMENT LINE
——— – ———	CENTERLINE
- - - - -	TIE LINE
(T)	TOTAL
(R)	RADIAL
(M–M)	MONUMENT TO MONUMENT
(M–PL)	MONUMENT TO PROPERTY LINE
◉	FOUND STANDARD STREET MONUMENT
●	FOUND MONUMENT AS NOTED
◎	SET STANDARD STREET MONUMENT, STAMPED LS 7960
○	SET 5/8" REBAR AND CAP, LS 7960
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
WLE	WATER LINE EASEMENT
SNF	SEARCHED, NOT FOUND

NOTES:

1. DISTANCES SHOWN HEREON ARE FEET AND DECIMALS THEREOF AND ARE "GROUND" DISTANCES.
2. TIE LINES ARE PERPENDICULAR TO CENTERLINES AND MONUMENT LINES UNLESS OTHERWISE NOTED.
3. THE AREA WITHIN THE SUBDIVISION BOUNDARY IS 317.033± ACRES.

REFERENCES:

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(1) 7 LSM 4
(2) 114 LSM 40
(3) 146 LSM 4
(4) 65 LSM 27
(5) STATE HIGHWAY MONUMENT MAP S–173.23
(6) 105 LSM 16
(7) 543 M 4
(8) GRANT DEED 2019–0149702
(9) GRANT DEED 1999–0292550
(10) GRANT DEED 2018–0016320
(11) GRANT DEED 2014–0186170
(12) LOT LINE ADJUSTMENT 2009–0234501
(13) 287 M 12

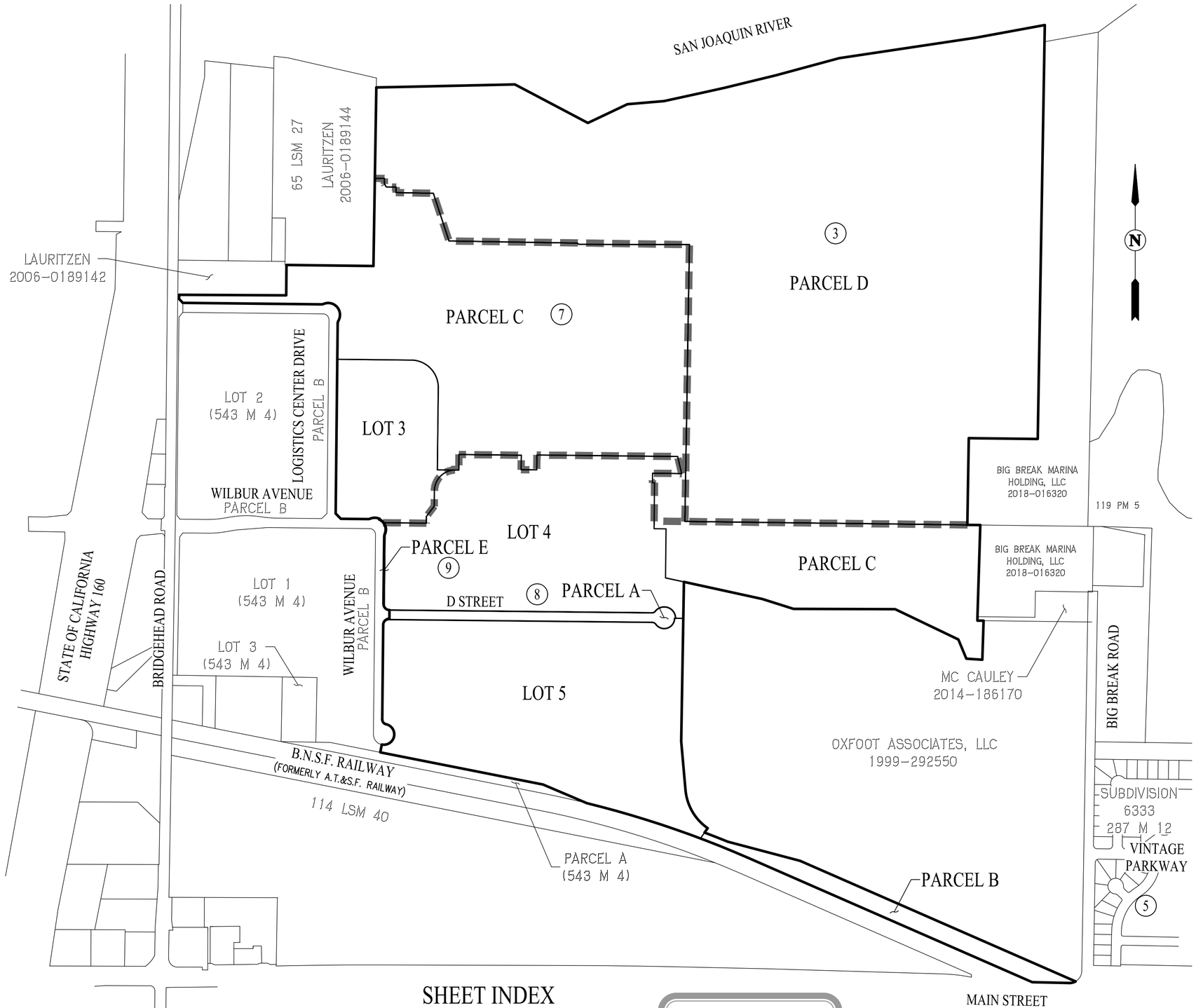
SUBDIVISION 9549
OAKLEY LOGISTICS CENTER

CONSISTING OF 9 SHEETS
BEING A SUBDIVISION OF THE DESIGNATED REMAINDER OF SUBDIVISION 9513 (543 M 4), BEING ALSO A PORTION OF THE LAND DESCRIBED IN THAT GRANT DEED RECORDED AS DOCUMENT NO. 2019-0149702, CONTRA COSTA COUNTY RECORDS
CITY OF OAKLEY, COUNTY OF CONTRA COSTA, CALIFORNIA

cbg
SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
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SCALE: 1" = 400' OCTOBER 2020

400' 0' 200' 400' 800' 1600'
GRAPHIC SCALE



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN FOUND NGS MONUMENTS, HAVING PID NO. AA3821 AND JS4835, EPOCH 2010, THE BEARING BEING N70°45'54"E (CALCULATED AND MEASURED).

LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
- - - - -	EASEMENT LINE
——— – ———	CENTERLINE
-----------	TIE LINE
(T)	TOTAL
(R)	RADIAL
(M–M)	MONUMENT TO MONUMENT
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●	FOUND MONUMENT AS NOTED
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○	SET 5/8" REBAR AND CAP, LS 7960
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PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
WLE	WATER LINE EASEMENT
SNF	SEARCHED, NOT FOUND
(#)	SHEET NUMBER
- - - - -	SHEET LIMIT

REFERENCES:

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(1) 7 LSM 4
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(3) 146 LSM 4
(4) 65 LSM 27
(5) STATE HIGHWAY MONUMENT MAP S-173.23
(6) 105 LSM 16
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(8) GRANT DEED 2019-0149702
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SHEET INDEX

PRELIMINARY

JOB NO. 1073-010

SHEET 6 OF 9

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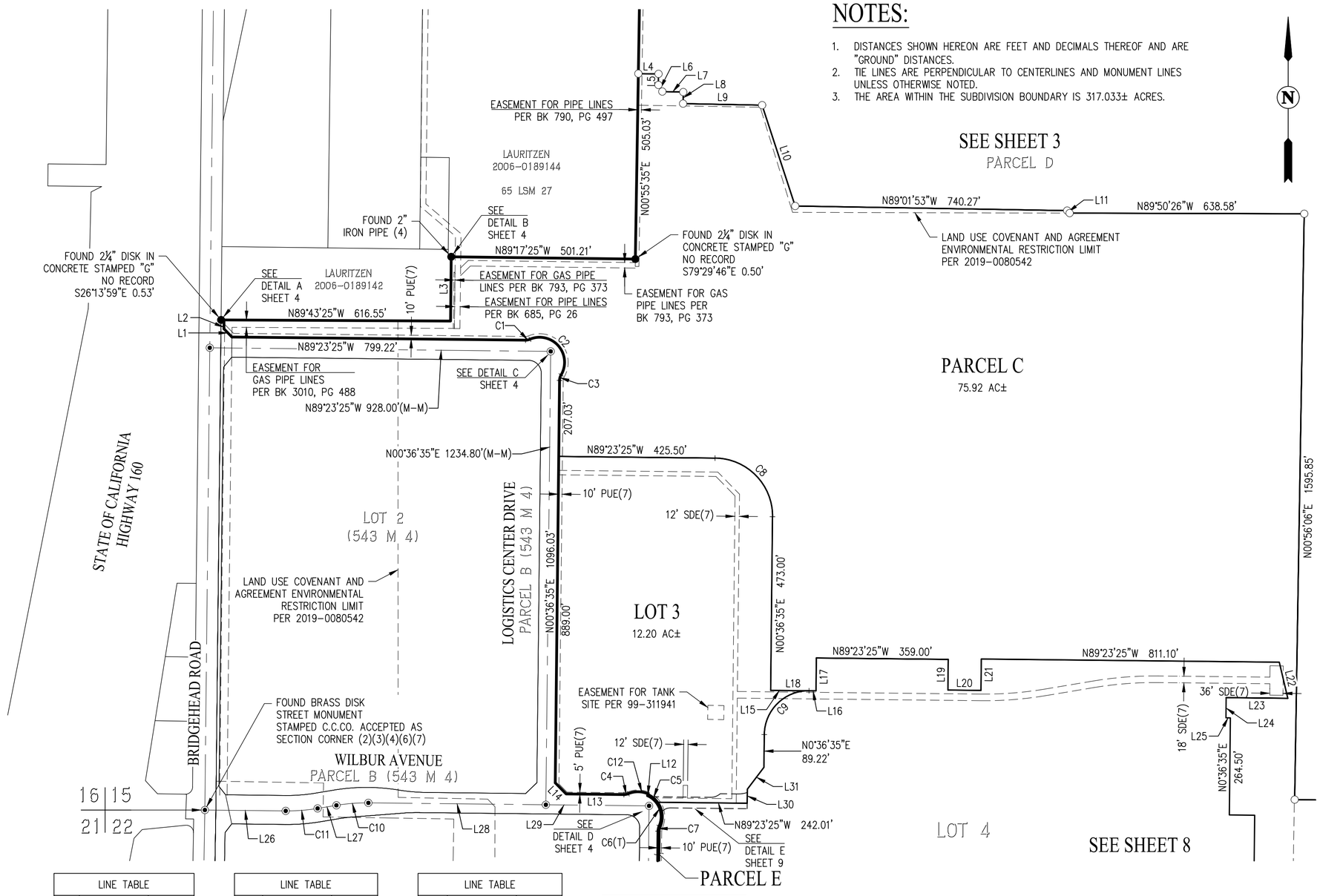
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GRAPHIC SCALE

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SDE	STORM DRAIN EASEMENT
WLE	WATER LINE EASEMENT
SNF	SEARCHED, NOT FOUND

LINE TABLE			
NO	BEARING	LENGTH	
L1	N44°23'25"W	31.11'	(7)
L2	N00°36'35"E	24.20'	(7)
L3	N00°35'35"E	175.00'	
L4	N89°24'28"W	54.89'	
L5	N00°20'52"E	30.14'	
L6	N30°07'37"W	20.96'	
L7	N88°40'33"W	57.04'	
L8	N01°00'17"E	31.48'	

LINE TABLE			
NO	BEARING	LENGTH	
L9	N88°54'07"W	215.29'	
L10	N18°08'41"W	288.98'	
L11	N44°27'02"W	9.72'	
L12	N24°31'42"E	5.00'	(7)
L13	N89°23'25"W	157.22'	(7)
L14	N44°23'25"W	42.43'	(7)
L15	N89°23'25"W	104.50'	
L16	N89°23'25"W	19.00'	

LINE TABLE			
NO	BEARING	LENGTH	
L17	N00°36'35"E	89.50'	
L18	N89°23'25"W	123.50'	(T)
L19	N00°36'35"E	83.50'	
L20	N89°23'25"W	90.00'	
L21	N00°36'35"E	85.50'	
L22	N13°14'34"W	101.01'	
L23	N89°23'25"W	167.78'	
L24	N00°36'35"E	54.93'	

LINE TABLE			
NO	BEARING	LENGTH	
L25	N89°23'25"W	12.00'	
L26	N89°23'25"W	220.00'	(M-M)(7)
L27	N80°36'35"E	51.91'	(M-M)(7)
L28	N89°23'25"W	483.23'	(M-M)(7)
L29	N89°23'25"W	281.00'	(M-M)(7)
L30	N00°36'35"E	38.08'	
L31	N37°05'03"E	74.86'	

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C1	30.00'	23°18'41"	12.21'	(7)
C2	68.00'	143°09'35"	169.91'	(7)
C3	30.00'	29°50'54"	15.63'	(7)
C4	30.00'	23°18'41"	12.21'	(7)
C5	68.00'	30°02'58"	35.66'	
C6	63.00'	89°23'34"	98.29'	(7)

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C7	35.00'	23°18'41"	14.24'	(7)
C8	158.00'	90°00'00"	248.19'	
C9	120.50'	90°00'00"	189.28'	
C10	500.00'	10°00'00"	87.27'	(M-M)(7)
C11	500.00'	10°00'00"	87.27'	(M-M)(7)
C12	68.00'	47°13'48"	56.05'	(7)

REFERENCES:

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PRELIMINARY

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SCALE: 1" = 200' OCTOBER 2020

200' 0' 100' 200' 400' 800'

GRAPHIC SCALE

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- LOT LINE
- EASEMENT LINE
- CENTERLINE
- TIE LINE
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- WLE WATER LINE EASEMENT
- SNF SEARCHED, NOT FOUND

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PRELIMINARY

SEE SHEET 7 PARCEL C

LOT 4
30.53 AC±

PARCEL E
0.06 AC±
SEE DETAIL E SHEET 9

PARCEL A
2.21 AC±

PARCEL C
75.92 AC±

LOT 5
38.31 AC±

PARCEL A
(543 M 4)

PARCEL B
4.72 AC±

D STREET (EVAE, PUE)

OXFOOT ASSOCIATES, LLC
1999–292550

B.N.S.F. RAILWAY
(FORMERLY A.T.&S.F. RAILWAY)

114 LSM 40

WILBUR AVENUE

BIG BREAK ROAD

MAIN STREET

SEE SHEET 5

LAND USE RESTRICTION BOUNDARY PER 2019–080542

EASEMENT FOR TANK SITE PER 99–311941

EASEMENT FOR PIPE LINES PER 92–43506 BK 17262, PG 467

CENTERLINE OF EASEMENT FOR ELECTRICAL FACILITIES PER BK 1629, PG 68

EASEMENT FOR UTILITY FACILITIES PER BK 3208, PG 337

AREA OF UNRECORDED LEASE TO A.T.&S.F. RAILWAY

SEE DETAIL D SHEET 4

SEE DETAIL E AND DETAIL G SHEET 9

SEE DETAIL F SHEET 9

LINE TABLE		
NO	BEARING	LENGTH
L19	N89°23'25"W	19.00'
L20	N05°00'00"W	281.81'
L21	N88°45'54"W	213.89'
L22	N66°59'14"W	274.46'
L23	N35°24'58"E	41.36'
L24	N89°23'25"W	167.78'
L25	N37°05'03"E	74.86'
L26	N00°36'35"E	38.08'
L27	N89°03'35"W	50.11'
L28	N00°36'35"E	89.22'
L29	N89°23'25"W	69.00'
L30	N89°23'25"W	12.00'
L31	N00°36'35"E	54.93'
L32	N00°36'35"E	264.50'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	30.00'	23°18'41"	12.21'
C2	68.00'	47°13'48"	56.05'
C3	63.00'	89°23'34"	98.29'
C4	35.00'	23°18'41"	14.24'
C5	35.00'	90°00'00"	54.98'
C6	35.00'	90°00'00"	54.98'
C7	65.00'	143°17'40"	162.56'
C8	22.00'	53°17'40"	20.46'
C9	5819.65'	1°24'57"	143.81'
C10	300.00'	50°11'19"	262.79'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C11	70.00'	30°26'11"	37.19'
C12	60.00'	143°17'40"	150.06'
C13	27.00'	53°17'40"	25.11'
C14	60.00'	179°18'50"	187.78'
C15	120.50'	90°00'00"	189.28'
C16	27.00'	78°43'54"	37.10'
C17	30.00'	23°18'41"	12.21'
C18	68.00'	59°20'36"	70.43'
C19	5779.65'	2°59'30"	301.79'

LINE TABLE		
NO	BEARING	LENGTH
L1	N11°11'31"E	45.52'
L2	N34°48'41"E	30.53'
L3	N24°31'42"E	5.00'
L4	N00°36'35"E	55.00'
L5	N89°01'23"W	45.11'
L6	N77°41'13"W	108.67'
L7	N72°24'10"W	189.00'
L8	N22°39'20"W	119.83'
L9	N86°14'15"W	92.00'
L10	N01°55'48"E	225.07'

LINE TABLE		
NO	BEARING	LENGTH
L11	N89°18'05"W	35.71'
L12	N00°58'08"E	23.00'
L13	N13°14'34"W	101.01'
L14	N00°36'35"E	85.50'
L15	N89°23'25"W	90.00'
L16	N00°36'35"E	83.50'
L17	N00°36'35"E	282.61'
L18	N00°36'35"E	89.50'

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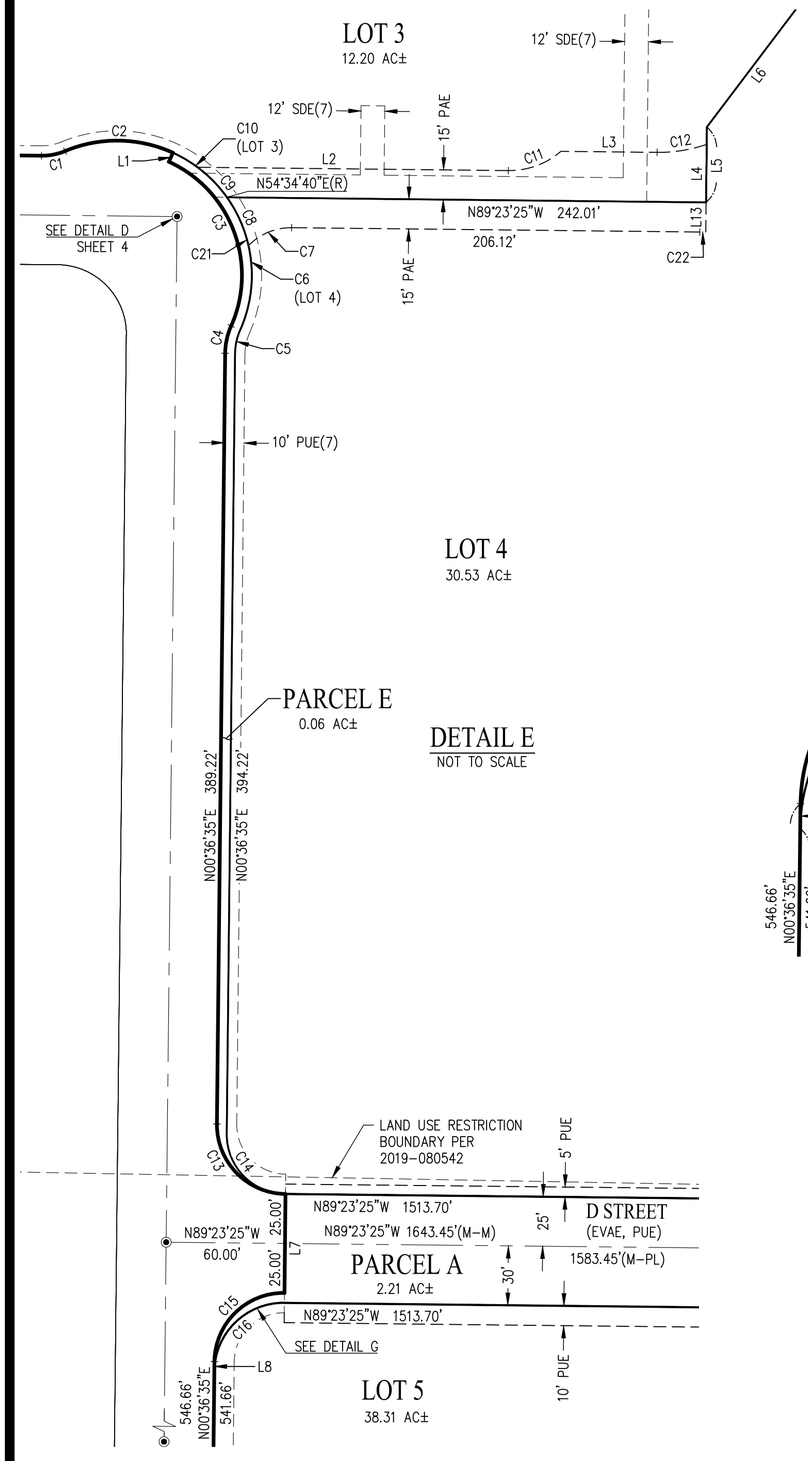
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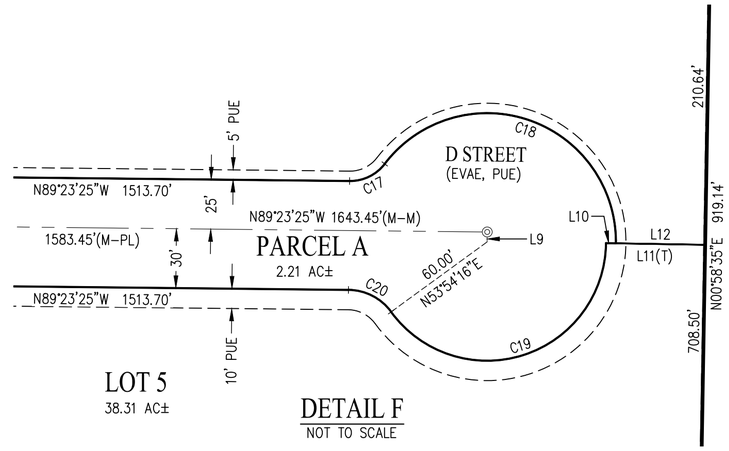
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L5	N00°36'35"E	38.08'
L6	N37°05'03"E	74.86'
L7	N00°36'35"E	50.00'
L8	N00°36'35"E	5.00'
L9	N00°36'35"E	5.00'
L10	N89°23'25"W	5.00'
L11	N89°03'35"W	50.11'
L12	N89°01'23"W	45.11'
L13	N00°36'35"E	14.95'

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C1	30.00'	23°18'41"	12.21'
C2	68.00'	47°13'48"	56.05'
C3	63.00'	89°23'34"	98.29'
C4	35.00'	23°18'41"	14.24'
C5	30.00'	23°18'41"	12.21'
C6	68.00'	59°20'36"	70.43'
C7	30.00'	46°22'45"	24.28'
C8	68.00'	22°41'09"	26.92'
C9	68.00'	17°56'57"	21.30'
C10	68.00'	30°02'58"	35.66'
C11	40.00'	41°24'35"	28.91'
C12	75.00'	19°28'16"	25.49'
C13	35.00'	90°00'00"	54.98'
C14	30.00'	90°00'00"	47.12'
C15	35.00'	90°00'00"	54.98'
C16	35.00'	90°00'00"	54.98'
C17	22.00'	53°17'40"	20.46'
C18	65.00'	143°17'40"	162.56'
C19	60.00'	143°17'40"	150.06'
C20	27.00'	53°17'40"	25.11'
C21	68.00'	89°23'34"	106.09'
C22	100.00'	1°43'09"	3.00'



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PRELIMINARY

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: October 28, 2020

TO: Bryan Montgomery, City Manager

Approved and Forwarded to the City Council

FROM: Nancy Marquez-Suarez, Asst. to the City Manager/HR Manager

SUBJECT: **Adopt a Resolution Amending Employee Salary Schedule Removing a Job Classification and Adding a New Job Classification**

Summary and Background

Pursuant to the Personnel Manual, the salary schedule (classification plan) is to be approved and adopted by the City Council, including any amendments. The California Public Employees' Retirement System (CalPERS) also requires that one single pay schedule exist that captures all CalPERS eligible positions and their associated payrates as *one single document*. Per this requirement, we are to bring forth one aggregated schedule that shows all positions and payrates each time there is an adjustment, even if there is a change to only one salary (adding of a position, for example).

The current salary schedule was informed by a comparative salary and benefit study conducted in 2018 for Fiscal Years 2018-19 and 2019-20. Furthermore, due to the financial impacts of the COVID-19 pandemic updating the salary ranges was not deemed financially prudent and therefore salary ranges remained unchanged for Fiscal Year 2020-21.

The proposed changes to the current Salary Schedule are shown in red in Attachment A and they include: 1) adding the classification of Economic Development Analyst, with the corresponding salary range; and, 2) removing the classification of Police Corporal, which will instead be a specialty position rather than a specific job classification.

As the Council is likely aware, the staff person serving as Economic Development Manager recently accepted a position with another agency. After careful thought, the determination has been made that rather than filling the vacancy with the same position. The essential duties of an Economic Development Analyst, under the supervision of the Community Development Director, would accomplish the work to be done, while also resulting in a cost savings. The position has been posted.

Approval of the amended Employee Salary Schedule does not result in employees receiving salary adjustments, but instead allows the City to be able to extend an offer, should we find the right candidate through a recruitment that is currently open.

There are no other changes and all other salary ranges remain as they were approved by the Council in your last review and action on June 23, 2020.

Fiscal Impact

The impact of the amended Employee Salary Ranges are accommodated in the City's Annual Budget.

Recommendation

Adopt the resolution amending the Employee Salary Schedule to add one new employee classification and remove another.

Attachment

1. Resolution
2. Salary Ranges and New Employee Classifications - also identified in Attachment A to the Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING EMPLOYEE POSITION CLASSIFICATIONS AND ASSOCIATED SALARY RANGES TO REMOVE A JOB CLASSIFICATION AND ADD A NEW JOB CLASSIFICATION

WHEREAS, the City Council adopted a Compensation Policy on June 25, 2001 and that was amended on June 24, 2008 establishing the City of Oakley's policy regarding employee compensation in conformance to City Ordinance 17-00; and

WHEREAS, pursuant to the Compensation Policy, the City conducts at least every two years a comparative salary and benefit study using the seven comparative cities of Antioch, Brentwood, Pittsburg, Pleasant Hill, Martinez, Tracy, and San Ramon; and

WHEREAS, a comparative salary and benefit study was conducted for Fiscal Year 2018-19; and

WHEREAS, the City Council utilized this comparative salary and benefit study in approving the 2018-19 Employee Classifications and Salary Schedule that applied for Fiscal years 2018-19 and 2019-20; and

WHEREAS, due to the financial impacts of the COVID-19 pandemic updating the salary ranges was not deemed financially prudent and therefore salary ranges will remain the same for fiscal year 2020-21;

WHEREAS, the City Council desires to approve the removal of a classification and the addition of a new employee classification and the corresponding salary ranges pursuant to the Compensation Policy.

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

The Employee Position Classifications and Salary Ranges as identified in "Attachment A" that is attached hereto, which now removes the position of Police Corporal and includes the position of Economic Development Analyst.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Oakley held on the 10th day of November 2020 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk Date

City of Oakley

FY Salary Schedule

Effective Date: 11.13.2020 at noon (staff on 9/80 schedule) or 11.15.2020 (all other staff)

Proposed: 11/10/2020

Position	FY 17-18 Ranges		Approved FY 19-20/20-21 Ranges	
	Monthly Minimum	Monthly Maximum	Monthly Minimum	Monthly Maximum
ACCOUNTING ASSISTANT	*Vacant*		$ 3,943	$ 5,670
ADMINISTRATIVE ASSISTANT	$ 3,651	$ 5,015	$ 3,791	$ 5,208
ADMINISTRATIVE SPECIALIST	$ 5,425	$ 7,492	$ 5,645	$ 7,796
ASSISTANT ENGINEER*	$ 6,696	$ 9,330	$ 6,930	$ 9,657
ASSISTANT TO THE CITY MANAGER (1)	$ 8,877	$ 12,585	$ 9,211	$ 13,055
ASSOCIATE ENGINEER	$ 7,502	$ 10,385	$ 7,817	$ 10,988
BLDG. INSPECTOR I w/CERT	$ 5,749	$ 8,016	$ 5,973	$ 8,324
BLDG. INSPECTOR II w/COMBO CERT	$ 6,491	$ 9,045	$ 6,746	$ 9,399
CAPITAL PROJECTS COORDINATOR	*Vacant*		$ 7,817	$ 10,988
CHIEF BUILDING OFFICIAL*	$ 9,336	$ 13,159	$ 9,670	$ 13,632
CITY CLERK (2)	$ 9,113	$ 13,101	$ 9,414	$ 13,735
CITY COUNCIL	$457		$457	
CITY MANAGER	up to $19,955		up to $20,953	
CODE ENFORCEMENT OFFICER I	$ 5,375	$ 7,605	$ 5,617	$ 7,804
CODE ENFORCEMENT OFFICER II*	*Vacant*		$ 6,179	$ 8,584
CODE ENFORCEMENT TECHNICIAN	$ 4,031	$ 5,704	$ 4,213	$ 5,853
COMMUNITY DEVELOPMENT DIRECTOR	*Vacant*		$ 11,656	$ 16,878
ECONOMIC DEVELOPMENT MANAGER	$ 8,221	$ 12,753	$ 8,442	$ 13,204
ECONOMIC DEVELOPMENT ANALYST	*Vacant*		$ 7,166	$ 10,172
ENGINEERING TECHNICIAN	*Vacant*		$ 5,269	$ 7,274
FACILITIES MAINTENANCE CUSTODIAN	$ 3,717	$ 5,132	$ 3,416	$ 4,721

FINANCE DIRECTOR	$ 11,309	$ 16,575	$ 11,864	$ 17,372
HR MANAGER	$ 9,768	$ 14,343	$ 10,115	$ 14,849
HR TECHNICIAN*	$ 5,054	$ 7,011	$ 5,243	$ 7,270
MANAGEMENT ANALYST (3)	***Vacant***		$ 6,475	$ 8,421
PARALEGAL	$ 5,332	$ 7,468	$ 4,638	$ 6,543
PARKS & LANDSCAPE MAINTENANCE DIVISION MANAGER*	$ 8,569	$ 12,354	$ 8,883	$ 12,795
PARKS & LANDSCAPE MAINTENANCE FOREMAN*	$ 5,958	$ 7,096	$ 6,177	$ 8,639
PARKS & LANDSCAPE MAINTENANCE SUPERINTENDENT	$ 7,425	$ 10,487	$ 7,995	$ 11,279
PARKS & LANDSCAPE MAINTENANCE CREW LEADER	$ 4,974	$ 6,866	$ 5,164	$ 7,127
PARKS & LANDSCAPE MAINTENANCE LABORER	$ 3,140	$ 4,370	$ 3,319	$ 4,618
PARKS & LANDSCAPE MAINTENANCE WORKER	$ 3,540	$ 4,988	$ 4,093	$ 5,697
PARKS RANGER	***Vacant***		$ 4,911	$ 6,836
PERMIT TECHNICIAN	$ 4,891	$ 6,800	$ 5,072	$ 7,053
PLANNING TECHNICIAN	***Vacant***		$ 4,882	$ 6,854
POLICE CHIEF	$ 14,142	$ 19,635	$ 14,460	$ 20,279
~~POLICE CORPORAL*~~	~~***Vacant***~~		~~$ 7,089~~	~~$ 10,260~~
POLICE LIEUTENANT	$ 9,929	$ 14,245	$ 10,289	$ 14,760
POLICE OFFICER	$ 6,618	$ 9,546	$ 6,751	$ 9,771
POLICE RECORDS ASSISTANT	***Vacant***		$ 4,017	$ 5,541
POLICE SERGEANT	$ 7,966	$ 11,261	$ 8,248	$ 11,700
POLICE SERVICES ASSISTANT	$ 3,528	$ 4,910	$ 4,436	$ 6,165
PRINCIPAL ENGINEER	***Vacant***		$ 10,797	$ 15,035
PRINCIPAL PLANNER	$ 8,663	$ 12,247	$ 8,965	$ 12,673
PROGRAM COORDINATOR	$ 4,481	$ 6,134	$ 4,640	$ 6,350
PUBLIC WORKS DIR/CITY ENGINEER	$ 12,066	$ 17,570	$ 12,415	$ 18,181

PUBLIC WORKS INSPECTOR I*	$ 5,985	$ 8,355	$ 6,191	$ 8,644
PUBLIC WORKS INSPECTOR II	$ 6,659	$ 9,300	$ 6,887	$ 9,546
PUBLIC WORKS MAINTENANCE LABORER*	$ 3,140	$ 4,370	$ 3,319	$ 4,618
PUBLIC WORKS MAINTENANCE WORKER	$ 3,540	$ 4,988	$ 4,093	$ 5,697
RECORDS MANAGEMENT CLERK	$ 4,390	$ 6,021	$ 4,539	$ 6,234
RECREATION MANAGER (4)	$ 7,885	$ 11,062	$ 8,254	$ 11,576
RECREATION & EVENTS COORDINATOR	$ 4,752	$ 6,556	$ 4,893	$ 6,750
SENIOR ACCOUNTANT	$ 7,926	$ 11,131	$ 8,182	$ 11,489
SENIOR ACCOUNTING TECHNICIAN	$ 5,078	$ 7,059	$ 5,354	$ 7,441
SENIOR PLANNER*	$ 7,873	$ 11,129	$ 8,147	$ 11,517
STREETS MAINTENANCE FOREMAN	$ 5,994	$ 7,699	$ 6,253	$ 8,589
TREE WORKER	$ 3,540	$ 4,988	$ 4,707	$ 6,551

* Not budgeted

1- Employee serves in two positions (Human Resources Manager)

2- Employee serves in two positions (Paralegal)

3- Employee serves in two positions (Program Coordinator)

4- Employe serves in added capacity of Website Coordinator

Part-Time Schedule

Position	FY 17-18 Ranges		Approved FY 19-20/20-21 Ranges	
	Hourly Minimum	Hourly Maximum	Hourly Minimum	Hourly Maximum
ACCOUNTING ASSISTANT	$ 16.00	$ 22.00	$ 17.50	$ 23.50
ADMINISTRATIVE ASSISTANT	$ 15.00	$ 21.00	$ 18.00	$ 22.50
ADMINISTRATIVE SUPPORT ASSOCIATE	*Vacant*		$ 18.00	$ 22.50
BUILDING INSPECTOR I (1)	*Vacant*		$ 31.00	$ 43.21
BUILDING INSPECTOR II	*Vacant*		$ 45.50	$ 75.80
BUILDING OFFICIAL	*Vacant*		$ 62.50	$ 85.75
CODE ENFORCMENT OFFICER	*Vacant*		$ 28.50	$ 39.62
CODE ENFORCMENT TECHNICIAN*	*Vacant*		$ 18.25	$ 25.50
EXECUTIVE ASSOCIATE	*Vacant*		$ 50.00	$ 100.00
FACILITIES ATTENDANT*	$ 12.50	$ 15.00	$ 13.00	$ 16.00
FACILITIES MAINTENANCE AIDE	*Vacant*		$ 13.00	$ 20.00
INTERN*	$ 11.00	$ 13.00	$ 13.00	$ 15.00
PARK MONITOR	$ 12.50	$ 18.00	$ 14.50	$ 23.00
PERMIT TECHNICIAN	*Vacant*		$ 26.00	$ 37.00
POLICE OFFICER TRAINEE*	*Vacant*		$28	
POLICE RECORDS ASSISTANT	*Vacant*		$ 17.00	$ 24.50
POLICE SERVICES ASSISTANT	$ 20.00	$ 26.00	$ 21.00	$ 27.00
PROFESSIONAL ASSOCIATE	*Vacant*		$ 50.00	$ 90.00
RECEPTIONIST	$ 11.50	$ 16.00	$ 14.50	$ 17.50
RECREATION AIDE	$ 11.50	$ 12.50	$ 13.00	$ 15.00
RECREATION LEADER	$ 12.50	$ 15.50	$ 14.00	$ 16.50
SEASONAL PARKS & LANDSCAPE LABORER	$ 12.50	$ 18.00	$ 14.50	$ 23.00

SPORTS FIELD MAINTENANCE LABORER	$ 12.50	$ 18.00	$ 14.50	$ 23.00
SENIOR CODE ENFORCEMENT OFFICER*	***Vacant***		$ 35.00	$ 54.00
SENIOR RECREATION LEADER	$ 14.50	$ 18.00	$ 15.50	$ 20.00
LIFEGUARD*	$ 11.50	$ 13.00	$ 13.00	$ 17.00

* Not budgeted

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

FROM: Kenneth W. Strelo, Principal Planner

SUBJECT: **Pre-Approved Accessory Dwelling Units (ADU) Program - Request the City Council to Authorize the City Manager to Execute a Personal Services Agreement with Precision Civil Engineering, Inc. in an Amount Not to Exceed $50,000 to Assist the City in Developing the Pre-Approved ADU Program**

Summary and Background

On August 11, 2020, the City Council reviewed and accepted the Request for Proposals and Qualifications ("RFP") to seek assistance in developing the City of Oakley Pre-Approved Accessory Dwelling Units (ADU) Program ("Program"). The purpose of the Program is to provide property owners interested in constructing an ADU on their lot a streamlined process through the option of selecting one of several pre-approved ADU plans.

Planning Staff solicited the RFP to interested consultants and posted it on the City's website as well as the California Chapter American Planning Association's website, which serves to host RFPs from agencies across the state. The RFP was posted from August 17, 2020 to September 16, 2020. Five responses were received. A team of four Staff members, consisting of the Community Development Director, Principal Planner, Building Permit Center Manager, and Planning Technician, individually reviewed and ranked the five proposals. The results of those reviews and rankings showed two proposals that both met all of the elements of the RFP, while also remaining within budget ($50,000). The team of reviewers then met to discuss those two proposals in more detail and made a consensus decision that Precision Civil Engineering, Inc. was the top proposal.

Fiscal Impact

The City has budgeted $50,000 for this Program and the Proposal's budget is at that amount. The grant money tied to Senate Bill 2 Planning Grant will be used for this

Program and also cover any Staff time and other materials not included in the Agreement.

Staff Recommendation

Staff recommends the City Council adopt a resolution authorizing the City Manager to execute a professional services agreement with Precision Civil Engineering, Inc. in an amount not to exceed $50,000 for preparation of the City of Oakley's Pre-Approved Accessory Dwelling Units (ADU) Program.

Attachments

1. Draft Personal Services Agreement with Proposal as Exhibit A
2. Draft Resolution

SHORT FORM
SERVICES AGREEMENT BETWEEN
THE CITY OF OAKLEY AND PRECISION CIVIL ENGINEERING, INC.

THIS SERVICES AGREEMENT for professional architectural and engineering services is entered into by and between the City of Oakley, a municipal corporation in the State of California (hereinafter referred to as "City") and **Precision Civil Engineering, Inc.,** a California Corporation (hereinafter referred to as "Contractor") effective as of _____, 2020 ("Effective Date").

Section I. SERVICES. Subject to the terms and conditions set forth in this Agreement, Contractor shall provide to City the services described in the Scope of Work attached hereto an incorporated herein as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

1.1 Term of Services. The term of this Agreement shall begin on the date first noted above and shall continue until terminated by either party.

1.2 Standard of Performance. Contractor shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Contractor is engaged in the general geographical area of the City. Contractor shall prepare all work products required by this Agreement in a substantial, first-class manner and shall conform to the standards of quality normally observed by a person practicing in Contractor's profession.

1.3 Assignment of Personnel. Contractor shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Contractor shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.

1.4 Time. Contractor shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Contractor's obligations hereunder.

Section 2. COMPENSATION. City hereby agree to pay Contractor a sum not to exceed the amount described in Exhibit A, attached hereto and incorporated herein. City shall pay Contractor for services rendered pursuant to this Agreement at the time and in the manner set forth herein. These payments shall be the only payments

from City to Contractor for services rendered pursuant to this Agreement. Contractor shall submit invoices to City each month for services provided.

Contractor and City acknowledge and agree that compensation paid by City to Contractor under this Agreement is based upon Contractor's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Contractor. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Contractor and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 **Invoices.** Contractor shall submit invoices, not more often than once per quarter during the term of this Agreement. Invoices shall be on Contractor's Letterhead (or formal invoice form) and contain the following information:

- The beginning and ending dates of the billing period;
- A description of services for which payment is requested;
- Amount due;
- The Contractor's signature.

2.2 **Payment of Taxes.** Contractor is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

2.3 **Payment upon Termination.** In the event that the City or Contractor terminates this Agreement pursuant to Section 8, the City shall compensate the Contractor for all amounts due for work satisfactorily completed as of the date of written notice of termination.

2.4 **Authorization to Perform Services.** The Contractor is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Contractor shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement.

Section 4. RECYCLING REQUIREMENTS. Contractor agrees to comply with all City recycling requirements, and as set forth in the Oakley Municipal Code, including, but not limited to:

a. Construction and Demolition. Contractor must contact a customer service representative (CSR) at Oakley Disposal Service, Inc. to

arrange for service for any and all construction and demolition work to be performed as part of this project unless Contractor has been approved by the City as a "self-hauler" as defined in Oakley Municipal Code §4.20.308. The CSR will ask if the drop box contains recycle material and will direct the Contractor to drop the construction and demolition debris, including dirt and cement, to a permitted processing facility. The Contractor must indicate on their order form, by checking the applicable box, that they need documentation to comply with the Oakley Municipal Code. This documentation must be provided to the City within ten (10) days of receipt of said documentation by Contractor.

b. Commercial Self-Haul. Business self-haul materials are accepted at various Oakley Disposal Service, Inc. local facilities for recycling and include, but are not limited to, wood, inerts, metals, tires, greenwaste, plastics, cardboard, mattresses, foam padding, propane tanks, e-waste and appliances. Contractor agrees to drop any and all business self-haul materials at a site designated on the website www.cccounty.us/depart/cd/recycle/.

c. Road Maintenance and Construction Projects. Contractor agrees to recycle greenwaste, asphalt, concrete and metal from any and all road maintenance and construction projects at Oakley Disposal Service, Inc. designated locations.

d. Office Recyclables. If Contractor has an office, temporary office, or trailer within the City of Oakley, Contractor agrees to recycle all paper, cardboard, bottles, cans, and toner cartridges at Oakley Disposal Service, Inc. designated locations.

e. Special Waste Materials. Contractor shall dispose of inert materials, including, but not limited to, concrete, asphalt and rubber, at Oakley Disposal Service, Inc. designated locations. Shingles and wood waste shall be diverted to the Recycling Center and Transfer Station (RCTS) located at 3700 Loveridge Road, Pittsburg, CA 94565. Scrap metal shall be dropped off at a large-scale scrap metal recycle facility operating within Contra Costa County which may be found at www.cccrecycle.org.

f. Universal Waste. Contractor shall dispose of batteries, mercury containing devices and lamps, and certain consumer electronics at a recycling center designated by Oakley Disposal Service, Inc.

Section 5. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Contractor, at its own cost and expense, shall procure "occurrence coverage" insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Contractor and its agents, representatives, employees, and subcontractors.

Contractor shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects to the City. Contractor shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Contractor's bid. Contractor shall not allow any subcontractor to commence work on any subcontract until Contractor has obtained all insurance required herein for the subcontractor(s) and provided evidence thereof to City. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution. Verification of the required insurance is attached hereto and incorporated herein as Exhibit B.

5.1 **Variation.** The City may approve a variation in the foregoing insurance requirements, upon a determination that the coverages, scope, limits, and forms of such insurance are either not commercially available, or that the City's interests are otherwise fully protected.

5.2 **Notice of Reduction in Coverage.** In the event that any coverage required by this section is reduced, limited, or materially affected in any other manner, Contractor shall provide written notice to City at Contractor's earliest possible opportunity and in no case later than five calendar days after Contractor is notified of the change in coverage.

5.3 **Remedies.** In addition to any other remedies City may have if Contractor fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Contractor's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Contractor to stop work under this Agreement or withhold any payment that becomes due to Contractor hereunder, or both stop work and withhold any payment, until Contractor demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

Section 6. INDEMNIFICATION AND CONTRACTOR'S RESPONSIBILITIES

6.1. Contractor shall, to the fullest extent permitted by law, indemnify, defend (with counsel acceptable to the City) and hold harmless City, and its employees, officials, volunteers and agents ("Indemnified

Parties") from and against any and all losses, claims, damages, costs and liability (including but not limited to loss of use, loss of profits or loss of goodwill arising in any manner from the work) arising out of any personal injury, loss of life, damage to property, or any violation of any federal, state, or municipal law or ordinance, arising out of the performance of this Agreement by Contractor, its officers, employees, agents, volunteers, subcontractors or sub-Contractors, excepting (1) only liability arising from the sole negligence, active negligence or intentional misconduct of City, and (2) any actions, errors, or omissions by any party for any reason or due to any cause that occur on or after the issuance of a building permit to any party.

6.2. In the event that Contractor or any employee, agent, sub-Contractor or subcontractor of Contractor providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Contractor shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Contractor or its employees, agents, sub-Contractors or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

6.3. Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Contractor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shalt apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

6.4. By execution of this Agreement, Contractor acknowledges and agrees to the provisions of this Section and that it is a material element of consideration, and that these provisions survive the termination of this Agreement.

Section 7. STATUS OF CONTRACTOR.

7.1 **Independent Contractor.** At all times during the term of this Agreement, Contractor shall be an independent contractor and shall not be an employee of City. City shall have the right to control Contractor only insofar as the results of Contractor's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise City shall not have the right to control the means by which Contractor accomplishes services rendered pursuant to this Agreement, Notwithstanding any

other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Contractor and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

7.2 **Contractor, Not Agent.** Except as City may specify in writing, Contractor shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Contractor shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 8. LEGAL REQUIREMENTS.

8.1 **Governing Law.** The laws of the State of California shall govern this Agreement.

8.2 **Compliance with Applicable Laws.** Contractor and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.

8.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Contractor and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

8.4 **Licenses and Permits.** Contractor represents and warrants to City that Contractor and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature legally required to practice their respective professions. Contractor represents and warrants to City that Contractor and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Contractor and any subcontractors shall obtain and maintain during the term of this Agreement valid business licenses from City.

8.5 **Nondiscrimination and Equal Opportunity.** Contractor shall not discriminate, on the basis of a person's race, religion, color, national

origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Contractor under this Agreement. Contractor shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Contractor thereby.

Contractor shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 9. TERMINATION AND MODIFICATION.

9.1 Termination. City may cancel this Agreement at any time and without cause upon written notification to Contractor.

Contractor may cancel this Agreement upon 30 days written notice to City and shall include in such notice the reasons for cancellation.

In the event of termination, Contractor shall be entitled to compensation for services performed to the effective date of termination.

9.2 Amendments. The parties may amend this Agreement only by a writing signed by all the parties.

9.3 Assignment and Subcontracting. City and Contractor recognize and agree that this Agreement contemplates personal performance by Contractor and is based upon a determination of Contractor's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Contractor. Contractor may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Contractor shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.

9.4 Survival. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability

between City and Contractor shall survive the termination of this Agreement.

9.5 Breach by Contractor. If Contractor materially breaches any of the terms of this Agreement, City may immediately terminate the Agreement.

Section 10. KEEPING AND STATUS OF RECORDS.

10.1 Records Created as Part of Contractor's Performance. All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Contractor prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Contractor hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Contractor agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both parties.

10.2 Contractor's Books and Records. Contractor shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Contractor to this Agreement,

10.3 Inspection and Audit of Records. Any records or documents that Section 9.2 of this Agreement requires Contractor to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS ($10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under the Agreement.

Section 11 MISCELLANEOUS PROVISIONS.

11.1 **Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.

11.2 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

11.3 **No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

11.4 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.

11.5 **Use of Recycled Products.** Contractor shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.

11.6 **Conflict of Interest.** Contractor may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Contractor in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 et seq.

Contractor shall not employ any official of City in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 et seq.

Contractor hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Contractor was an employee, agent, appointee, or official of City in the previous twelve months, Contractor warrants that it did not participate in any manner in the forming of this Agreement. Contractor understands that, if this Agreement is made in violation of Government Code §1090 et. Seq., the entire Agreement is void and Contractor will not be entitled to any compensation for

services performed pursuant to this Agreement, including reimbursement of expenses, and Contractor will be required to reimburse the City for any sums paid to the Contractor. Contractor understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

11.7 Inconsistent Terms. If the terms or provisions of this Agreement conflict with or are inconsistent with any term or provision of any attachment or Exhibit attached hereto, then the terms and provisions of this Agreement shall prevail.

11.8 Solicitation. Contractor agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

11.9 Contract Administration. This Agreement shall be administered by Ken Strelo, Principal Planner ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

11.10 Notices.

Any written notice to Contractor shall be sent to:

Precision Civil Engineering, Inc.
Attn: Bonique Emerson, Planning Division Manager
1234 O Street
Fresno, CA 93721

Any written notice to City shall be sent to:

City of Oakley
Attn: Ken Strelo, Principal Planner
3231 Main St.
Oakley, CA 94561

11.11 Integration. This Agreement, including the attached exhibits, represents the entire and integrated agreement between City and Contractor and supersedes all prior negotiations, representations, and agreements, either written or oral.

11.12 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

11.13 Authorized Signature. Each person and party signing this Agreement warrants that he/she has the authority to execute this Agreement on behalf of the principal and that the party will be bound by such signature.

The parties have executed this Agreement as of the Effective Date.

CITY:	**CONTRACTOR:**
City of Oakley, a municipal corporation in the State of California	Precision Civil Engineering, Inc., a California corporation
_____	Sign: _____
Bryan H. Montgomery, City Manager	Name: Edward D. Dunkel Jr. Title: President & CEO

Attest:

_____
Libby Vreonis, City Clerk

Approved as to Form

_____
Derek Cole, City Attorney

EXHIBIT A

Scope of Work/Compensation Schedule

PROPOSAL FOR THE CITY OF OAKLEY

PRE-APPROVED ACCESSORY DWELLING UNITS PROGRAM



PRECISION CIVIL ENGINEERING INC.

Submitted by Edward D. Dunkel, Jr; President & CEO

(559) 449-4500 | edunkel@precisioneng.net | 1234 O Street, Fresno, CA

KENNETH STRELO
PRINCIPAL PLANNER
CITY OF OAKLEY
PLANNING DIVISION
3231 MAIN STREET
OAKLEY, CA 94561

On behalf of Precision Civil Engineering, Inc. (PCE), I am pleased to submit this Statement of Qualifications for the City of Oakley's Pre-Approved Accessory Dwelling Unit (ADU) Program. We believe our team of Planners, Project Managers, CAD Designers/Drafters, Engineers, and the project Architect, are the ideal group to produce a quality and creative approach for the City of Oakley. We believe PCE has the skills and experience needed to help the City of Oakley streamline the ADU approval process. We understand how critical this is because making this process easier and cheaper for residents will accelerate housing production and help the City meet its housing element goals.

PCE was founded in 2002 and is a state certified small business headquartered in Downtown Fresno, California with a branch office in Merced. PCE is a California corporation and is organized by divisions which are each headed by licensed division managers, with daily operations overseen by the company president. Our divisions include: Civil Engineering, Land Surveying, Landscape Architecture, Planning and Environmental Consulting, which allow us the unique ability to provide turn-key services under one roof. This means better project collaboration, improved responsiveness, closer budget monitoring and efficiency unparalleled, all resulting in projects completed on-time and on-budget.

Our creative design efforts are modeled to minimize cost without compromising competent solutions. Prior to submittal, our plans and specifications are examined against specific municipal checklists to ensure our goals are met. To ensure quality control, plans and specifications are subjected to a comprehensive peer review process, specifically designed to avoid timely and costly change orders. In the case of the City of Oakley project, all plans will be prepared and reviewed by in-house engineers, followed for a review by our team architect, Michelle Huerta, AIA of M Architecture & Design.

We believe that our team has the necessary skills and experience needed to excel at this project. Our project manager, Bonique Emerson, AICP, has 17 years of experience as a Planner, Project Manager, and Planning Division Manager. In her prior role as Planning Manager over the Current Planning Division at the City of Fresno, she oversaw the implementation of a development code that made accessory dwelling units and tiny homes easier to build in existing single family neighborhoods.

On behalf of PCE, I would like to thank you for considering us as the firm to provide these services to the City of Oakley. I personally guarantee that our services will be creative and responsive and will meet the City's goals as outlined in the request for qualifications.

Respectfully submitted,

Edward D. Dunkel, Jr.
President & CEO

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COMPANY PROFILE

Precision Civil Engineering, Inc. (PCE) is an established, full-service firm with 18 years of experience providing comprehensive and sustainable solutions for a wide range of complex projects and issues in California. Our roots are firmly established by fifth-generation California resident and company CEO & President, Ed Dunkel, Jr. whose family has provided engineering services throughout the state for more than 55 years. Today, our firm employs over 30 full-time staff members with offices in Fresno and Merced. Our divisions include:

- Civil Engineering
- Land Surveying
- Landscape Architecture
- Traffic Engineering
- Environmental Services
- Planning
- Project Management and Construction Management Services



Firm Representative | Edward Dunkel, Jr.
CEO & President
p. (559) 449-4500 f. (559) 449-4515
e. edunkel@precisioneng.net

Firm Legal Identity | PCE is a California corporation and a state certified small business located in Fresno, CA that has been in business for 18 years.

Office Location | 1234 O Street, Fresno, CA 93721
2807 G Street, Merced, CA 95340

Website | http://www.precisioneng.net

Firm Size | 32 Total staff members

SPECIALIZED SERVICES

Our team has vast experience working with private and public sector clients. As a result of this experience, we are intimately aware of the challenges and requirements of governmental processes, while also being keen to the constraints that can be caused by overly burdensome regulations, processes, and procedures. We bring a unique perspective of understanding municipal and state requirements, while providing the efficiency, timeliness, and cost effectiveness of the private sector. Year and after, PCE is proud to offer comprehensive, turn-key, and in-house services to both public and private clients:

CIVIL ENGINEERING	ENTITLEMENT PROCESSING	ENVIRONMENTAL PERMITTING AND PLANNING	WATER RESOURCES
LAND DEVELOPMENT CONSULTING	LOCAL GOVERNMENT CONTRACT PLANNING	LONG RANGE PLANNING	TRANSPORTATION/ TRAFFIC ENGINEERING

KEY PERSONNEL

The following individuals will be the key personnel working with the City to ensure a timely and thorough project completion. Staff resumes are provided on the following pages.



Bonique Emerson, MAUP, AICP
Planning Division Manager
Project Manager

Michelle Huerta, AIA
Architect, M Architecture & Design
Project Architect (Sub-Contractor)



Nathan Gleaves, PE
Co-Vice President, Civil Engineer
Project Engineer



Bonique Emerson, MAUP, AICP
Planning Division Manager
Project Manager

PCE committed to expanding our Planning Division in early 2020 with the addition of Bonique Emerson, MAUP, AICP as the Planning Division Manager. Bonique's 17 years of experience, working from a Planner I through to the Planning Division Manager for the City of Fresno, Planning and Development Department, Current Planning Division makes our firm different than other firms. Our practical experience in public sector planning paired with our firm's keen understanding of private development prepare us well for helping the City of Oakley reach innovation and efficiency in its planning efforts.

EDUCATION & CERTIFICATIONS

Affiliations | Certified Planner through the American Institute of Certified Planners (AICP)

Years of Experience | 17

Education | M.A. Urban Planning, University of California, Los Angeles

B.A Political Science, University of California, Los Angeles

EXPERIENCE AND CAPABILITIES

Process Management | Managed all operations of the City of Fresno's Current Planning Division which processes approximately 3,000 entitlement applications a year and operates a planning public front counter serving hundreds of customers weekly.

Project Management | Managed the development and implementation of the City of Fresno's new Land Management Software System, a Citywide, multi-million-dollar project that modernized the way permits and entitlements were processed in the City. Allowed for electronic application submittal and electronic processing and filing of documents.

Business Analyst | Regularly analyzed organizational and procedural issues and developed solutions, including but not limited to modifying project workflows through a land management system, implementing new processing procedures and modifying work assignments for the City of Fresno's Current Planning Division. This resulted in greater efficiency and consistency in order to meet target timelines for application approval.

Implementation | Responsible for reviewing, interpreting and analyzing new legislation and maintaining current knowledge of directives, policies, and regulations that affected the operation of the City of Fresno's Current Planning Division, including issues such as accessory dwelling units, mobile vendors, telecommunication, etc. Also responsible for implementing a new general plan and development code at the project level.

Michelle Huerta, AIA

Architect, M Architecture & Design

Project Architect (Sub-Contractor)

Michelle Huerta, AIA is the Principal Architect for M Architecture and Design in Reedley, CA. She is a licensed California Architect with more than 18 years of experience in construction and architectural design for various projects throughout California. Michelle's firm specializes in residential and commercial design services for new construction, remodal, and tenant improvement projects. For this project, Michelle will serve as the Project Architect (Sub-Contractor) and oversee the architectural design in coordination with the Project Engineer.

EDUCATION & CERTIFICATIONS

Affiliations | Licensed California Architect since 2012

NCARB since 2012

AIA Member, San Joaquin Valley Chapter since 2009

LEED Accredited Professional since 2006

USC Alumni Association

Years of Experience | 18

Education | B.A. Architecture with a Minor in Business,
University of Southern California, Los Angeles

EXPERIENCE AND CAPABILITIES

Project Design Types | Residential (custom, production, master plan, and interior), Commercial, and Design (urban/land use planning, branding). Projects have ranged from a remote one room cabin to an entire master planned community.

Entitlement to Construction | Experience at all design phases from entitlement City approval to construction administration, striving for good design, and work closely with clients and agencies. Additionally, oversaw subcontractors for production homes and completed the interior design of model homes on display.

Visual Design and Communications | Skilled at creating architectural and schematic designs using various platforms including, but not limited to: Autodesk Revit, AutoCAD, Lumion, Adobe (Photoshop, Illustrator, InDesign), and Microsoft Office.



Nathan Gleaves, PE

Co-Vice President, Civil Engineer

Project Engineer

Nathan Gleaves brings to Precision Civil Engineering, Inc. his experience with and extensive knowledge of building codes and ADA policies to ensure that each project has proper drainage and is ADA compliant. As Vice- President and one of PCE's project managers, Mr. Gleaves is responsible for all aspects of a project's engineering requirements. He acts as the central communication hub between clients and all team members, monitoring and coordinating the project to ensure all timelines are met. Mr. Gleaves also coordinates with architects and other outside consultants to keep projects on track. He is the key liaison between clients and public agencies, advocating client's needs and goals while considering public agency requirements. Mr. Gleaves' areas of expertise include planning, grading and drainage design, storm drainage design, street layout and design, sewer and water system layout and design. His experience and ability to build and maintain relationships with clients and architects allows him to ensure that changes to the site layout are properly coordinated, addressed and reflected in the design process.

EDUCATION & CERTIFICATIONS

Affiliations | State of California Certified Civil Engineer # 67552

Education | B.S. Civil Engineering, California State University, Fresno

Years of Experience | 17

EXPERIENCE AND CAPABILITIES

Fowler-Alluvial Apartments | Mr. Gleaves was the project manager for the 8-acre multi-family development. PCE was responsible for the design of improvement plans for grading, street, striping and traffic signal modifications, and street improvements including the construction of a bus bay.

Riverstone Development | Mr. Gleaves was the project manager for this project involving the development of the first four phases of Riverstone which included grading, drainage, street, street lighting, sewer, water storm, signage and striping plans for over 800 dwelling units and 80 acres of commercial and office development. The project consisted of approximately 11 miles of water mains, 11 miles of sewer mains, and 5 miles of storm drain. The project also constructed 11 miles of interior roadways, 2 miles of Avenue 12 roadway widening, and 1 mile of widening on State Route 41 to accommodate dual left turn lanes. As part of the project, Precision coordinated with Caltrans for State Route 41, Army Corp of Engineers and the State Department of fish and wildlife for blue line stream alteration. Master planning and utility design was coordinated through Root Creek water district.

OUR TEAM

The following core individuals will support the Project Manager and Key Personnel in carrying out this project. Resumes for our team can be provided upon request.



Jenna Chilingerian, MCRP
Associate Planner, Precision Civil Engineering, Inc.
Project Coordinator

Jenna Chilingerian, MCRP is the Associate Planner for Precision Civil Engineering in Fresno, CA. Jenna will serve as the Project Coordinator for this project, supporting the team with day-to-day operations including but not limited to: setting and coordinating meetings, completing and communicating delegated tasks, drafting and revising deliverables, and providing ongoing action item tracking and reporting. She brings more than seven years of progressively responsible experience in planning, community and economic development, and program management in the public and nonprofit sectors.



Lauren Herring
Director of Business Development, Precision Civil Engineering, Inc.
Project Support – Content Design

Lauren Herring is the Director of Business Development for Precision Civil Engineering in Fresno, CA. Lauren will assist with all Marketing components of this project including: designing the resources, collateral materials, and web-page for the City. Lauren studied Business Marketing at California State University, Fresno and has over three years of marketing development experience for various community-based organizations and local agencies.



Kindle Cowger
Administrative and Marketing Assistant, Precision Civil Engineering, Inc.
Project Support – Content Design

Kindle Cowger is the Administrative and Marketing Assistant for Precision Civil Engineering in Fresno, CA. Kindle will provide marketing assistance as well as any administrative support as necessary. Kindle earned her degree at California State University, Fresno and has worked in the marketing field for over two years.

RELEVANT PROJECT EXPERIENCE

The following projects are an overview of PCE's professional project experience.

Implementation of Accessory Dwelling Unit Ordinance | City of Fresno, Planning and Development Department, Current Planning Division: The City of Fresno Municipal Code Section 15-2754 regulates secondary dwelling units, backyard cottages, and accessory living quarters. The ordinance was passed as part of the citywide development code update in 2016. As the Current Planning Division Manager for the City's Planning and Development Department, Bonique Emerson, MAUP, AICP was tasked with overseeing the implementation of the ordinance. This involved working with the State of California, Tiny House industry, and property owners to communicate the standards, regulations, and permitting processes. An example of a process flowchart that Ms. Emerson created can be found here: *https://www.fresno.gov/darm/wp-content/uploads/sites/10/2018/01/Tiny-Homes-submittal-requirements.pdf*

Reference: Mike Sanchez, Assistant Director, City of Fresno, Planning and Development Department // (559) 621-8040 // Note: Key Staff Reference

Created and Managed the City of Fresno Planning Project Levels, Related Policies, and Process Flowcharts | City of Fresno, Planning and Development Department, Current Planning Division: The project levels, definitions, processes, and related policies were all created by Ms. Emerson when she was a Supervising Planner and Current Planning Manager that the City of Fresno. In addition to creating the internal policies and processes for staff, Ms. Emerson also created the simplified process flowchart for public viewing. An example of one these simplified flowcharts is below. An example of a related policy written by Ms. Emerson can be found here: *https://www.fresno.gov/darm/wp-content/uploads/sites/10/2019/01/G-003-Amending-Previously-Approved-Entitlements.pdf*

Reference: Mike Sanchez, Assistant Director, City of Fresno, Planning and Development Department // (559) 621-8040 // Note: Key Staff Reference

PROCESS

PRE-APPLICATION REVIEW		
Initial Planning Review STEP 1	Counter staff reviews the application and confirms use is allowed.	
STEP 2	Supervising Planner confirms that routing is required and determines whether DRC review is necessary.	
	SCHEDULE DRC MEETING	NO MEETING REQUIRED
Development Review Committee	Applicant meets with DRC. Within 10 days, Planner sends out a summary letter of pre-application review.	SKIP
Pre-Application Verification Correspondence	Applicant makes appropriate modifications and submits one set of plans to Planner. A planner will confirm within one week if the application is ready to submit.	
PROCESSING		
Submittal	Applicant makes an appointment with Planner to submit a complete application(s) in accordance with relevant submittal checklist(s).	
Cross-Dept Review	Project is routed to internal departments and outside agencies for comments and conditions.	
Formal Planning Review	Planner reviews for consistency with code and policies. Once all comments are received, Planner prepares approval documents.	
CORRECTIONS AND APPROVALS		
Project Approval STEP 1	Planner takes action to approve or deny. If approved, Applicant is given conditions of approval.	
STEP 2	SKIP	
Corrected Exhibit Process	Applicant makes necessary changes to the project and resubmits the exhibits.	
Planning Sign-off on Building Permits	Within two weeks, the Planner verifies all conditions are met and Applicant inserts the site plan, building elevations and landscape plans in the construction set and schedules a meeting with the Planning Division and Traffic Division for permit sign-off.	

1 Defined in Policy and Procedures G-003. Application for a modification to a developed site (Modification to approved site plan or conditional use permit.)

City Engineer | City of Coalinga, Departments of Planning and Public Works: Precision Civil Engineering provided general engineering services to support the City of Coalinga Departments of Planning and Public Works. The scope of work included preparation of engineered construction drawings and specifications, cost estimating, construction administration, and inspection services. Staff also provided plan check services of private development projects and construction plans.

Reference: Sean Brewer, Assistant City Manager, City of Coalinga // (559) 935-2533 // Note: Company Reference

On-Call Civil Engineering | City of Los Banos, Departments of Planning and Public Works: Precision Civil Engineering provides on-call civil engineering services for the City of Los Banos, Departments of Planning and Public Works. Services include third-party review of subdivision maps, plans, and specifications. Additionally, Precision Civil Engineering staff is updating the City's standards and specifications.

Reference: Mark Fachin, Public Works Director, City of Los Banos // (209) 827-7000 // Note: Company Reference

RELEVANT PROJECTS-
M ARCHITECTURE & DESIGN

2466 Split Garage Plan | West Star Construction: I designed a new plan for West Star Construction for their subdivision, Kings Estates in Kingsburg, CA. The client was looking for a larger single family home with three car garage. I designed a home with a split garage that satisfied the City's requirement for reducing garage appearance and placing an emphasis on the large front porch. Within the home are several different floor plan options for customer's needs. The standard 4 bedroom 2.5 bath can be 5 bedrooms with 3 baths. The standard floor plan has a room that could be used as an office or playroom. A 12' wide slider opens from the great room to a large back patio that extends the living space.

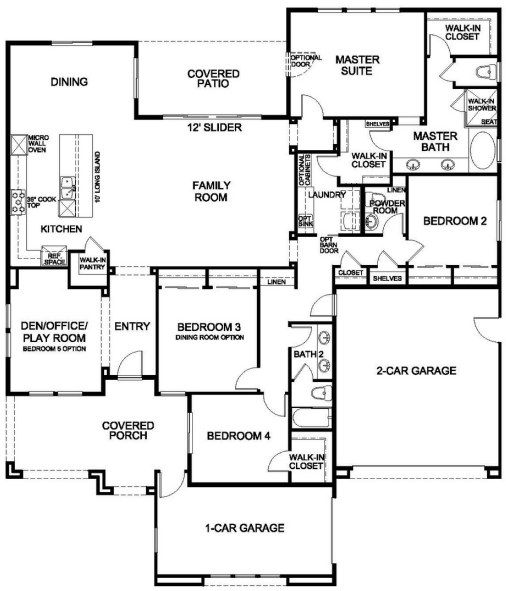
Customers have the choice of three elevation styles that fit their own taste. A traditional Spanish theme with arched openings, barrel roof tile, and faux wood rafter tails. The ranch theme has stone and darker color tones. And the modern home features a hip roof and clean horizontal lines. Within each elevation style customers then can choose between three color schemes for each style. The range of available options has made this plan a top seller for the client. West Star Construction will continue to use the new plan in the next phases of development.

Reference: Sandra Staats, West Star Construction// (559) 977-2396 // Note: Subconsultant Reference











Example Architectural Designs for Residential Development

by Michelle Huerta, AIA

architecture & design











architecture & design

OUR UNDERSTANDING

Overview. It is our understanding that the purpose of this project is to develop Accessory Dwelling Unit guides, prototypes, and resources that can be used by homeowners and City departments to expedite the permitting process, thereby saving time, reducing costs, and enabling greater housing production for the City of Oakley.

Background.

- Recent state law has spurred interest in the construction of Accessory Dwelling Units (ADUs), as innovative, affordable, and effective options to meet housing needs in many communities.
- The city of Oakley is experiencing growth in residential development and recognizes the need to expedite the permitting process to spur greater housing production, particularly for ADUs.
- The City is seeking assistance to develop an ADU program.

OUR APPROACH

Our team has vast experience working with private, public, and nonprofit sector clients throughout the State of California. As a result of this experience, our firm is intimately aware of the challenges and requirements of governmental processes while also being aware of constraints that are often caused by overly burdensome regulations, processes, and procedures. We bring a unique perspective of understanding municipal and state requirements while providing the efficiency, timeliness, and cost effectiveness of the private sector.

As a result of this experience and understanding, our approach to this project will be practical and efficient. We understand that the primary purpose of this project is to get results. For that reason, our approach will be focused on making sure all documents produced are understandable, versatile, and practicable in order to maximize the number of Accessory Dwelling Units built in the City.

Easy to Understand. We will ensure that the overall program is easy to understand by the general public. We will do this by making all documents are simple, full of pictures, images, and flow charts so that they are easy to follow and fit seamlessly into the City's other processes and programs. We will produce brochures, pamphlets, and easy to understand process charts for the public to easily comprehend how the program works and how they move through the process from beginning to end.

Versatile. At the start of the project, we will talk to staff, survey various neighborhoods and conduct other research to understand the architecture, demographics and standard lot sizes and configurations to ensure that our designs, floor plans, and layouts work for the community. The housing options will be varied enough to fit into a wide variety of neighborhoods.

Practical Implementation. The program that we build will not only be user friendly for the general public, it will also be easy to implement for staff. We understand the reality of City budgets and the reduced staffing levels and have experience with complex or "pie in the sky" type programs that are difficult to implement. Our approach will focus on making sure the program is easy to implement. We will create standard forms and checklists that will minimize discretion on staff's part and allow for easy approval with minimal processing time.

PROPOSED WORK PLAN

Task 1. Project Initiation

Task 1.1. Preliminary Kick-Off Meeting

Task 1.2. Background Research and Data Collection

Task 2. Preparation of Plans

Task 2.1. Preparation of Plans (35%)

Task 2.3. Preparation of Plans (65%)

Task 2.4. Plan Review (65%)

Task 2.5. Preparation of Plans (95%)

Task 2.6. Plan Review (95%)

Task 2.7. Final Plans (100%)

Task 3. Processing Guide and Marketing Collateral

Task 3.1. Scoping Meeting

Task 3.2. Outline Preliminary Processing Guide and Marketing Collateral

Task 3.3. Review Preliminary Processing Guide and Marketing Collateral

Task 3.4. Draft Processing Guide and Marketing Collateral

Task 3.5. Review Draft Processing Guide and Marketing Collateral

Task 3.6. Final Processing Guide and Marketing Collateral

Task 4. Public Meetings/Hearings

Task 4.1. Assistance with Preparation for Public Meetings/Hearings

Task 4.2. Council Meeting (For Adoption)

Task 5. Project Management and Coordination

Task 5.1. Project Management and Coordination

1 PROJECT INITIATION

Task 1.1. Kick-Off Meeting

Upon receiving a notice to proceed from the City of Oakley (the City), the project team will facilitate a kick-off meeting with City staff to discuss the City's goals and objectives for the program and conceptual plans, in addition to the City's permitting and review process. PCE will prepare an agenda in consultation with City staff.

Schedule
October 2020

Deliverables
- Three (3) copies of the project schedule, schedule for preparation and prelim City Council approval.

Task 1.2. Background Research and Data Collection

PCE will collect relevant data and documents from the City and stakeholders (as needed), including but not limited to: architecture, demographics, and standard lot sizes and configurations. PCE will review this data for completeness and understanding to ensure that our proposed designs, floor plans, and layouts are appropriate for the community.

Schedule
October 2020

Deliverables
- Collect and review relevant data as noted above.

2 PREPARATION OF PLANS

Task 2.1. Preparation of Plans

The project team will prepare structural drawings, floor plans, and architecture design for four (4) different floor plans with up to three (3) architectural styles as identified by the City and in compliance with the requirements of state law and the applicable OMC related to ADUs. Plans will be prepared at a 35% design level to allow for an iterative feedback process. The project team anticipates the 35% design draft to be completed approximately one (1) month after the project kick-off meeting.

Schedule
November 2020

Deliverables
- Ten (10) administrative draft plans (11" x 17", hard copy), including one (1) reproducible original and one (1) digital file (at full size and original resolution).

Task 2.2. Plan Review (35%)

Following the submittal of the 35% draft, the City will have the opportunity to provide staff input. The project team anticipates a one (1) to two (2) week review period for City staff.

Schedule
November 2020

Deliverables
- Input from City staff (i.e., draft comments).

Task 2.3. Preparation of Plans (65%)

The project team will prepare revisions to the administrative draft and draft plans in response to the input from City staff. All changes between versions shall be noted in underscore and strikethrough or "track changes" or through cloud revisions as agreed upon.

Schedule
December 2020

Deliverables
- Ten (10) administrative draft plans (11" x 17", hard copy), including one (1) reproducible original and one (1) digital file (at full size and original resolution).

Task 2.4. Plan Review (65%)

Following the submittal of the 65% draft, the City will have the opportunity to provide staff input. The project team anticipates a one (1) to two (2) week review period for City staff.

Schedule
December 2020

Deliverables
- Input from City staff (i.e., draft comments).

Task 2.5. Preparation of Plans (95%)

The project team will prepare revisions to the administrative draft and draft plans in response to the input from City staff. All changes between versions shall be noted in underscore and strikethrough or "track changes" or through cloud revisions as agreed upon. PCE will coordinate the administrative draft and draft plans with the development of the processing guide and marketing collateral (See Task 3).

Schedule
January 2021

Deliverables
- Ten (10) administrative draft plans (11" x 17", hard copy), including one (1) reproducible original and one (1) digital file (at full size and original resolution).

Task 2.6. Plan Review (95%)

Following the submittal of the 95% draft, the City will have the opportunity to provide staff input. The project team anticipates a one (1) to two (2) week review period for City staff.

Schedule
January 2021

Deliverables
- Input from City staff (i.e., draft comments).

Task 2.7. Final Plans (100%)

The project team will prepare revisions to the administrative draft and draft plans in response to the input from City staff. All changes between versions shall be noted in underscore and strikethrough or "track changes" or through cloud revisions as agreed upon. Plans and specifications shall comply with standard drawings and specifications of the City and other agencies as applicable which may include: floor plan, foundation plan, sections (as necessary), external elevations, renderings of exterior and internal features suitable for publication, suggested external and internal materials.

Schedule
February 2021

Deliverables
- Ten (10) administrative draft plans (11" x 17", hard copy), including one (1) reproducible original and one (1) digital file (at full size and original resolution).

3 PROCESSING GUIDE & MARKETING COLLATERAL

Task 3.1. Scoping Meeting

The project team proposes holding a scoping meeting with City staff to gather input on the priorities and key elements of the processing guide and marketing collateral. Input received from such meeting will assist with preparation of the materials.

Schedule
November 2020

Deliverables
- Summary memo of key takeaways from the Scoping Meeting.

Task 3.2. Outline Preliminary Processing Guide and Marketing Collateral

Based on the feedback received from City staff in the scoping meeting, the project team will outline the preliminary processing guide and marketing collateral for the City to review.

Schedule
November 2020

Deliverables
- Preliminary outline of the draft processing guide and marketing collateral as word and PDF documents.

Task 3.3. Review Preliminary Processing Guide and Marketing Collateral

Following the submittal of the 95% draft, the City will have the opportunity to provide staff input. The project team anticipates a one (1) to two (2) week review period for City staff.

Schedule
December 2020

Deliverables
- Input from City staff (i.e., draft comments).

Task 3.4. Draft Processing Guide and Marketing Collateral

The project team will utilize staff comments to prepare a full draft of the processing guide and marketing collateral, which may include: brochures, pamphlets, and easy to understand, informative process charts for the public to easily comprehend how the program works and how they move through the process from beginning to end. The guide and related materials may include a summary of how and when each of the pre-approved ADUs would apply and the use of the existing ordinance to clarify regulations (i.e., setbacks, separate entrances, allowable lot sizes). Overall, the processing guide may include: an introduction, overview of regulations, development considerations, permitting and application requirements, the building permit process, and contacts and resources, among other items identified by the City. Additionally, the project team can create standard forms and checklists that will minimize discretion on staff's part and allow for easy approval with minimal processing time.

Schedule
January 2021

Deliverables
- Draft processing guide and marketing collateral as word and PDF documents.
- Draft forms and checklists for staff discretionary approval.

Task 3.5. Review Draft Processing Guide and Marketing Collateral

Following the submittal of the draft processing guide and marketing collateral, the City will have the opportunity to provide staff input. The project team anticipates a one (1) to two (2) week review period for City staff.

Schedule
January 2021

Deliverables
- Input from City staff (i.e., draft comments).

Task 3.6. Final Processing Guide and Marketing Collateral

The project team will utilize staff comments to prepare a full, final draft of the processing guide and marketing collateral, in addition to final forms and checklists for staff discretionary approval.

Schedule
February 2021

Deliverables
- Final processing guide and marketing collateral and word and PDF documents.
- Final forms and checklists for staff discretionary approval.

4 PUBLIC MEETINGS & HEARINGS

Task 4.1. Assistance with Preparation for Public Meetings/Hearings

Assist in the preparation of public meeting presentation materials, letters, memos, and other documents as required by City Staff in paper and electronic forms. City staff will prepare Staff Reports and Resolutions, and prepare, post, mail, and public hearing notices.

Schedule
February 2021

Deliverables
- Presentation materials, letters, memos, and other documents as required in paper and electronic forms.

Task 4.2. Council Meeting (For Adoption)

The project team will work with the City staff to prepare for and present the pre-approved ADU program to City Council.

Schedule
February 2021

Deliverables
- Final pre-approved ADU program materials, presentation, and other documents as required in paper and electronic forms.

5 PROJECT MANAGEMENT

Task 5.1. Project Management

The project team will coordinate with City staff on an on-going and regular basis. This task includes development of the schedule for preparation and preliminary City Council approval, finalized work plan, and monthly progress reports, in addition to general correspondence to communicate updates. The project team proposes a monthly recurring meeting with City staff to ensure that the project is moving forward on schedule and within budget.

Schedule
October 2020 – March 2021

Deliverables
- Summary memos
- Meeting notes
- Project workplan and schedule

PROPOSED PROJECT SCHEDULE

OCTOBER 2020

PROJECT INITIATION
KICK-OFF MEETING
BACKGROUND RESEARCH AND DATA COLLECTION

NOVEMBER 2020

35%

PREPARATION OF PLANS, PLAN REVIEW (35%)

SCOPING MEETING

OUTLINE PRELIMINARY PROCESSING GUIDE AND MARKETING COLLATERAL

DECEMBER 2020

65%

PLAN REVIEW (65%)

REVIEW PRELIMINARY PROCESSING GUIDE AND MARKETING COLLATERAL

JANUARY 2021

95%

PLAN REVIEW (95%)

DRAFT PROCESSING GUIDE AND MARKETING COLLATERAL

REVIEW DRAFT PROCESSING GUIDE AND MARKETING COLLATERAL

FEBRUARY 2021

100%

FINAL PLANS (100%)

FINAL PROCESSING GUIDE AND MARKETING COLLATERAL

ASSISTANCE WITH PREPARATION FOR PUBLIC MEETINGS/HEARINGS

MARCH 2021

COUNCIL MEETING (FOR ADOPTION)

SERVICES AGREEMENT

Precision Civil Engineering, Inc. has the following comments on the City's Standard Consultant Services Agreement proposed for this project.

1. Indemnification and Contractor's Responsibilities (Section 6).
We request that the hold harmless language be modified. Since the Building Division will review and approve the plans, we believe that the liability on behalf of the City is not any more than a typical building permit that the City reviews and approves. In addition to this, because the plans can be built by various builders and contractors, the consultant has no control over the quality of the final work product. For these reasons, we request that this language be removed or modified to state that the hold harmless clause be removed after the plans are approved by the City.

PROPOSED BUDGET

TASK	AMOUNT
1. Project Initiation	$2,000.00
2. Preparation of Plans	$17,000.00
3. Processing Guide and Marketing Collateral	$12,000.00
4. Public Meetings/Hearings	$4,000.00
5. Project Management	$15,000.00
Total	**$50,000.00**

Exhibit B

Insurance Requirements

Specific Insurance Requirements and Required Policy Limits

PROFESSIONAL SERVICES CONTRACTS:

Including, but not limited to architects, engineers, consultants, counselors, attorneys and accountants.

Consultant shall procure and maintain for the duration of its contract insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, employees or subcontractors.

Minimum scope of coverage
Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01) covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** Insurance Services Office Form number CA 0001 Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than **$1,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **$1,000,000** per accident for bodily injury or disease.

(Not required if Consultant provides written verification it has no employees)

4. **Professional Liability** (Errors and Omissions) Insurance appropriate to the Consultant's profession, with limit no less than **$1,000,000** per occurrence or claim, **$2,000,000** aggregate. Architects and Engineers coverage shall be endorsed to include contractual liability.

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

Other Insurance Provisions

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

Additional Insured Status
The City, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations. General liability coverage should be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used).

Primary Coverage
For any claims related to this contract, the **Consultant's insurance coverage shall be primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation
Each insurance policy required above shall state that **coverage shall not be canceled, except with notice to the City.**

Waiver of Subrogation
Consultant hereby grants to City a waiver of any right to subrogation which Consultant or any insurer of said Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions
Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

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

Claims Made Policies
If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided ***for at least five (5) years after completion of the contract of work.***
3. If coverage is canceled or non-renewed, and not ***replaced with another claims-made policy form with a Retroactive Date*** prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of ***five (5)*** years after completion of contract work.

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

Subcontractors
Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

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

RESOLUTION NO. _____

ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PRECISION CIVIL ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED $50,000 FOR PREPARATION OF THE CITY OF OAKLEY PRE-APPROVED ACCESSORY DWELLING UNITS (ADU) PROGRAM

WHEREAS, on August 11, 2020, the City Council reviewed and accepted the Request for Proposals and Qualifications ("RFP") to seek assistance in developing the City of Oakley Pre-Approved Accessory Dwelling Units (ADU) Program ("Program"); and

WHEREAS, on August 17, 2020, the City of Oakley Planning Staff solicited the RFP to interested consultants and posted it on the City of Oakley's and California Chapter American Planning Association's websites requesting responses no later than September 16, 2020; and

WHEREAS, five responses were received, and a team of four reviewers including the Community Development Director, Principal Planner, Building Permit Center Manager, and Planning Technician came to a consensus decision that Precision Civil Engineering, Inc was the top proposal; and

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Agreement for Consulting Services with Precision Civil Engineering, Inc. for preparation of the Program, in an amount not to exceed $50,000, is hereby approved in the form attached hereto as Exhibit A, and the City Manager is authorized to execute the Agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 10th day of November, 2020 by the following vote

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 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. It has since been extended, with the last extension approved on September 8, 2020.

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 January 12, 2021 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 January 12, 2021 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, by subsequent resolutions the City Council has since extended the declaration of emergency; 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 January 12, 2021 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 10th day of November, 2020 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

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

SUBJECT: Conduct Public Hearing and Adopt a Resolution Approving the Emerson Ranch Stormwater Improvements Reimbursement Agreement

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Background and Analysis

As a condition of development, the City of Oakley required Brookfield Emerson Land LLC (the "Developer") for the Emerson Ranch project (the "Project") to construct storm drain improvements which benefit and accommodate stormwater runoff from their development and other adjacent properties if developed (the "Benefitting Properties"). The Benefitting Properties consist of 42 parcels located southwest of the intersection of Cypress Road and Sellers Avenue 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, 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.

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. 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 $4,746,595, of which, $1,298,783 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 October 28, 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 amount assigned to each Benefitting Property is summarized in Table No. 4 of Exhibit A of this Agreement.

Staff Recommendation

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

Attachments

1) Signed Application
2) Resolution approving the Emerson Ranch Reimbursement Agreement
    - Exhibit A – Reimbursement Agreement
3) Property Meeting Q&A – 10/28/2020

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: 9/24/2020

APPLICANT INFORMATION
NAME: Brookfield Emerson Ranch LLC
ADDRESS: 500 La Gonda Way Suite 100
CITY: Danville STATE: CA ZIP: 94526

AUTHORIZED REPRESENTATIVE INFORMATION
NAME: Gonzalo Rodriguez
TITLE: VP Land & Planning
ADDRESS: 500 La Gonda Way Suite 100
CITY: Danville STATE: CA ZIP: 94526
TELEPHONE No: 925 743 5000 CELL No: 916 206 0414
E-MAIL ADDRESS: gonzalo.rodriguez@brookfieldrp.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.

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT WITH BROOKFIELD EMERSON LAND LLC CONCERNING STORM DRAINAGE IMPROVEMENTS RELATED TO CONDITIONS OF APPROVAL FOR THE EMERSON RANCH PROJECT

WHEREAS, Brookfield Emerson Land LLC ("Developer") was the owner of approximately 140.25 acres of land on which the Emerson Ranch Project ("Project") located on the northwest corner of East Cypress Road and Sellers Avenue is developed; 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 November 10, 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 the Developer concerning Storm Drainage Improvements related to Conditions of Approval for the Emerson Ranch 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 10th of November, 2020 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk Date

REIMBURSEMENT AGREEMENT

STORM DRAINAGE IMPROVEMENTS
RELATED TO CONDITIONS OF APPROVAL FOR THE
EMERSON RANCH 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 BROOKFIELD EMERSON LAND LLC (***"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 Emerson Ranch 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 benefiting 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 benefiting property owners.

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

E. A map showing 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, benefit calculations, quantities, unit prices, etc., for each applicable segment of the Improvements is attached as Exhibit "C".

G. A map and summary with corresponding County Assessor Parcel Numbers (APNs) showing each benefiting property's projected future land use per the City's General Plan is attached as Exhibit "D".

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 benefiting properties referenced in Exhibits “A” and “D”, and the City reviewed and approved the method of spreading the eligible reimbursement amounts to the benefiting properties within the benefit district described in Exhibit “A”.

3. **AMOUNT AND COLLECTION OF REIMBURSEMENT.** The Developer hereby acknowledges that if no development occurs on the benefiting 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 benefiting properties, no reimbursement amount may be collected. The reimbursement amounts summarized in Exhibit “A” shall only be collected by the City from the benefiting properties prior to the filing of a final subdivision map, parcel map, or issuance of a new building permit on benefiting 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 benefiting 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 benefiting 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:	**Brookfield Emerson Land LLC** **Attn: Gonzalo Rodriguez** **500 La Gonda Way, Suite 100** **Danville, CA 94526** **FACSIMILE: (916) 783-1161**

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, Brookfield Emerson Land LLC, a Delaware 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, Share of Cost, and Method of Spreading the Eligible Reimbursement Amounts
B – Map of the Benefiting Properties and Applicable Segments of Improvements
C – Engineer's Benefit Calculations, Certification of Reimbursement Cost & Quantities
D – Benefiting Properties General Plan Land Use Map and Parcel Summary

EXHIBIT A

DESCRIPTION OF IMPROVEMENTS, CONSTRUCTION COSTS, SHARE OF COST, AND METHOD OF SPREADING THE ELIGIBLE REIMBURSEMENT AMOUNTS

As a condition of development, the City of Oakley required the Developer for the Emerson Ranch project (the "Project") to construct storm drainage improvements which benefit and accommodate stormwater runoff from their development and other adjacent properties if developed (the "Benefiting Properties"). These storm drain improvements (the "Improvements") constructed by the Developer that have been sized to accommodate the Benefiting Properties include large diameter pipelines, 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. In accordance with the terms and conditions of this agreement, the Developer is seeking future reimbursement from the Benefiting 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 Benefiting Property 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 Benefiting Properties based on their respective land uses per the City's General Plan as shown in Exhibit "D". 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

Segment Number	Emerson Ranch	Other Benefiting Properties
1A	0.0	46.5
1B	1.8	46.5
1C	4.5	46.5
2	64.3	46.5
3	112.1	33.0

Based on the peak flow rates summarized above, the percentage of benefit for the Benefiting Properties was derived for each applicable 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

Segment Number	Emerson Ranch	Other Benefiting Properties
1A	0%	100%
1B	4%	96%
1C	9%	91%
2	58%	42%
3	77%	23%

The total construction cost for all applicable segments of the Improvements is $4,746,595, of which, $1,298,783 is eligible for future reimbursement to the Developer from other Benefiting 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

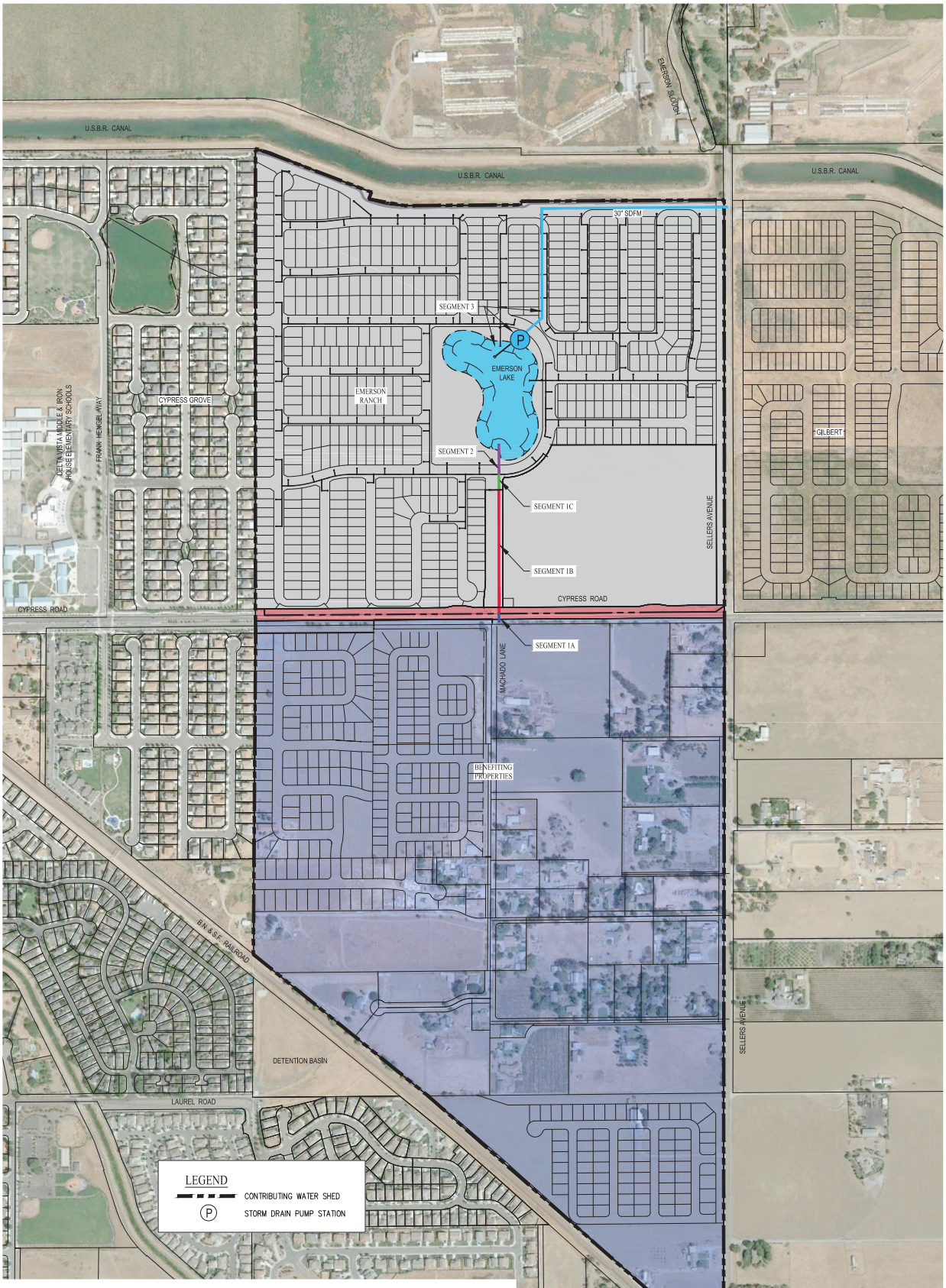
Segment Number	Emerson Ranch	Other Benefiting Properties	Total Construction Costs
1A	$0	$14,245	$14,245
1B	$7,469	$179,251	$186,720
1C	$2,325	$23,508	$25,833
2	$61,172	$44,297	$105,469
3	$3,007,438	$898,326	$3,905,764
Subtotal	$3,078,404	$1,159,627	$4,238,031
Professional Services (10%)	$307,840	$115,963	$423,803
Bonding & Financing (2%)	$61,568	$23,193	$84,761
Total	$3,447,812	$1,298,783	$4,746,595

Based on the analysis described above and each Benefiting Property's land use per the City's General Plan as shown in Exhibit "D", the cost of the Improvements is attributed to each Benefiting Property for potential future reimbursement. A summary of each Benefiting Property's potential future reimbursement amount is included as Table No. 4 on the following page.

Table No. 4 Storm Drain Cost Allocations for Each Benefiting Property Owner			
Assessor Parcel Number	Benefiting Property Owner	% Share of Total Reimbursement Amount	Share of Total Reimbursement Amount
033-150-002-5	JOHN J & GAIL DEFREMERY	2.94%	$38,121.93
033-150-013-2	ALFRED & DARLENE DEJESUS	13.76%	$178,741.50
033-160-005-6	VIZSLADOGS LTD	3.12%	$40,519.54
033-160-007-2	CHARLIE T & JAMES R HOLDER	0.14%	$1,798.20
033-160-013-0	DAVID R ROSS ZACK	0.83%	$10,789.23
033-160-021-3	CATHY M MACHADO	2.74%	$35,604.44
033-160-022-1	ADOLFO & MARGARITA ORTIZ	1.11%	$14,385.63
033-160-023-9	CESAR A AMEZCUA	1.49%	$19,300.73
033-160-028-8	ROLAND W & CYNTHIA CARTER	2.19%	$28,411.63
033-160-029-6	MARIA T BORRAYO	0.43%	$5,634.37
033-160-031-2	DAVID & JESSALYNN GREENBLATT	0.42%	$5,394.61
033-160-032-0	DAVID A & KAREN F PARTAIN	0.42%	$5,394.61
033-160-033-8	MICHAEL R & GINA ROZENSKI	0.42%	$5,394.61
033-160-034-6	SAMUEL R HELBERG	0.42%	$5,394.61
033-160-035-3	JOHN S HUFFMAN	0.42%	$5,394.61
033-160-036-1	LEOPOLDO BECERRA	0.79%	$10,309.70
033-160-038-7	PAULINO & ANDRIA P HOJAS	5.65%	$73,366.73
033-160-039-5	LEONARD A & TONI M SHANNON	1.58%	$20,499.53
033-160-040-3	THOMAS G & LAURA J SEENO	0.16%	$2,037.96
033-160-041-1	SHANNON R & ANN S CRESON	4.86%	$63,176.91
033-160-042-9	WILLIAM M & WENDELIN GELTZ	0.62%	$8,031.98
033-170-011-2	KIM L HERNANDEZ	0.51%	$6,593.42
033-170-012-0	SUZANNE DAILEY	0.51%	$6,593.42
033-170-013-8	LUCIO & JUANA PADILLA	0.51%	$6,593.42
033-170-014-6	EQUINOX LAND TRUST	0.51%	$6,593.42
033-170-016-1	DONALD L PATCHIN	0.54%	$6,953.06
033-170-017-9	EVERETT WAYNE & VIVIAN JOYCE SANDERSON	0.42%	$5,394.61
033-170-018-7	SABINO & LUZ M CARRILLO	0.95%	$12,347.67
033-170-019-5	LUIS V & RAUL A DUENAS	0.51%	$6,593.42
033-170-020-3	ALEXIS & RENEE JOHNSON	0.51%	$6,593.42
033-170-021-1	HENGLI 7 LLC	2.64%	$34,285.76
033-170-022-9	YANN LIN	2.44%	$31,648.40
033-170-023-7	RICK L & DENISE C TAYLOR	2.44%	$31,648.40
033-170-024-5	STEVE & MICHELLE BURRESCIA MACFADYEN	2.44%	$31,648.40
033-180-001-1	RICHARD L & DONA E SWANSON	5.54%	$71,928.17
033-180-007-8	RICKEY T HEFFERN	1.56%	$20,259.77
033-180-013-6	SANDY LANE PROPERTIES	1.23%	$15,944.08
033-180-015-1	DAVID E & MARK BERNHARD	3.66%	$47,592.47
033-180-016-9	JOHN W & DEBORAH A ASKINS	1.04%	$13,546.47
033-190-001-9	CECILIA PEIXOTO	12.92%	$167,832.40
033-190-003-5	DORIS COSETTI	7.37%	$95,784.35
033-190-004-3	DORIS COSETTI	7.29%	$94,705.42
	Totals:	**100.00%**	**$1,298,783.00**

EXHIBIT B

MAP OF THE BENEFITING PROPERTIES AND
APPLICABLE SEGMENTS OF IMPROVEMENTS



EMERSON RANCH
STORM DRAIN REIMBURSEMENT
IMPROVEMENTS DIAGRAM

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

SCALE: 1" = 250' DATE: OCTOBER 16, 2020

0 250 500 750

cbg CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
SAN RAMON ▪ (925) 866-0322
ROSEVILLE ▪ (916) 788-4456
WWW.CBANDG.COM

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EXHIBIT C

ENGINEER'S BENEFIT CALCULATIONS, CERTIFICATION OF REIMBURSEMENT COST AND QUANTITIES

ENGINEER'S BENEFIT CALCULATION

BENEFITING PROPERTIES

EMERSON RANCH - WEIGHTED STORM DRAIN VALUES

CITY OF OAKLEY, CALIFORNIA

October 16, 2020

Job No.: 0878-060

			Incoming Flow Rates		Percentage Costs	
Segment	Storm Drain	Length	Emerson Ranch	Benefiting Properties	Emerson Ranch	Benefiting Properties
1A	60"	55	0.0	46.5	0%	100%
1B	60"	680	1.8	46.5	4%	96%
1C	60"	87	4.5	46.5	9%	91%
2	60"	168	64.3	46.5	58%	42%

			Outfall Flow Rates		Percentage Costs	
Segment	Storm Drain	Length	Emerson Ranch	Benefiting Properties	Emerson Ranch	Benefiting Properties
3	Outfall A	-	29.2	-	-	-
	Outfall B	-	37.2	-	-	-
	Outfall C*	-	45.7	33.0	-	-
	Total	-	112.1	33.0	77%	23%

*Outfall C is Segment 2 above, uniformly adjusted by a factor of 0.710 to reflect the Time of Concentration adjusted Q from Hydraulic Analysis.



ENGINEER'S CERTIFICATION OF REIMBURSEMENT QUANTITIES AND COSTS
STORM DRAIN - BENEFIT DISTRICT
EMERSON RANCH
CITY OF OAKLEY, CALIFORNIA

October 16, 2020
Job No.: 0878-060

Item	Description	Quantity	Unit	Unit Price	Amount
	STORM DRAIN - SEGMENT 1A *(Cypress Road Stub to Southern Properties)*				
1	60" Pipeline	55	LF	$ 259	$ 14,245
	SUBTOTAL STORM DRAIN - SEGMENT 1A				$ 14,245
	PERCENTAGE BENEFIT TO EMERSON RANCH				0%
	PERCENTAGE BENEFIT TO OTHER BENEFITING PROPERTIES				100%
	SUBTOTAL STORM DRAIN - SEGMENT 1A POTENTIAL REIMBURSEMENT				**$ 14,245**
	STORM DRAIN - SEGMENT 1B *(From Cypress Road to Shearwater Way)*				
2	60" Pipeline	680	LF	$ 259	$ 176,120
3	Manholes	1	EA	$ 10,600	$ 10,600
	SUBTOTAL STORM DRAIN - SEGMENT 1B				$ 186,720
	PERCENTAGE BENEFIT TO EMERSON RANCH				4%
	PERCENTAGE BENEFIT TO OTHER BENEFITING PROPERTIES				96%
	SUBTOTAL STORM DRAIN - SEGMENT 1B POTENTIAL REIMBURSEMENT				**$ 179,251**
	STORM DRAIN - SEGMENT 1C *(Emerson Ranch Way - North)*				
4	60" Pipeline	87	LF	$ 259	$ 22,533
5	Catch Basin	1	EA	$ 3,300	$ 3,300
	SUBTOTAL STORM DRAIN - SEGMENT 1C				$ 25,833
	PERCENTAGE BENEFIT TO EMERSON RANCH				9%
	PERCENTAGE BENEFIT TO OTHER BENEFITING PROPERTIES				91%
	SUBTOTAL STORM DRAIN - SEGMENT 1C POTENTIAL REIMBURSEMENT				**$ 23,508**



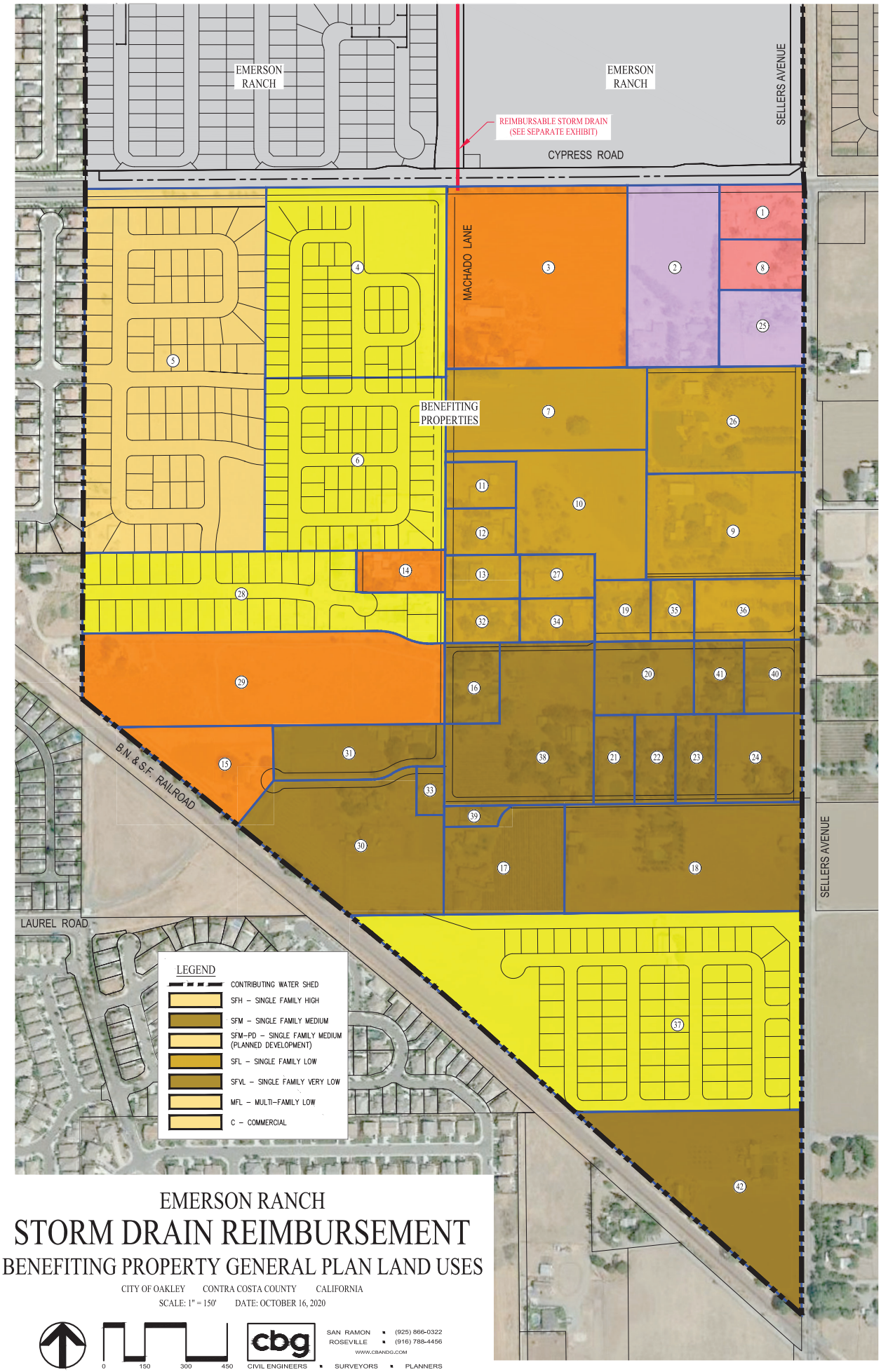
cbg

Item	Description	Quantity	Unit	Unit Price	Amount
	STORM DRAIN - SEGMENT 2 *(From Shearwater Way to Outfall into Emerson Lake)*				
6	60" Pipeline	168	LF	$ 259	$ 43,512
7	Manholes	2	EA	$ 10,600	$ 21,200
8	Outfall	1	EA	$ 13,695	$ 13,695
9	Sump Pump	1	EA	$ 27,062	$ 27,062
	SUBTOTAL STORM DRAIN - SEGMENT 2				$ 105,469
	PERCENTAGE BENEFIT TO EMERSON RANCH				58%
	PERCENTAGE BENEFIT TO OTHER BENEFITING PROPERTIES				42%
	SUBTOTAL STORM DRAIN - SEGMENT 2 POTENTIAL REIMBURSEMENT				**$ 44,297**
	STORM DRAIN - SEGMENT 3 *(From Emerson Ranch Lake to Outfall at Existing Force Main)*				
	Emerson Lake Construction				
10	Dewater Pond Excavation	1	LS	$ 276,500	$ 276,500
11	Rough Grading - Cut	129,500	CY	$ 1.51	$ 195,545
12	Overexcavation Basin Slopes / Rebuild	59,255	CY	$ 1.80	$ 106,659
13	Transformer	1	EA	$ 24,565	$ 24,565
14	Pond Shoreline and Planting Shelves	1	LS	$ 207,980	$ 207,980
15	Land	5.38	AC	$ 143,672	$ 772,955
16	Pump Station	1	EA	$ 1,867,510	$ 1,867,510
17	30" Force Main	1,800	LF	$ 212	$ 381,600
18	Gate Valve on 30" Force Main	1	EA	$ 37,245	$ 37,245
19	Connect to Existing Force Main	1	EA	$ 9,950	$ 9,950
20	Reestablish Levee and Access Road at Force Main Crossing	1	EA	$ 25,255	$ 25,255
	SUBTOTAL STORM DRAIN - SEGMENT 3				$ 3,905,764
	PERCENTAGE BENEFIT TO OTHER BENEFITING PROPERTIES				23%
	SUBTOTAL STORM DRAIN - SEGMENT 3 POTENTIAL REIMBURSEMENT				**$ 898,326**
	SUBTOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT				**$ 1,159,627**
	10% PROFESSIONAL SERVICES				**$ 115,963**
	2% BONDING AND FINANCING				**$ 23,193**
	TOTAL STORM DRAIN - BENEFIT DISTRICT POTENTIAL REIMBURSEMENT				**$ 1,298,783**



EXHIBIT D

BENEFITING PROPERTIES GENERAL PLAN LAND USE MAP AND PARCEL SUMMARY



EMERSON RANCH
STORM DRAIN REIMBURSEMENT
BENEFITING PROPERTY GENERAL PLAN LAND USES

CITY OF OAKLEY CONTRA COSTA COUNTY CALIFORNIA

SCALE: 1" = 150' DATE: OCTOBER 16, 2020

0 150 300 450

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EMERSON RANCH
STORM DRAIN REIMBURSEMENT - BENEFITING PROPERTIES
OAKLEY, CALIFORNIA

October 16, 2020
Job No.: 0878-060

Land Use Map Ref #	APN	Owner	Parcel Acreage	City of Oakley Land Use	# of Units per Tentative Maps or Built	MFL Allowable Density (DU/AC)	SFM-PD Lot Dimensions	Average Lot Size (SF)	CCC C-Value	C-Value Weighted Acreage	Percent of Weighted Total (Benefit %)
1	033-180-016-9	Askins	1.19	C	-	-	-	-	0.95	1.13	1.04%
2	033-180-015-1	Bernhard	4.963	MFL	-	9	-	-	0.80	3.97	3.66%
3	033-180-001-1	Swanson	10.00	SFM	-	-	-	10,000	0.60	6.00	5.54%
4	033-190-003-5	Cosetti	10.11	SFM-PD	44	-	50 x 85	4,250	0.79	7.99	7.37%
5	033-190-001-9	Peixoto	20.00	SFH	85	-	-	6,000	0.70	14.00	12.92%
6	033-190-004-3	Cosetti	10.00	SFM-PD	58	-	50 x 85	4,250	0.79	7.90	7.29%
7	033-170-021-1	Hengli 7 LLC	5.20	SFL	-	-	-	15,000	0.55	2.86	2.64%
8	033-180-013-6	Sandy Lane Properties	1.40	C	-	-	-	-	0.95	1.33	1.23%
9	033-170-023-7	Taylor	4.80	SFL	-	-	-	15,000	0.55	2.64	2.44%
10	033-170-022-9	Lin	4.80	SFL	-	-	-	15,000	0.55	2.64	2.44%
11	033-170-020-3	Johnson	1.00	SFL	-	-	-	15,000	0.55	0.55	0.51%
12	033-170-019-5	Duenas	1.00	SFL	-	-	-	15,000	0.55	0.55	0.51%
13	033-170-011-2	Hernandez	1.00	SFL	-	-	-	15,000	0.55	0.55	0.51%
14	033-160-042-9	Geltz	1.12	SFM	-	-	-	10,000	0.60	0.67	0.62%
15	033-160-023-9	Amezcua	2.68	SFM	-	-	-	10,000	0.60	1.61	1.48%
16	033-160-029-6	Borrayo	1.04	SFVL	-	-	-	40,000	0.45	0.47	0.43%
17	033-160-039-5	Shannon	3.80	SFVL	-	-	-	40,000	0.45	1.71	1.58%
18	033-160-005-6	Vizsladogs LTD	7.50	SFVL	-	-	-	40,000	0.45	3.38	3.12%
19	033-170-016-1	Patchin	1.059	SFL	-	-	-	15,000	0.55	0.58	0.54%
20	033-160-013-0	Ross	2.00	SFVL	-	-	-	40,000	0.45	0.90	0.83%
21	033-160-033-8	Rozenski	1.00	SFVL	-	-	-	40,000	0.45	0.45	0.42%
22	033-160-034-6	Helberg	1.00	SFVL	-	-	-	40,000	0.45	0.45	0.42%
23	033-160-035-3	Huffman	1.00	SFVL	-	-	-	40,000	0.45	0.45	0.42%
24	033-160-036-1	Becerra	1.92	SFVL	-	-	-	40,000	0.45	0.86	0.80%
25	033-180-007-8	Heffern	2.11	MFL	-	9	-	-	0.80	1.69	1.56%
26	033-170-024-5	Macfadyen	4.80	SFL	-	-	-	15,000	0.55	2.64	2.44%
27	033-170-012-0	Dailey	1.00	SFL	-	-	-	15,000	0.55	0.55	0.51%
28	033-160-041-1	Creson	7.75	SFM-PD	34	-	60 x 115	6,900	0.68	5.27	4.86%
29	033-160-038-7	Hojas	10.20	SFM	-	-	-	10,000	0.60	6.12	5.65%
30	033-160-021-3	Machado	6.60	SFVL	-	-	-	40,000	0.45	2.97	2.74%
31	033-160-022-1	Ortiz	2.66	SFVL	-	-	-	40,000	0.45	1.20	1.10%
32	033-170-013-8	Padilla	1.00	SFL	-	-	-	15,000	0.55	0.55	0.51%
33	033-160-007-2	Holder	0.34	SFVL	-	-	-	40,000	0.45	0.15	0.14%
34	033-170-014-6	Equinox Land Trust	1.00	SFL	-	-	-	15,000	0.55	0.55	0.51%
35	033-170-017-9	Sanderson	0.82	SFL	-	-	-	15,000	0.55	0.45	0.42%
36	033-170-018-7	Carillo	1.881	SFL	-	-	-	15,000	0.55	1.03	0.95%
37	033-150-013-2	DeJesus	20.42	SFM-PD	77	-	60 x 90	5,400	0.73	14.91	13.76%
38	033-160-028-8	Carter	5.26	SFVL	-	-	-	40,000	0.45	2.37	2.18%
39	033-160-040-3	Seeno	0.38	SFVL	-	-	-	40,000	0.45	0.17	0.16%
40	033-160-032-0	Partain	1.00	SFVL	-	-	-	40,000	0.45	0.45	0.42%
41	033-160-031-2	Greenblatt	1.00	SFVL	-	-	-	40,000	0.45	0.45	0.42%
42	033-150-002-5	Defremery	7.07	SFVL	-	-	-	40,000	0.45	3.18	2.94%
		Total:	174.87							108.3	100.0%

City of Oakley Land Use		Notes	C-Value
SFH	Single Family High	6,000 SF Lot	0.70
SFM	Single Family Medium	10,000 SF Lot	0.60
SFM-PD	Planned Development	Variable	Variable
SFL	Single Family Low	15,000 SF Lot	0.55
SFVL	Single Family Very Low	40,000 SF Lot	0.45
MFL	Multi-Family Low	-	0.80
C	Commercial	-	0.95

(See Note 3)



Notes:

1. Land Use designations based upon current City of Oakley 2020 General Plan, available on official website.
2. C-Values based upon Contra Costa County (CCC) "Rational Formula Calculations" design guidelines, available on official website.
3. C-Values for SFM-PD (Single Family Medium - Planned Development) are based upon lot size and determined by interpolation *(assumed C-Value for 4,000 SF Lots = 0.80)*.

Emerson Ranch Reimbursement Agreement
Property Owner Meeting – October 28, 2020
Question and Answers

Why did I receive this letter regarding the Emerson Reimbursement Agreement?

- The City of Oakley required Brookfield Emerson Land LLC (the "Developer") to construct storm drain improvements which benefit and accommodate runoff from their development and other adjacent properties (the "Benefitting Property Owners") once developed.
- The Developer submitted an application for approval of a reimbursement agreement related to the future reimbursement from the Benefitting Property Owners for a portion of the construction costs associated with the storm drain improvements.
- Your property is one of the Benefitting Properties and will be subject to paying a reimbursement amount if you decide to develop your property.

What is the legal authorization for this reimbursement?

- Oakley Municipal Code Chapter 6.06

When is the reimbursement amount due?

- 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.
- This amount will be collected by the City from the Benefitting Property Owners prior to the granting of a land use entitlement on the benefitting properties (final subdivision map, parcel map, or issuance of a new building permit).
- Payment of the applicable reimbursement amount 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 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 land.

How is the reimbursement amount determined?

- Documentation provided by the Developer including but not limited to, Contracts, change orders, invoices, cancelled checks, lien releases, improvement plans, certified quantities from the design engineer, etc. were reviewed by the City for accuracy.
- The reimbursement amounts are assigned to each Benefitting Property based on the peak stormwater runoff estimated to be generated from the Benefiting Properties according to their respective land uses per the City's General Plan and the storm drain engineer's analysis.

How much is the reimbursement amount for my property?

- Please refer to Table No. 4 in Exhibit A included in the Reimbursement Agreement. The table is also attached to this document for your reference.

Does this reimbursement amount increase?

- These reimbursement amounts shall be increased each year 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.

How long is the reimbursement agreement in effect?

- The agreement will remain in effect for 20 years from the date the eligible improvements are accepted by the City.

When will the reimbursement agreement be approved?

- In accordance with the City Code, City Council will conduct a Public Hearing on this matter on **November 10, 2020** at 6:30 PM and subsequently, City Council may by resolution grant approval of the Agreement.

- BE ADVISED that the November 10th 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 in the November 10th meeting:

  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.

If I have additional questions, who can I contact at the City?

Kevin Rohani, P.E.
Public Works Director/City Engineer
925-625-7003
3231 Main Street
Oakley, CA 94561

Emerson Ranch Reimbursement Agreement
Property Owner Meeting – October 28, 2020
Question and Answers

Table No. 4 Storm Drain Cost Allocations for Each Benefiting Property Owner			
Assessor Parcel Number	Benefiting Property Owner	% Share of Total Reimbursement Amount	Share of Total Reimbursement Amount
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033-160-038-7	PAULINO & ANDRIA P HOJAS	5.65%	$73,366.73
033-160-039-5	LEONARD A & TONI M SHANNON	1.58%	$20,499.53
033-160-040-3	THOMAS G & LAURA J SEENO	0.16%	$2,037.96
033-160-041-1	SHANNON R & ANN S CRESON	4.86%	$63,176.91
033-160-042-9	WILLIAM M & WENDELIN GELTZ	0.62%	$8,031.98
033-170-011-2	KIM L HERNANDEZ	0.51%	$6,593.42
033-170-012-0	SUZANNE DAILEY	0.51%	$6,593.42
033-170-013-8	LUCIO & JUANA PADILLA	0.51%	$6,593.42
033-170-014-6	EQUINOX LAND TRUST	0.51%	$6,593.42
033-170-016-1	DONALD L PATCHIN	0.54%	$6,953.06
033-170-017-9	EVERETT WAYNE & VIVIAN JOYCE SANDERSON	0.42%	$5,394.61
033-170-018-7	SABINO & LUZ M CARRILLO	0.95%	$12,347.67
033-170-019-5	LUIS V & RAUL A DUENAS	0.51%	$6,593.42
033-170-020-3	ALEXIS & RENEE JOHNSON	0.51%	$6,593.42
033-170-021-1	HENGLI 7 LLC	2.64%	$34,285.76
033-170-022-9	YANN LIN	2.44%	$31,648.40
033-170-023-7	RICK L & DENISE C TAYLOR	2.44%	$31,648.40
033-170-024-5	STEVE & MICHELLE BURRESCIA MACFADYEN	2.44%	$31,648.40
033-180-001-1	RICHARD L & DONA E SWANSON	5.54%	$71,928.17
033-180-007-8	RICKEY T HEFFERN	1.56%	$20,259.77
033-180-013-6	SANDY LANE PROPERTIES	1.23%	$15,944.08
033-180-015-1	DAVID E & MARK BERNHARD	3.66%	$47,592.47
033-180-016-9	JOHN W & DEBORAH A ASKINS	1.04%	$13,546.47
033-190-001-9	CECILIA PEIXOTO	12.92%	$167,832.40
033-190-003-5	DORIS COSETTI	7.37%	$95,784.35
033-190-004-3	DORIS COSETTI	7.29%	$94,705.42
	Totals:	**100.00%**	**$1,298,783.00**

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

FROM: Joshua McMurray, Community Development Director

SUBJECT: **Bethel Island LLC Amended Vesting Tentative Map 9156 (TM 03-20) - Amendment to change the overall land plan of the existing Bethel Island LLC Subdivision # 9156. This includes the remapping and addition of 162 total dwelling units with 85 of them coming from Planning Area 1. The new land plan results in a 1,205 unit subdivision and associated site improvements. The project site is designated Specific Plan in the Oakley 2020 General Plan and zoned SP-1 (East Cypress Corridor Specific Plan). The project is located south and southwest of Summer Lake South. (APN's: 020-140-048 and 020-150-003).**

Summary and Recommendation

This is a public hearing on an application by John Baayoun requesting approval of a Vesting Tentative Map (TM 03-20) Amendment to change the overall land plan of the existing Bethel Island LLC Subdivision # 9156. This includes the remapping and addition of 162 total dwelling units with 85 of them coming from Planning Area 1. The new land plan results in a 1,205 unit subdivision and associated site improvements. The project site is designated Specific Plan in the Oakley 2020 General Plan and zoned SP-1 (East Cypress Corridor Specific Plan). The project is located south and southwest of Summer Lake South. (APN's: 020-140-048 and 020-150-003).

Staff recommends the City Council adopt a resolution approving the Amended Vesting Tentative Map 9156 (TM 03-20), as conditioned.

Background

Surrounding Uses

The 351-acre Bethel Island LLC. property encompasses all of Planning Area 4 ("PA 4") of the East Cypress Corridor Specific Plan ("Specific Plan"). It is bordered on the

west by the Contra Costa Canal, on the south by Rock Slough, to the north by Summer Lake South and Planning Area 3 of the East Cypress Corridor Specific Plan, and to the east by Planning Area 6 and Sandmound Blvd and Sandmound Slough.

Figure 1. Land Use Planning Areas of the East Cypress Corridor Specific Plan



History on East Cypress Corridor Specific Plan Area

The East Cypress Corridor ("ECC") first became a part of Oakley's land use planning in 2002 when the City's General Plan was adopted and the area was included in the City's Planning Area. In August of 2003, the ECC was added to the City's Sphere of

Influence through Contra Costa County Local Agency Formation Commission ("LAFCO") approval.

In September of 2006, the City Council adopted Resolution No. 89-05 providing a Notice of Intent to LAFCO and other applicable agencies of its plans to initiate boundary reorganization proceedings to annex the ECCSP area into the City of Oakley. In March of 2006, the City Council held a public hearing and took the following actions in relation to the ECCSP project:

- Certified the ECCSP Final Environmental Impact Report ("EIR");
- Adopted the General Plan Amendment;
- Adopted the ECCSP;
- Adopted three resolutions authorizing the submittal of boundary reorganization applications to LAFCO for the ECCSP area; and
- Adopted the ECCSP pre-zoning.

In October of 2006, Areas I & II of the ECC Specific Plan were annexed into the City of Oakley. Areas along Dutch Slough Road and Sandmound Boulevard were not included in the annexation due to a failure to receive adequate property owner votes to annex those areas.

History of the Land Use Plan

The applicant, ACD-TI Capital LLC, is the collective owner of 4 approved Vesting Tentative Maps within the ECC Specific Plan area known as the "Cypress Preserve". The Cypress Preserve project area is within Planning Areas 1, 3 and 4 of the ECC Specific Plan. The Cypress Preserve is made up of Vesting Tentative Maps 9156, 9311, 9401 and 9404. The Lesher Vesting Tentative Map 9404 was approved on July 14, 2015. Those 4 approvals allow for a total of 2,863 units to be developed. The maximum number of units analyzed under the ECC Specific Plan is 3,220.

In the fall of 2019, the applicant submitted to the City an updated land use plan prepared by the Dahlin Group. The purpose of this plan was to further refine the land use plan to take into account the needed approval from the United States Army Corps of Engineers (USACE). The issue's with that approval are complex and take into account the total acreage of wetlands in the entire Cypress Preserve area. Ultimately, the applicant has approval from the USACE to fill just 4.58-acres of the 133.62-acres of wetland. The applicant is conditioned to (i) permanently protect the approximately 255-acre North Preserve and its 76.34 acres of wetlands, (ii) create 15.02 acres of new wetland habitat in the North Preserve (Planning Area 1), (iii) permanently protect the approximately 13-acre wetland area in the Project Site's southeast comer commonly known as the "South Preserve" (Planning Area 4), (iv) permanently protect 162.06 acres of in-tract development area in order to avoid and adequately buffer 43.1 acres of wetlands located within the Project Site but outside of the North and South Preserve areas.

The Cypress Preserve Project will permanently preserve 129.04 acres of wetlands and will provide three times more wetland mitigation than otherwise required by the mitigation measures in the Certified EIR. As required by the fill permit conditions and Mitigation Measure's in the Certified EIR, the Project's wetland avoidance, mitigation and preservation requirements will be implemented in accordance with a Habitat Mitigation and Monitoring Plan approved by the USACE, and will reduce wetland impacts assumed by the Specific Plan EIR by over 93 percent.

The history of the wetland areas and the USACE permit requirements required the land plan to be altered. The alterations are memorialized in that updated land plan prepared by the Dahlin Group; which was approved at a Staff level on October 2, 2019 and is known as the Cypress Preserve Substantial Conformances Land Use Plan. That plan has a unit count totaling 2,789 units, which is 74 units less than what was originally approved and 431 units less than what the ECC Specific Plan allows for in Planning Areas 1, 3 and 4. It should be noted that the substantial conformance land plan removed the lakes and reconfigured some of the product types from the original approval, including the introduction of an Age Qualified detached product and an attached townhome product.

Project Description

General Plan and Zoning/Specific Plan

General Plan: SP (Specific Plan) – The project site is designated as "SP" (Specific Plan) in the Oakley General Plan. The "SP" designation was approved through adoption of City Council Resolution 49-07, at which time other specific land use modifications were made to the ECCSP area, including adding additional Commercial, Community Park, and Light Industrial acreage to the Specific Plan area.

Zoning: SP-1 (ECCSP) – The zoning classification for the project site is "SP-1" (ECCSP) District. The SP-1 District and ECCSP were approved with adoption of City Council Ordinance 10-09. The SP-1 District is further classified into land uses within the Specific Plan. The project site is located within "Planning Area – 4 (PA 4)" of the ECCSP, which is also referred to as "Bethel Island LLC."

Land Uses

The ECCSP includes land uses and densities for all planning areas (Planning Areas 1-6). Chapter 8 of the ECCSP outlines the implementation of the plan. Section 8.5 speaks to Density Allocations and provides for the following:

> "The East Cypress Corridor Specific Plan Land Use Plan allocates a maximum number of residential dwelling units and density to each Planning Area and the Specific Plan Area as a whole. Variations in number of residential dwelling units per land use designation and density

> allocation may occur within each of the six Planning Areas at the time of final design of the Planning Area depending upon the residential product identified for development, provided the total number of dwelling units assigned to each Planning Area as part of the Specific Plan is not exceeded. If the development potential is reduced due to environmental constraints, the residential units may be reallocated to other Planning Areas provided densities stay within the ranges shown on the Land Use Map and the total number of dwelling units for the Specific Plan is not exceeded. Variations in number of residential dwelling units and/or variations of land use boundaries and acreages within each Planning Area shall be subject to approval by the Director."

The last two sentences of Section 8.5 have been underlined to draw attention to the fact that the Specific Plan language at the time of adoption, the Specific Plan already took into consideration that the final development plan(s) and final map(s) for the projects within each Planning Area may have to be adjusted due to environmental constraints. As mentioned above, the Cypress Preserve projects had to be significantly modified to minimize the wetland impacts as part of the USACE permit process. In addition to that, the Specific Plan allocates 3,220 residential units within Planning Areas 1, 3 and 4. As proposed with the amended Vesting Tentative Map (9404) project, there are an excess of 141 dwelling units that have not been captured in a map approval within Planning Area 1. The application for the amendment to Subdivision 9156 is requesting to transfer 85 dwelling units from Planning Area 1 to Planning Area 4. If approved, there will be 53 excess units in Planning Area 1 that are allocated through the Specific Plan and would require additional mapping to capture as part of a project. Staff has evaluated the request and feels that the re-allocation of units from Planning Area 1 to Planning Area 4 are warranted due to both the existing environmental constraints and that the environmental constraints are required to be evaluated and mitigated per the Certified EIR. For those two reasons, Staff is in support of the request.

The Table below further reiterates the discussion below in a visual format that may be easier to follow.

Specific Plan Area	Ownership Name	Subdivision #	Planning Area Allowable Maximum Unit Count	Approved TM Lots	Remaing Unmapped Lot Count	Amended VTM Unit Count	Total Unit Count in Planning Area	Unmapped PA Units	Units Transferred from PA1 to PA4
1	(KT-KB) & Lesher	(9311) & 9404	1700	(276) & 1056	368	1283	1559	141	
4	Bethel Island, LLC	9156	1120	1128	-8	1205	1205	-85	85

Amendment to the Vesting Tentative Map

The proposed amendment would add 162 attached townhomes within the area of Planning Area 4 (PA 4) that is identified as a potential elementary school site within

the Knightsen Elementary School District (District). This area of PA 4 is currently still owned by the developer and the district has not purchased the property and, as far as we know, there is no current plan to construct a new elementary school in that location. Furthermore, the Substantial Conformance approval that was discussed earlier allowed for the introduction of an Age Qualified product and neighborhood(s) to be developed within PA 4. That new product is not expected to generate any children (as is typical with this type of development), and that would reduce the overall number of children expected to enter the District in the future. Currently, it is understood that the unit count specifically in Planning Area 4 would generate roughly 100 new children at build out. It is unlikely that these 100 kids would be justification enough to build a new school and at this time Staff has not received any communication from the District in regards to this project specifically. The City has drafted a condition of approval that will require the developer to provide documentation to the City that sufficiently shows the District no longer needs a school site on this property. The condition is as follows:

> "Prior to recording a Final Map that would create legal parcels for residential use in the area of the property identified as village R-23 on Vesting Tentative Map for Subdivision 9156, the applicant shall provide the Community Development Director detailed documentation that shows the Knightsen Elementary School District has agreed there is no need for a school site in this location."

Levee Design and Location

New development in the ECCSP requires protection from potential flooding. The specific plan contains a conceptual levee plan to surround all of the developable properties that were annexed into the City. The proposed project is conditioned to provide levee protection and is in the process of preparing levee plans to be reviewed and approved by the City.

California Environmental Quality Act (CEQA)

The proposed project was analyzed in the East Cypress Corridor Specific Plan EIR and Supplemental EIR (SCH # 2004092011), collectively, "ECCSP EIRs", certified by the City Council in March of 2006 and 2009, respectively. The City has reviewed the information submitted with the project and determined that approval of the project will not result in any new, or substantially more adverse, significant environmental impacts than those disclosed in the ECCSP EIRs. The proposed project is subject to applicable mitigation measures from the Mitigation and Monitoring Plan (MMP) for the ECCSP EIR. The MMP is incorporated as Chapter 4.0 of the ECCSP Final EIR.

In addition to the above, pursuant to Public Resources Code Section 21166, and as further clarified by CEQA Guideline Section 15162, an addendum to the Project EIR was prepared and is included as an attachment to this Staff Report. The Addendum incorporates, by reference, the analysis contained in the certified ECCSP EIR, and

addresses only those issues specific to the project. The Addendum concludes that approval of the Project does not trigger need for a subsequent EIR under Section 21166 because development of the Project will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Project EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the ECCSP EIR was certified, that shows any new or substantially more adverse environmental impacts than those disclosed in the ECCSP EIR, or that shows that new or previously identified infeasible mitigation measures or alternatives would substantially reduce one or more significant environmental effects of the project. Accordingly, per Section 21166, the City has not required a subsequent EIR for the Project.

Analysis

Vesting Tentative Map

The proposed vesting tentative map is designed in a manner substantially consistent with the southern portion of Planning Area 4 of the East Cypress Corridor Specific Plan. The street connections on the project boundaries, as well as internal street circulation, location of different housing types and neighborhood parks are all in substantial conformity. Slight modifications in acreages associated with the specific land uses do not result in any significant design changes and are common when a project moves from conceptual design to engineered design. One thing to note that is different from the approval in 2011 is that the two gas wells that existed within the project site have now been closed, clearly marked and are not proposed to be reactivated. The closure of the gas wells required certification from the Department of Conservation Division of Oil, Gas & Geothermic Resources.

It is important to note that before any home or unit is constructed, the applicant will be required to bring forward to the City Council for consideration the Design Review approval of individual neighborhoods and products. The Design Review process analyses architecture, landscaping and other community features. This process is further outlined in Section 8.2 of the ECC Specific Plan.

Development of the project, along with development of other Planning Areas within the ECCSP will provide new residents amenities, such as parks, open space and trails, and will benefit existing Oakley and Bethel Island residents with additional road improvements and additional community park land. The development will be subject to applicable City development impact fees, which can be used for traffic improvements, infrastructure improvements, and public facilities.

The design of the subdivision includes the construction of improvements within public right-of-way that are consistent with major subdivisions, the City's design standards and design standards approved in the East Cypress Corridor Specific Pan. The

improvements consist of roads, sidewalks, curbs and gutters, and associated improvements.

The proposed Vesting Tentative Map and all identified mitigation measures have been incorporated into Project EIR Mitigation and Monitoring Plan, certified March 10, 2009, and prepared in accordance with the CEQA Guidelines.

It should also be noted that the Resolution requires the applicant, per Condition of Approval #101(a), to annex in to the City of Oakley Community Facilities District No. 2018-1 for Fire Protection Services. This condition was not part of the original approval and because the applicant is requesting an amendment to that approval, the timing is now appropriate.

Findings

Draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt a resolution approving the Amended Vesting Tentative Map 9156 (TM 03-20), as conditioned.

Attachments

1. Vicinity Map
2. Proposed Subdivision 9156 Vesting Tentative Map
3. Planning Area 1 (Lesher) Vesting Tentative Map 9404, Planning Area 4 (Bethel Island LLC) Vesting Tentative Map 9156 East Cypress Corridor Specific Plan Environmental Impact Report Addendum
4. Proposed Resolution
5. PowerPoint Presentation for the November 10, 2020 City Council Meeting

Available in the City Clerk's Reading File and/or City website (www.oakleyinfo.com)

- East Cypress Corridor Specific Plan EIR and Supplemental EIR
- East Cypress Corridor Specific Plan

Vicinity Map

Bethel Island LLC Amended Vesting Tentative Map 9156 (TM 03-20)
The project is located south and southwest of Summer Lake South
APN's: 020-140-048 and 020-150-003

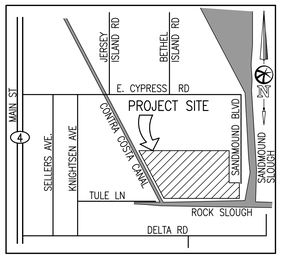


SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
COVER SHEET
ECCSP – PLANNING AREA 4

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

OCTOBER 1, 2020 SCALE: 1"=200'



VICINITY MAP

NO SCALE

SHEET INDEX

1. COVER SHEET
2. EXISTING CONDITIONS AND CONSTRAINTS MAP
3. TYPICAL STREET SECTIONS
4. PRELIMINARY SITE PLAN
5. PRELIMINARY SITE PLAN
6. PRELIMINARY SITE PLAN
7. PRELIMINARY SITE PLAN
8. PRELIMINARY SITE PLAN
9. PRELIMINARY SITE PLAN
10. PRELIMINARY SITE PLAN
11. PRELIMINARY SITE PLAN
12. GRADING AND UTILITY PLAN
13. GRADING AND UTILITY PLAN
14. GRADING AND UTILITY PLAN
15. GRADING AND UTILITY PLAN
16. GRADING AND UTILITY PLAN
17. GRADING AND UTILITY PLAN
18. GRADING AND UTILITY PLAN
19. GRADING AND UTILITY PLAN
20. PRELIMINARY GRADING SECTIONS

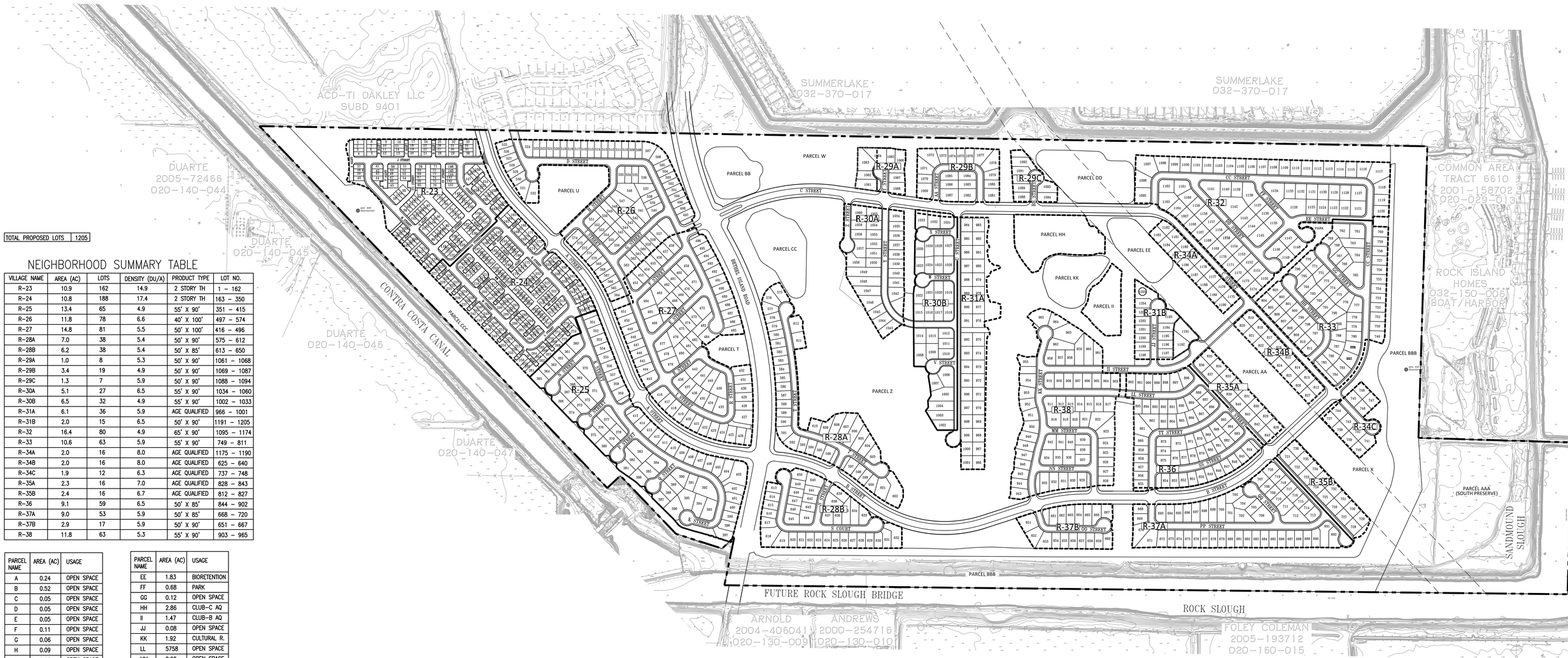
NOTES:

THE OWNER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS ON THE LANDS SHOWN ON THIS MAP

GENERAL NOTES

OWNER:	ACD–TI OAKLEY, LLC – A DELAWARE LIMITED LIABILITY COMPANY 11611 SAN VINCENTE BLVD., STE. 610 LOS ANGELES, CA 91149 310–594–5334
DEVELOPER:	ACD–TI OAKLEY, LLC – A DELAWARE LIMITED LIABILITY COMPANY 11611 SAN VINCENTE BLVD., STE. 610 LOS ANGELES, CA 91149 310–594–5334
A.P.N.:	020–140–048–8, 020–150–003
SITE AREA:	350± ACRES
EXISTING ZONING:	SP–1 (ECCSP) DISTRICT
PROPOSED ZONING:	SP–1 (ECCSP) DISTRICT
EXISTING USE:	AGRICULTURAL
PROPOSED USE:	RESIDENTIAL

SERVICES: WATER SUPPLY– SANITARY SEWER– STORM DRAIN– GAS & ELECTRIC– FIRE– TELEPHONE– CABLE TV– LEVEE–	 DIABLO WATER DISTRICT IRONHOUSE SANITARY DISTRICT CITY OF OAKLEY PACIFIC GAS & ELECTRIC EAST CONTRA COSTA FIRE PROTECTION DISTRICT AT&T COMCAST RD 799/CITY OF OAKLEY
FLOODING:	SITE FALLS WITHIN FIRM PANEL NUMBERS 06013L 0360F, ZONE AE (EL 9, 1988NGVD) – DATED JULY 16, 2009 NOTE: THE ENTIRE SITE FALLS WITHIN THE 100 YEAR FLOOD PLAIN.
TOPOGRAPHY:	AERIAL TOPOGRAPHY PROVIDED BY KING & ASSOCIATES DATED OCTOBER 13, 2014
BASIS OF ELEVATION:	ELEVATIONS SHOWN ARE BASED 1988 NAVD
BASIS OF BEARINGS:	CALIFORNIA COORDINATE SYSTEM, ZONE III (NAD 83).



TOTAL PROPOSED LOTS | 1205

NEIGHBORHOOD SUMMARY TABLE

VILLAGE NAME	AREA (AC)	LOTS	DENSITY (DU/A)	PRODUCT TYPE	LOT NO.
R–23	10.9	162	14.9	2 STORY TH	1 – 162
R–24	10.8	188	17.4	2 STORY TH	163 – 350
R–25	13.4	65	4.9	55' X 90'	351 – 415
R–26	11.8	78	6.6	40' X 100'	497 – 574
R–27	14.8	81	5.5	50' X 100'	416 – 496
R–28A	7.0	38	5.4	50' X 90'	575 – 612
R–28B	6.2	38	5.4	50' X 85'	613 – 650
R–29A	1.0	8	5.3	50' X 90'	1061 – 1068
R–29B	3.4	19	4.9	50' X 90'	1069 – 1087
R–29C	1.3	7	5.9	50' X 90'	1088 – 1094
R–30A	5.1	27	6.5	55' X 90'	1034 – 1060
R–30B	6.5	32	4.9	55' X 90'	1002 – 1033
R–31A	6.1	36	5.9	AGE QUALIFIED	966 – 1001
R–31B	2.0	15	6.5	50' X 90'	1191 – 1205
R–32	16.4	80	4.9	65' X 90'	1095 – 1174
R–33	10.6	63	5.9	55' X 90'	749 – 811
R–34A	2.0	16	8.0	AGE QUALIFIED	1175 – 1190
R–34B	2.0	16	8.0	AGE QUALIFIED	625 – 640
R–34C	1.9	12	6.3	AGE QUALIFIED	737 – 748
R–35A	2.3	16	7.0	AGE QUALIFIED	828 – 843
R–35B	2.4	16	6.7	AGE QUALIFIED	812 – 827
R–36	9.1	59	6.5	50' X 85'	844 – 902
R–37A	9.0	53	5.9	50' X 85'	668 – 720
R–37B	2.9	17	5.9	50' X 90'	651 – 667
R–38	11.8	63	5.3	55' X 90'	903 – 965

PARCEL NAME	AREA (AC)	USAGE
A	0.24	OPEN SPACE
B	0.52	OPEN SPACE
C	0.05	OPEN SPACE
D	0.05	OPEN SPACE
E	0.05	OPEN SPACE
F	0.11	OPEN SPACE
G	0.06	OPEN SPACE
H	0.09	OPEN SPACE
I	0.03	OPEN SPACE
J	0.03	OPEN SPACE
K	0.03	OPEN SPACE
L	0.03	OPEN SPACE
M	0.07	OPEN SPACE
N	0.03	OPEN SPACE
O	0.60	OPEN SPACE
P	0.08	OPEN SPACE
Q	0.04	OPEN SPACE
R	0.06	OPEN SPACE
S	0.12	PARK
T	0.89	PARK
U	2.79	OPEN SPACE
V	0.17	OPEN SPACE
W	11.90	OPEN SPACE
X	9.70	OPEN SPACE
Y	1.42	OPEN SPACE
Z	36.27	OPEN SPACE
AA	2.98	OPEN SPACE
BB	1.82	BIORETENTION
CC	2.68	BIORETENTION
DD	3.24	BIORETENTION

PARCEL NAME	AREA (AC)	USAGE
EE	1.83	BIORETENTION
FF	0.68	PARK
GG	0.12	OPEN SPACE
HH	2.86	CLUB–C AQ
II	1.47	CLUB–B AQ
JJ	0.08	OPEN SPACE
KK	1.92	CULTURAL R.
LL	5758	OPEN SPACE
MM	0.90	OPEN SPACE
NN	0.11	OPEN SPACE
OO	0.12	OPEN SPACE
PP	0.09	OPEN SPACE
QQ	0.07	OPEN SPACE
RR	0.18	OPEN SPACE
SS	1.85	OPEN SPACE
TT	0.24	OPEN SPACE
UU	0.22	OPEN SPACE
VV	0.42	OPEN SPACE
WW	0.70	OPEN SPACE
XX	0.11	OPEN SPACE
YY	0.09	OPEN SPACE
ZZ	2.61	OPEN SPACE
AAA	19.79	OPEN SPACE
BBB	26.70	LEVEE
CCC	9.31	LEVEE

N

50 100 0 200 400 600
SCALE IN FEET
GRAPHIC SCALE: 1"=200'

SHEET 1 OF 20

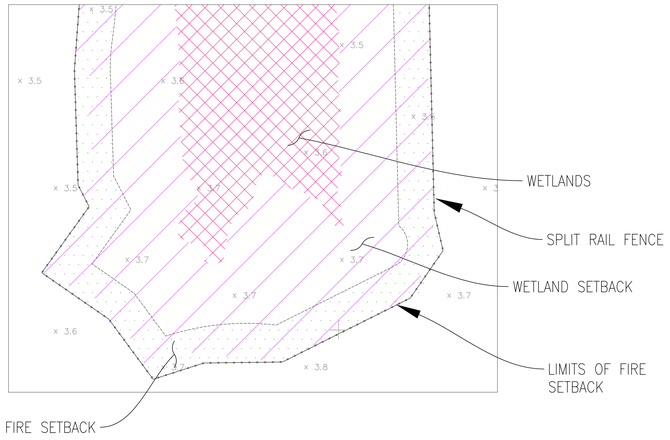
JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
EXISTING CONDITIONS AND CONSTRAINTS MAP

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

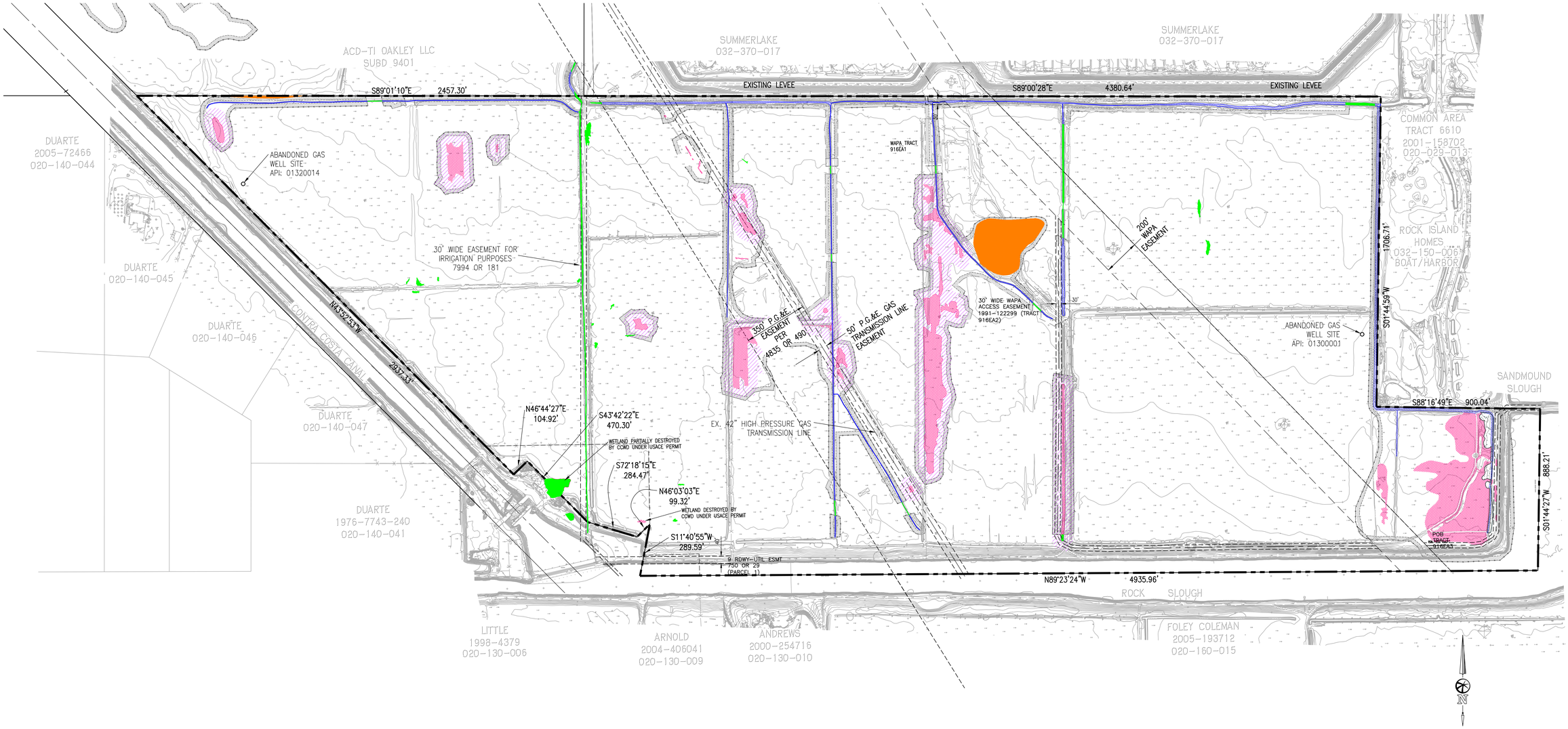
SEPTEMBER 17, 2020 SCALE: 1" = 200'



WETLAND SETBACK & FIRE SETBACK DETAIL
N.T.S.

LEGEND

- WETLANDS SETBACK
- FIRE MAINTENANCE SETBACK
- CONNECTED DRAINAGE DITCH
- SEASONAL WETLANDS
- IMPACTED SEASONAL WETLANDS
- ARCHEOLOGICAL MOUND



SHEET 2 OF 20

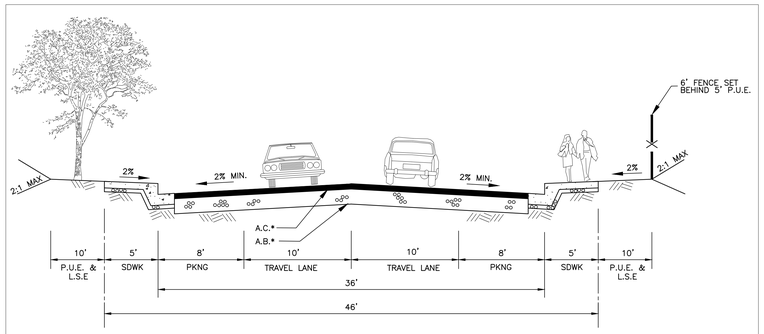
JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
TYPICAL STREET SECTIONS

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

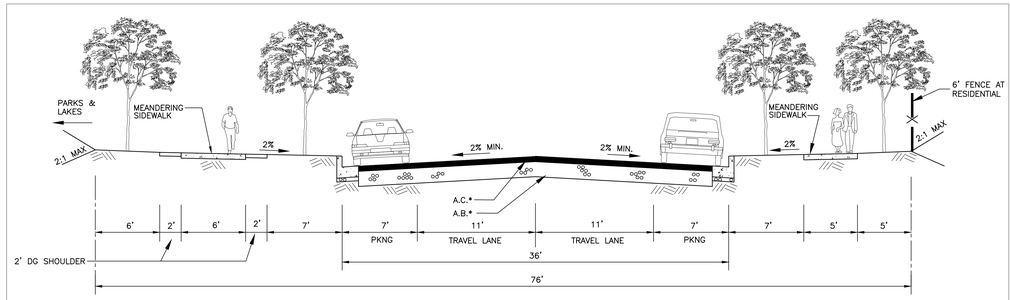
BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

OCTOBER 1, 2020



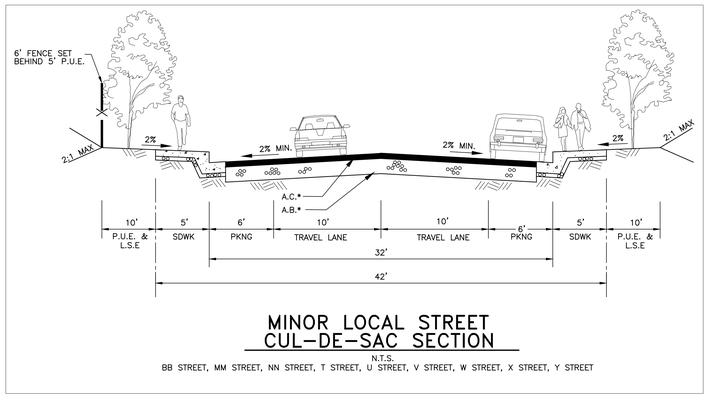
LOCAL STREET SECTION

N.T.S.
AA STREET, AAA STREET, C STREET, CC STREET, CCC STREET, D STREET, DD STREET, E STREET, EE STREET, F STREET, FF STREET, G STREET GG STREET, H STREET, HH STREET, I STREET, II STREET, J STREET, JJ STREET, K STREET, KK STREET, L STREET, LL STREET, M STREET, N STREET, O STREET, P STREET, PP STREET, Q STREET, QQ STREET, R STREET, RR STREET, S COURT, S STREET, SS STREET, TT STREET, Y STREET, Z STREET



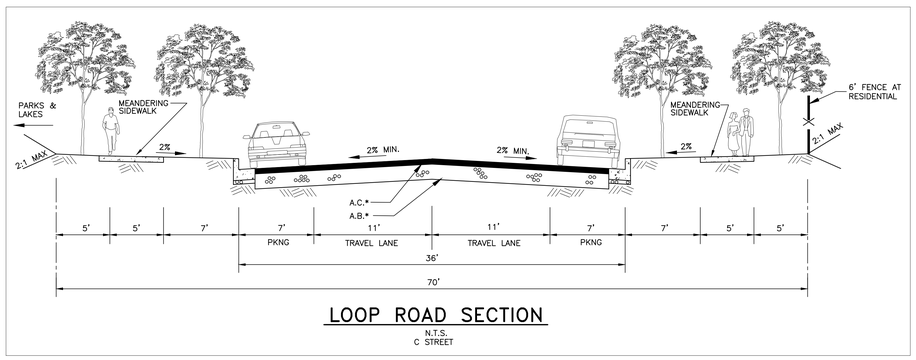
LOOP ROAD SECTION

N.T.S.
A STREET, B STREET



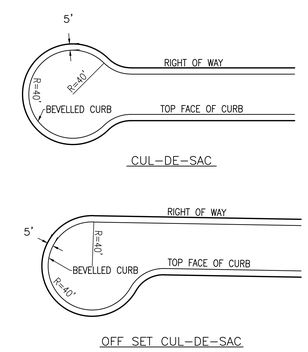
MINOR LOCAL STREET CUL-DE-SAC SECTION

N.T.S.
BB STREET, MM STREET, NN STREET, T STREET, U STREET, V STREET, W STREET, X STREET, Y STREET



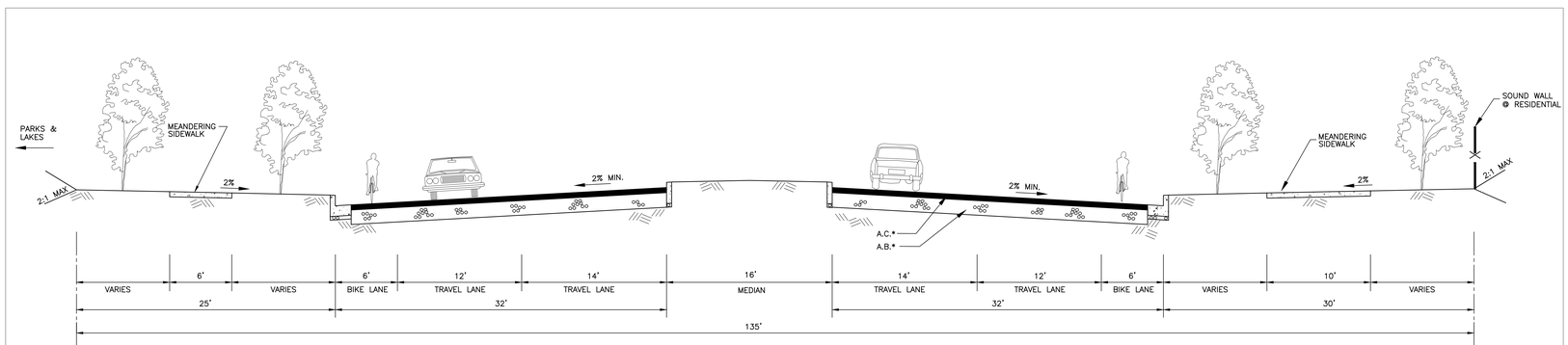
LOOP ROAD SECTION

N.T.S.
C STREET



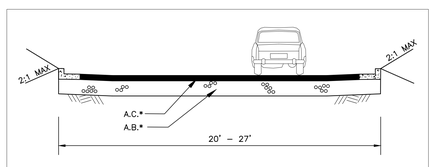
TYPICAL CUL-DE-SAC & OFF SET CUL-DE-SAC DETAIL

N.T.S.



BETHEL ISLAND ROAD (SEE ECCSP PAGE 7.127)

N.T.S.



PRIVATE ALLEY SECTION

N.T.S.
A ALLEY, AA ALLEY, B ALLEY, BB ALLEY, BBB STREET, C ALLEY, CC ALLEY, D ALLEY, DD ALLEY, E ALLEY, EE ALLEY, F ALLEY, FF ALLEY, G ALLEY, GG ALLEY, H ALLEY, HH ALLEY, I ALLEY, J ALLEY, JJ ALLEY, K ALLEY, L ALLEY, ZZ STREET, M ALLEY, N ALLEY, O ALLEY, P ALLEY, Q ALLEY, R ALLEY, S ALLEY, T ALLEY, U ALLEY, UU STREET, V ALLEY, VV STREET, W ALLEY, WW STREET, X ALLEY, Y ALLEY, Z ALLEY

NOTES:

1. ALL ROAD WAY SECTIONS ARE PER EAST CYPRESS CORRIDOR SPECIFIC PLAN
2. ALL STREET SLOPES TO BE A MINIMUM OF 0.75% SLOPE

SHEET 3 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA
SEPTEMBER 17, 2020 SCALE: 1"=60'

ACD-TI OAKLEY LLC
SUBDIVISION 9401

PARCEL ZZ
113,760 SF±

PARCEL CCC
405,540 SF±

PARCEL U
121,000 SF±

PARCEL BB
79,320 SF±

PARCEL CC
116,850 SF±

PARCEL UU
9,700 SF±

PARCEL T
38,800 SF±

R-23
SEE SHEET 5
(LOTS 1-162)

R-24
SEE SHEET 6
(LOTS 163-350)

SEE SHEET 7

SEE SHEET 11

CONTRA COSTA CANAL

BETHEL ISLAND ROAD*

A STREET*, B ALLEY**, C ALLEY**, D ALLEY**, E ALLEY**, F ALLEY**, G ALLEY**, H ALLEY**, I ALLEY**, J ALLEY**, K ALLEY**, L ALLEY**, M ALLEY**, N ALLEY**, O ALLEY**, P ALLEY**, Q ALLEY**, R ALLEY**, S ALLEY**, T ALLEY**, U ALLEY**, V ALLEY**, W ALLEY**, X ALLEY**, Y ALLEY**, Z ALLEY**, AA ALLEY**, BB ALLEY**, CC ALLEY**, DD ALLEY**, EE ALLEY**, FF ALLEY**, GG ALLEY**, HH ALLEY**, II ALLEY**, JJ ALLEY**, KK ALLEY**, LL ALLEY**, MM ALLEY**, NN ALLEY**, OO ALLEY**, PP ALLEY**, QQ ALLEY**, RR ALLEY**, SS ALLEY**, TT ALLEY**, UU STREET**, VV STREET**, WW STREET**, XX STREET**, YY STREET**, ZZ STREET**, AAA STREET**, BBB STREET**, CCC STREET**, D STREET*, E STREET*, F STREET*, G STREET*, H STREET*, I STREET*, J STREET*, K STREET*, L STREET*, M STREET*, N STREET*, O STREET*, P STREET*, Q STREET*, R STREET*

* – PUBLIC STREET
** – PRIVATE STREET

NOTE:

1. THE INTENT OF THIS SHEET IS TO SHOW LOT DIMENSIONS AND LOT SQUARE FOOTAGES. SEE SHEET 3 FOR TYPICAL STREET SECTIONS.
2. ALL STREET SECTIONS AND WIDTHS PER EAST CYPRESS CORRIDOR SPECIFIC PLAN GUIDE LINES. IF THERE IS ANY DISCREPANCIES BETWEEN THE SITE PLAN STREET DIMENSIONS, STREET SECTIONS AND WIDTHS WITH EAST CYPRESS CORRIDOR SPECIFIC PLAN, THE EAST CYPRESS CORRIDOR SPECIFIC PLAN STREET STANDARDS SHALL GOVERN.
3. ALL CUL-DE-SAC FACE OF CURB RADII TO BE 40'
4. SEE DETAIL ON SHEET 2 FOR WETLAND HATCH DESIGNATION. WETLANDS AND WETLAND SETBACKS ARE SHOWN ON THE PRELIMINARY GRADING AND UTILITY PLAN SHEETS 12 THROUGH 19 AND ARE SHOWN IN ACCORDANCE WITH THE APPROVED 404 PERMIT NUMBER SPK-2014-01048

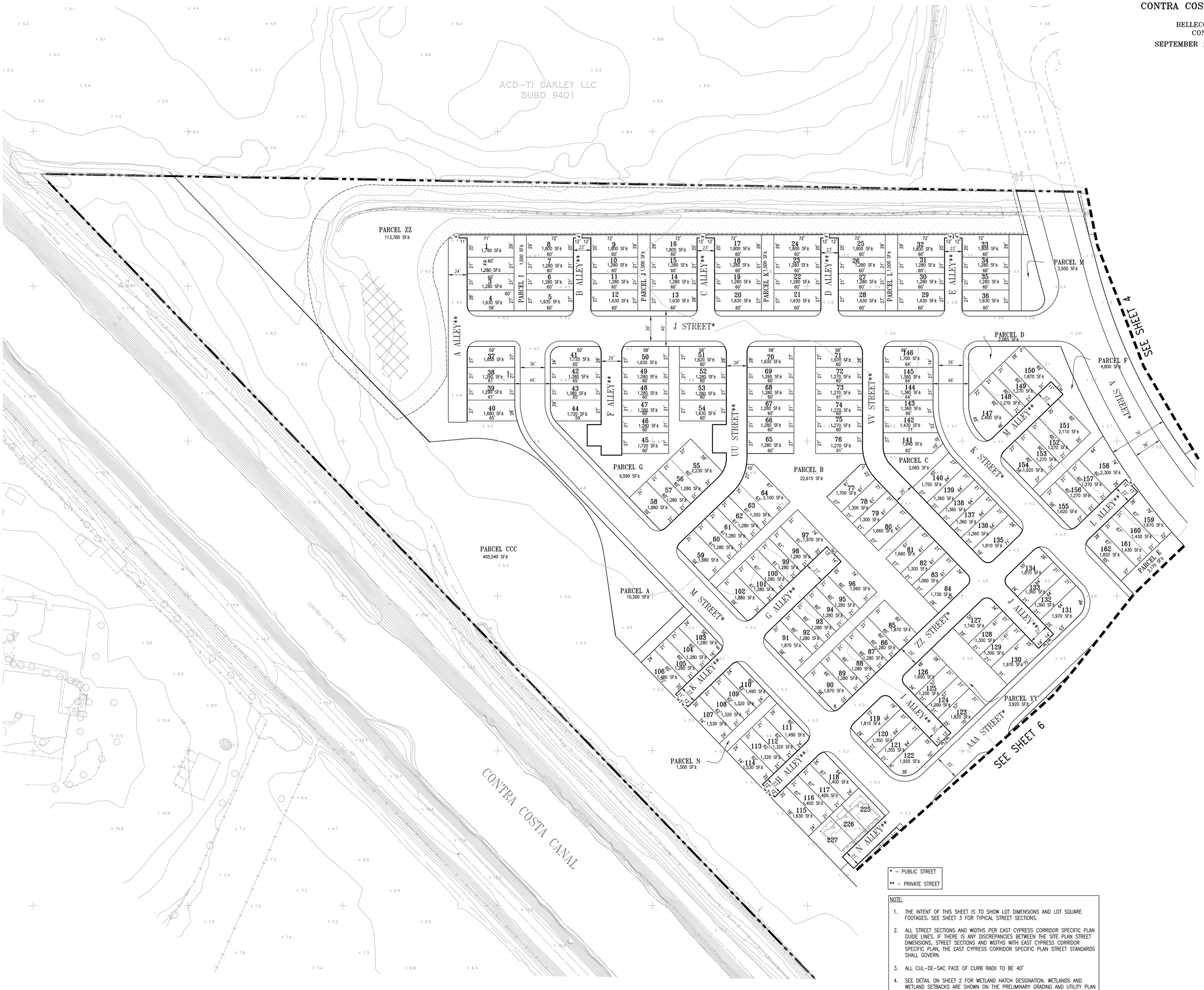
60 30 0 60 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=60'

SHEET 4 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA
SEPTEMBER 17, 2020 SCALE: 1"=40'



* – PUBLIC STREET
** – PRIVATE STREET

NOTE:

1. THE INTENT OF THIS SHEET IS TO SHOW LOT DIMENSIONS AND LOT SQUARE FOOTAGES. SEE SHEET 3 FOR TYPICAL STREET SECTIONS.
2. ALL STREET SECTIONS AND WIDTHS PER EAST CYPRESS CORRIDOR SPECIFIC PLAN GUIDE LINES. IF THERE IS ANY DISCREPANCIES BETWEEN THE SITE PLAN STREET DIMENSIONS, STREET SECTIONS AND WIDTHS WITH EAST CYPRESS CORRIDOR SPECIFIC PLAN, THE EAST CYPRESS CORRIDOR SPECIFIC PLAN STREET STANDARDS SHALL GOVERN.
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N

40 20 0 40 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=40'

SHEET 5 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=30'

* – PUBLIC STREET

** – PRIVATE STREET

NOTE:

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SEE SHEET 5

SEE SHEET 4

SEE SHEET 4

AAA STREET*
Z ALLEY**
Y ALLEY**
CCC STREET
K STREET*
A STREET*
X ALLEY**
W ALLEY**
V ALLEY**
K STREET*
HHH ALLEY**
II ALLEY**
GG ALLEY**
WW STREET**
PARCEL O
26,160 SF±
FF ALLEY**
EE ALLEY**
PARCEL Q
1,600 SF±
U ALLEY**
L STREET*
T ALLEY**
PARCEL R
2,700 SF±
N ALLEY**
AA ALLEY**
PARCEL P
3,360 SF±
BBB STREET**
O ALLEY**
P ALLEY**
M STREET*
BB ALLEY**
CC ALLEY**
Q ALLEY**
R ALLEY**
S ALLEY**
JJ ALLEY**
DD ALLEY**
PARCEL CCC
405,540 SF±
CONTRA COSTA CANAL
Unpaved Road
Unpaved Road

30 15 0 30 60 90
SCALE IN FEET
GRAPHIC SCALE: 1"=30'

SHEET 6 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

NOTE:

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* – PUBLIC STREET
** – PRIVATE STREET

SUMMERLAKE
032-370-017

350' P.G.&E. - EASEMENT PER 4835 OR 490
50' P.G.&E. GAS TRANSMISSION LINE EASEMENT
EXISTING 42" HIGH PRESSURE P.G.&E. GAS TRANSMISSION LINE
200' WAPA EASEMENT

PARCEL BB 79,320 SF±
PARCEL CC 116,850 SF±
PARCEL DD 137,960 SF±
PARCEL HH 124,490 SF±
PARCEL JJ 3,550 SF±
PARCEL KK 83,850 SF±
PARCEL MM 39,040 SF±
PARCEL NN 4,887 SF±
PARCEL PP 4,070 SF±
PARCEL T 38,850 SF±
PARCEL W 518,450 SF±
PARCEL Z 1,580,100 SF±
PARCEL II 63,900 SF±

C STREET**
D STREET*
E STREET*
I STREET*
R STREET*
T STREET**
U STREET**
V STREET**
W STREET**
X STREET**
Y STREET**
Z STREET**
AA STREET**
BB STREET**
II STREET**
KK STREET**
LL STREET**
MM STREET**
BETHEL ISLAND ROAD

SEE SHEET 4
SEE SHEET 8
SEE SHEET 10

SCALE IN FEET
GRAPHIC SCALE: 1"=60'

SHEET 7 OF 20
JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

* – PUBLIC STREET

** – PRIVATE STREET

NOTE:

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SUMMERLAKE
032-370-017

PARCEL W
520,550 SF±

PARCEL DD
137,960 SF±

200' WAPA EASEMENT

C STREET**

CC STREET**

DD STREET**

EE STREET**

FF STREET**

GG STREET**

HH STREET**

II STREET**

JJ STREET**

PARCEL HH
124,490 SF±

PARCEL EE
79,760 SF±

PARCEL KK
83,850 SF±

PARCEL II
63,900 SF±

PARCEL Z
1,580,100 SF±

PARCEL QQ
3,100 SF±

PARCEL RR
7,740 SF±

PARCEL AA
129,600 SF±

PARK
PARCEL FF
29,600 SF±

PARCEL GG
5,270 SF±

PARCEL BBB
1,163,000 SF±

PARCEL X
422,430 SF±

PARCEL XX
4,580 SF±

COMMON AREA
TRACT 6610
2001-158702
020-029-013

ROCK ISLAND
HOMES
032-150-006
BOAT/HARBOR

SEE SHEET 7

SEE SHEET 9

60 30 0 60 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=60'

SHEET 8 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'



SEE SHEET 10

NOTE:

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* – PUBLIC STREET

** – PRIVATE STREET

60 30 0 60 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=60'

SHEET 9 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

SEE SHEET 7

SEE SHEET 11

SEE SHEET 9

BETHEL ISLAND ROAD

T STREET**

B STREET**

S STREET**

S COURT**

U STREET**

KK STREET**

MM STREET**

NN STREET**

TT STREET**

SS STREET**

PARCEL Z
1,580,100 SF±

PARCEL TT
2,900 SF±

PARCEL SS
80,600 SF±

PARCEL SS 10,370 SF±

PARCEL X
422,430 SF±

PARCEL Y
62,050 SF±

PARCEL WW
30,540 SF±

PARCEL BBB
1,163,000 SF±

EXISTING 42" HIGH PRESSURE P.G.&E GAS TRANSMISSION LINE

50' P.G.&E. GAS TRANSMISSION LINE EASEMENT PER 48535 OR 490

350' P.G.&E. - EASEMENT PER 48535 OR 490

ROCK SLOUGH

* – PUBLIC STREET

** – PRIVATE STREET

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60 30 0 60 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=60'

SHEET 10 OF 20

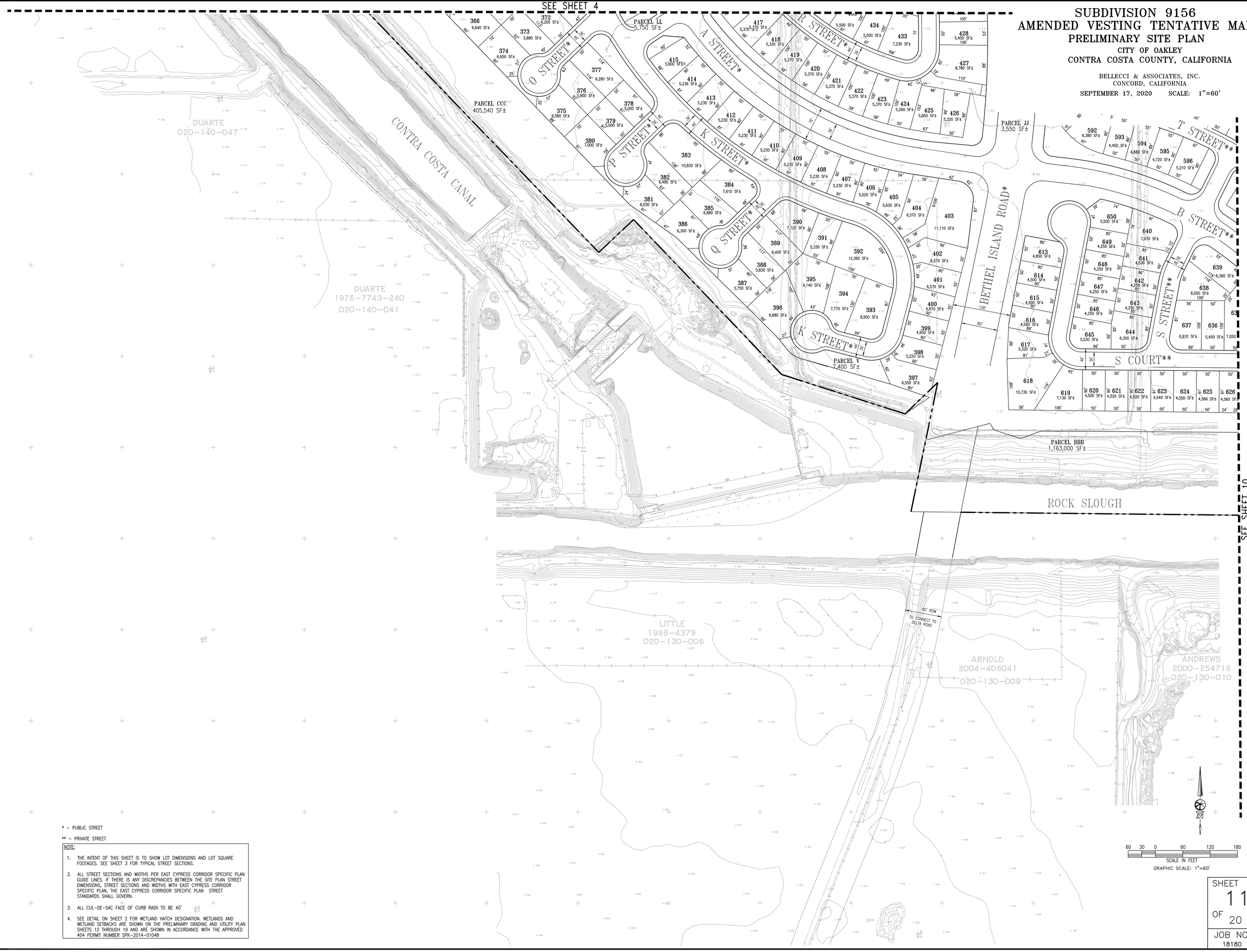
JOB NO. 18180

SEE SHEET 4

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'



GRAPHIC SCALE: 1"=60'

SEE SHEET 10

* – PUBLIC STREET

** – PRIVATE STREET

NOTE:

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SHEET 11 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

LEGEND

PROPOSED	DESCRIPTION
	PROPERTY LINE
	CENTERLINE
SS	SANITARY SEWER PIPE
	SANITARY SEWER MANHOLE
SD	STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W	WATER MAIN
	WATER VALVE
	FIRE HYDRANT
P 3.1	PAD ELEVATION

ABBREVIATIONS

P	PAD ELEVATION
TSL	TOP OF SOIL
BGL	BOTTOM OF GRAVEL
WSE_{100}	100 YEAR WATER SURFACE ELEVATION

NOTES

1. ALL STREET GRADES TO BE 0.75% MINIMUM
2. EXISTING TOPOGRAPHIC INFORMATION SHOWN IS BASED ON AN AERIAL SURVEY IN 2013
3. ALL ELEVATIONS ARE BASED ON 1988 NAVD
4. THE PRELIMINARY GRADING DESIGN SHOWN HEREON IS IN COMPLIANCE WITH THE WETLAND PRESERVATION AND WETLAND DISTURBANCE REQUIRED AND ALLOWED FOR UNDER THE PROJECT'S CURRENT 404 PERMIT.

ACD-TI OAKLEY LLC
SUBDIVISION 9401

FLOWS TO SUMMER LAKE SOUTH REGIONAL LIFT STATION

SS PUMP STATION

PARCEL ZZ

PARCEL BBB

PARCEL U

PARCEL UU

PARCEL CC

PARCEL BB

PARCEL T

PARCEL P

PARCEL O

PARCEL S

PARCEL R

PARCEL Q

DUAL PURPOSE BASIN
TSL: -4.0
BGL: -7.5
WSE_{100}= -1.1

R-23
SEE SHEET 13
(LOTS 1-162)

R-24
SEE SHEET 14
(LOTS 163-350)

SEE SHEET 15

SEE SHEET 19

CONTRA COSTA CANAL

BETHEL ISLAND ROAD

A STREET
B STREET
C STREET
D STREET
E STREET
F STREET
G STREET
J STREET
K STREET
L STREET
M STREET
N STREET
A ALLEY
B ALLEY
C ALLEY
D ALLEY
E ALLEY
F ALLEY
G ALLEY
H ALLEY
I ALLEY
J ALLEY
K ALLEY
L ALLEY
M ALLEY
N ALLEY
O ALLEY
P ALLEY
Q ALLEY
R ALLEY
S ALLEY
T ALLEY
U ALLEY
V ALLEY
W ALLEY
X ALLEY
Y ALLEY
Z ALLEY
AA ALLEY
BB ALLEY
CC ALLEY
DD ALLEY
EE ALLEY
FF ALLEY
GG ALLEY
HH ALLEY
II ALLEY
JJ ALLEY
KK ALLEY
LL ALLEY
MM ALLEY
NN STREET
OO STREET
PP STREET
QQ STREET
RR STREET
SS STREET
TT STREET
UU STREET
VV STREET
WW STREET
XX STREET
YY STREET
ZZ STREET
AAA STREET
BBB STREET
CCC STREET
DDD STREET
EEE STREET
FFF STREET

60 30 0 60 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=60'

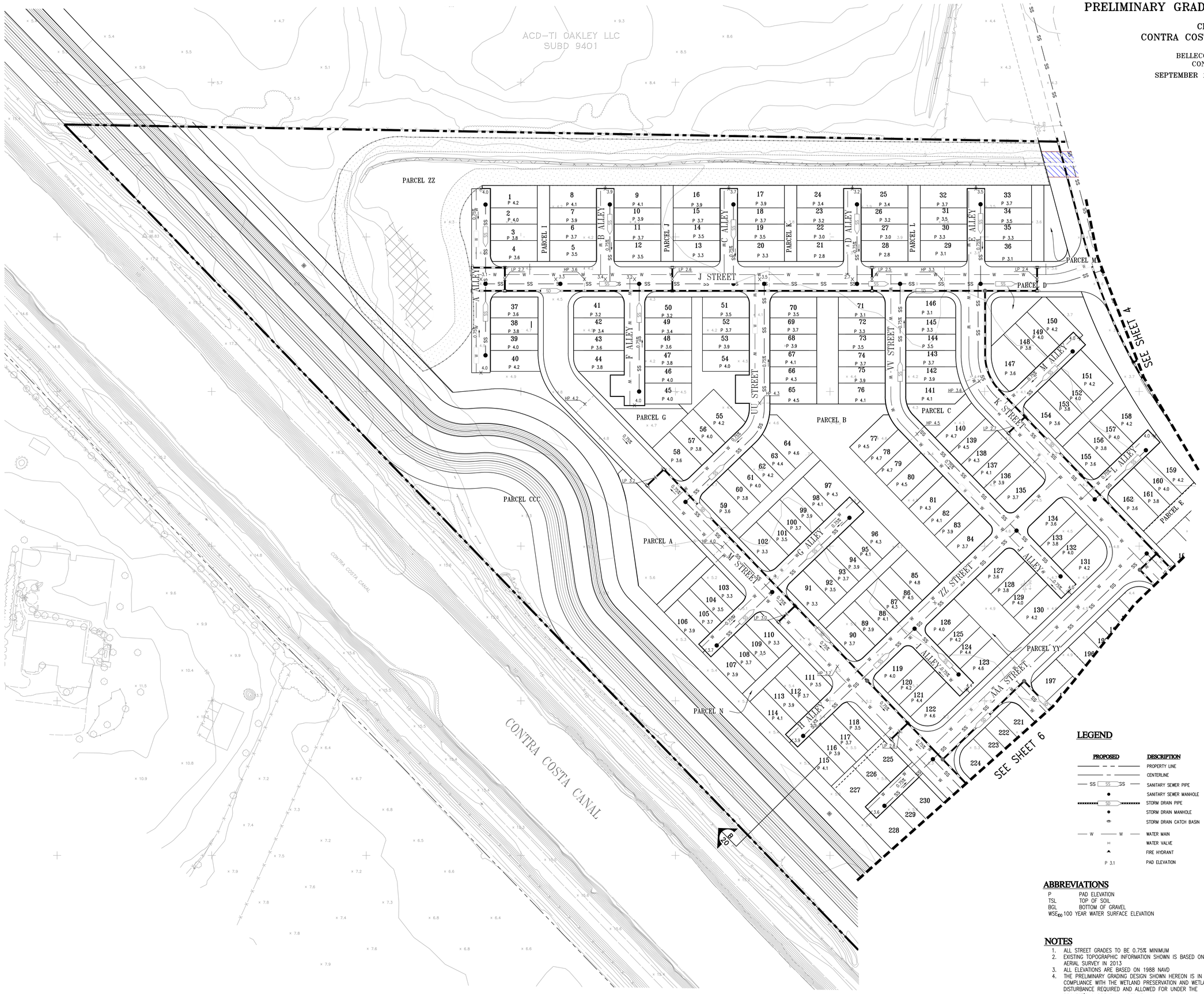
SHEET 12 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA
SEPTEMBER 17, 2020 SCALE: 1"=40'



LEGEND

PROPOSED	DESCRIPTION
	PROPERTY LINE
	CENTERLINE
SS	SANITARY SEWER PIPE
	SANITARY SEWER MANHOLE
SD	STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W	WATER MAIN
	WATER VALVE
	FIRE HYDRANT
P 3.1	PAD ELEVATION

ABBREVIATIONS

P	PAD ELEVATION
TSL	TOP OF SOIL
BGL	BOTTOM OF GRAVEL
WSE_{100}	100 YEAR WATER SURFACE ELEVATION

40 20 0 40 80 120
SCALE IN FEET
GRAPHIC SCALE: 1"=40'

NOTES

1. ALL STREET GRADES TO BE 0.75% MINIMUM
2. EXISTING TOPOGRAPHIC INFORMATION SHOWN IS BASED ON AN AERIAL SURVEY IN 2013
3. ALL ELEVATIONS ARE BASED ON 1988 NAVD
4. THE PRELIMINARY GRADING DESIGN SHOWN HEREON IS IN COMPLIANCE WITH THE WETLAND PRESERVATION AND WETLAND DISTURBANCE REQUIRED AND ALLOWED FOR UNDER THE PROJECT'S CURRENT 404 PERMIT.

SHEET 13 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=30'

LEGEND

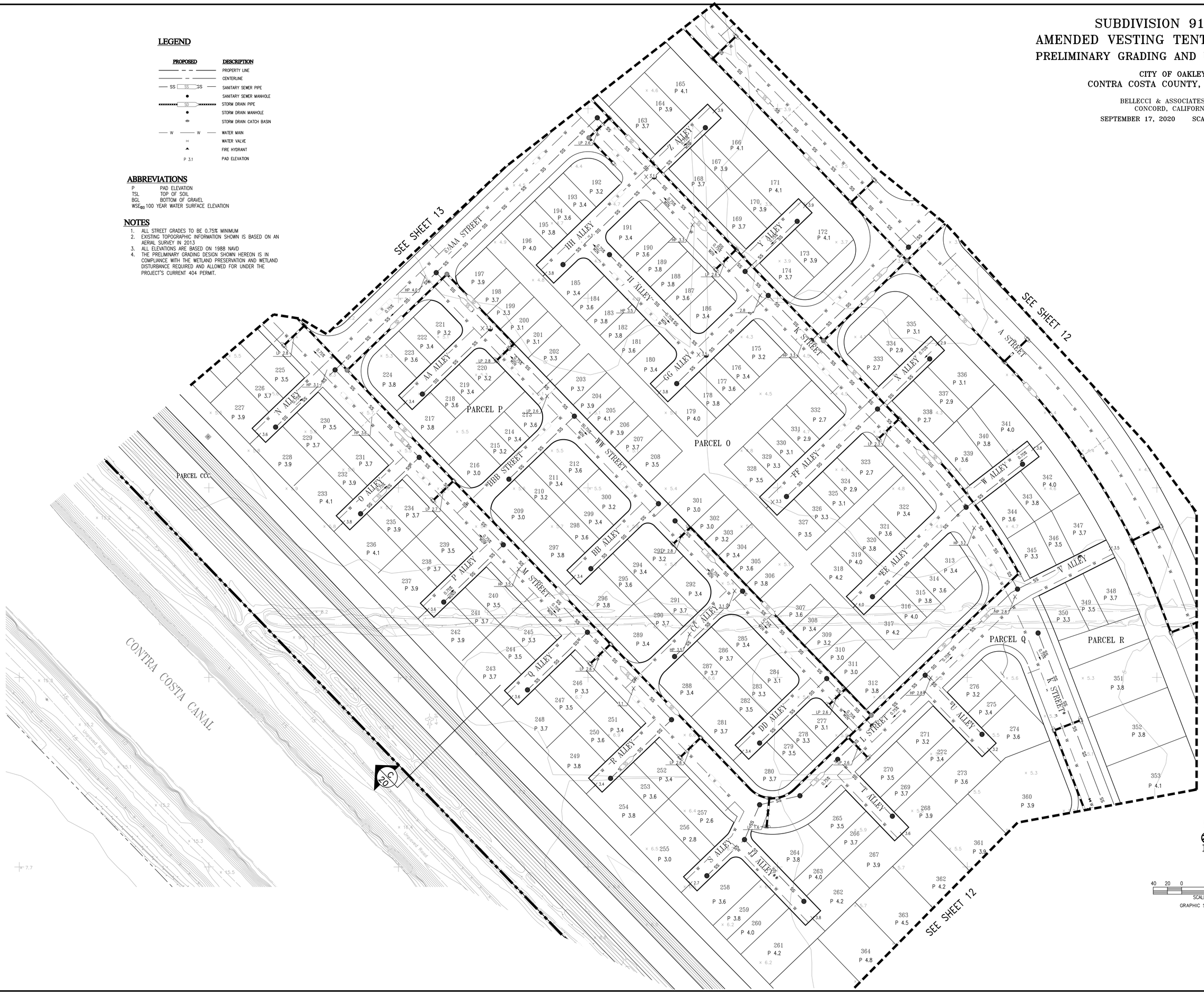
PROPOSED	DESCRIPTION
	PROPERTY LINE
	CENTERLINE
SS	SANITARY SEWER PIPE
	SANITARY SEWER MANHOLE
SD	STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W	WATER MAIN
	WATER VALVE
	FIRE HYDRANT
P 3.1	PAD ELEVATION

ABBREVIATIONS

P	PAD ELEVATION
TSL	TOP OF SOIL
BGL	BOTTOM OF GRAVEL
WSE_{100}	100 YEAR WATER SURFACE ELEVATION

NOTES

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N

40 20 0 40 80 120
SCALE IN FEET
GRAPHIC SCALE: 1"=40'

SHEET 14 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

LEGEND

PROPOSED	DESCRIPTION
	PROPERTY LINE
	CENTERLINE
SS	SANITARY SEWER PIPE
	SANITARY SEWER MANHOLE
SD	STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W	WATER MAIN
	WATER VALVE
	FIRE HYDRANT
P 3.1	PAD ELEVATION

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SUMMERLAKE
032-370-017

DUAL PURPOSE BASIN
TSL: -4.0
BGL: -7.5
WSE_{100}= -1.1

DUAL PURPOSE BASIN
TSL: -4.0
BGL: -7.5
WSE_{100}= -1.1

DUAL PURPOSE BASIN
TSL: -7.0
BGL: -10.5
WSE_{100}= -3.0

SD PUMP STATION

PARCEL W
PARCEL CC
PARCEL MM
PARCEL NN
PARCEL Z
PARCEL DD
PARCEL HH
PARCEL KK
PARCEL II

SEE SHEET 12
SEE SHEET 16
SEE SHEET 18

SEALTHEL ISLAND ROAD

EXISTING 42" HIGH PRESSURE P.G.&E. GAS TRANSMISSION LINE

50' P.G.&E. GAS TRANSMISSION LINE EASEMENT

350' P.G.&E. EASEMENT PER 4835 OR 490

AA STREET
C STREET
D STREET
I STREET
J STREET
K STREET
L STREET
T STREET
U STREET
V STREET
W STREET
X STREET
Y STREET
Z STREET
II STREET
KK STREET
LL STREET

60 30 0 60 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=60'

SHEET 15 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

LEGEND

PROPOSED	DESCRIPTION
	PROPERTY LINE
	CENTERLINE
SS SS	SANITARY SEWER PIPE
	SANITARY SEWER MANHOLE
SD SD	STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W W	WATER MAIN
	WATER VALVE
	FIRE HYDRANT
P 3.1	PAD ELEVATION

ABBREVIATIONS

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SUMMERLAKE
032-370-017

EXISTING LEVEE

COMMONWEALTH
TRACT 6510
2001-153702
020-029-013

ROCK ISLAND
HOMES
032-150-006
BOAT HARBOR

PARCEL W
PARCEL DD
DUAL PURPOSE BASIN
TSL: -7.0
BGL: -10.5
WSE_{100}= -3.0
SD PUMP STATION
PARCEL HH
PARCEL EE
DUAL PURPOSE BASIN
TSL: -7.0
BGL: -10.5
WSE_{100}= -3.0
PARCEL KK
PARCEL II
PARCEL Z
PARCEL RR
PARCEL QQ
PARCEL AA
PARCEL X
PARCEL XX
PARCEL BBB
PARK
PARCEL FF
PARCEL GG
CC STREET
DD STREET
EE STREET
FF STREET
GG STREET
HH STREET
II STREET
JJ STREET
200' WAPA EASEMENT

SEE SHEET 15

SEE SHEET 17

60 30 0 60 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=60'

SHEET 16 OF 20

JOB NO. 18180

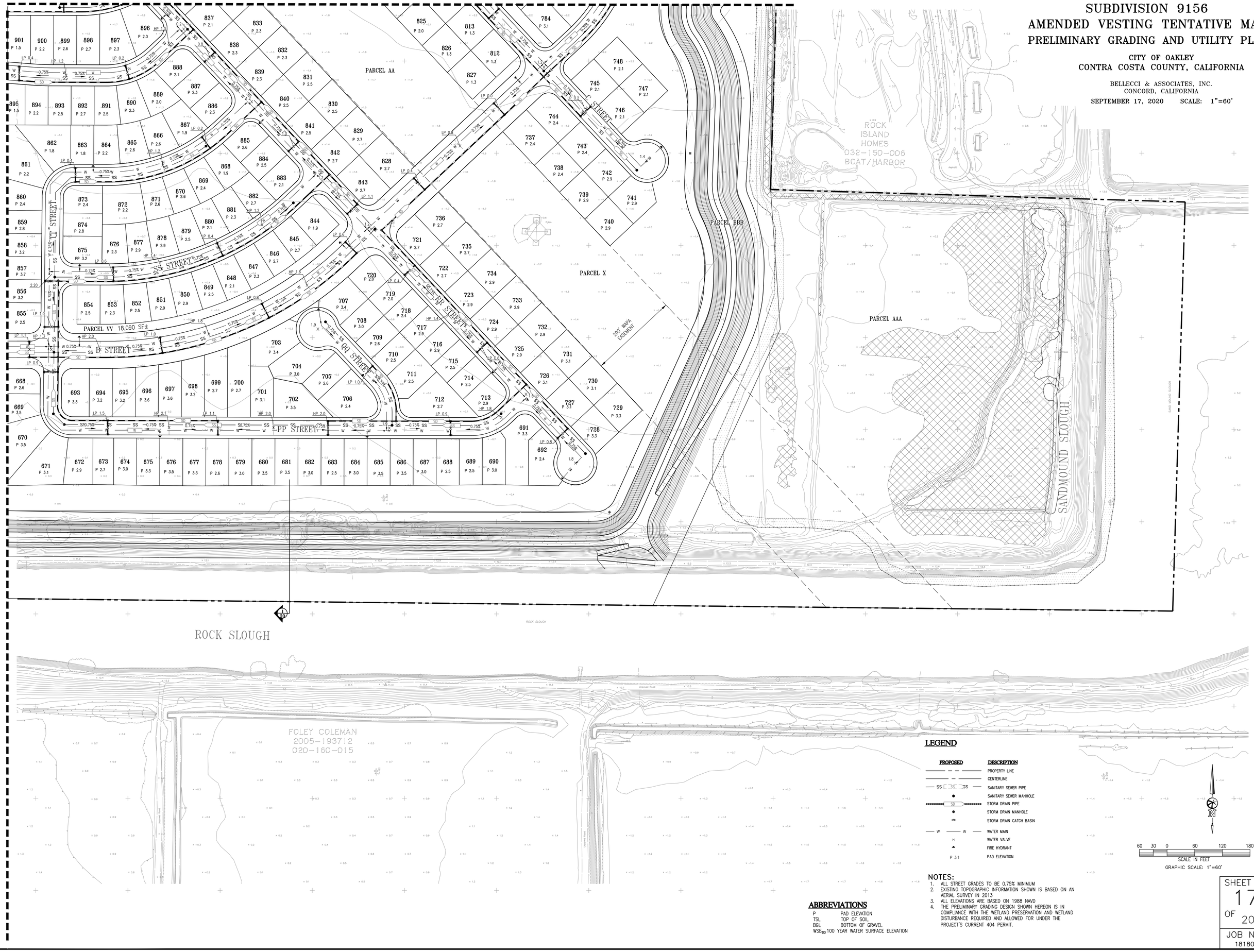
SEE SHEET 16

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'



SEE SHEET 18

LEGEND

PROPOSED	DESCRIPTION
	PROPERTY LINE
	CENTERLINE
SS	SANITARY SEWER PIPE
	SANITARY SEWER MANHOLE
SD	STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W	WATER MAIN
	WATER VALVE
	FIRE HYDRANT
P 3.1	PAD ELEVATION

60 30 0 60 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=60'

ABBREVIATIONS

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BGL	BOTTOM OF GRAVEL
WSE_{100}	100 YEAR WATER SURFACE ELEVATION

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SHEET 17 OF 20

JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

SEE SHEET 15

SEE SHEET 19

SEE SHEET 17

PARCEL Z

PARCEL TT
2,900 SF±

PARCEL SS

PARCEL X

PARCEL BBB

PARCEL Y
62,050 SF±

PARCEL WW
30,540 SF±

EXISTING 42" HIGH PRESSURE P.G.&E GAS TRANSMISSION LINE

350' P.G.&E. EASEMENT PER 4835 OR 490

50' P.G.&E. GAS TRANSMISSION LINE EASEMENT

ROCK SLOUGH

ANDREWS
2000-254716
020-130-010

FOLEY COLEMAN
2005-193712
020-160-015

LEGEND

PROPOSED	DESCRIPTION
	PROPERTY LINE
	CENTERLINE
SS SS SS	SANITARY SEWER PIPE
	SANITARY SEWER MANHOLE
SD SD	STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W W	WATER MAIN
	WATER VALVE
	FIRE HYDRANT
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60 30 0 60 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=60'

SHEET 18 OF 20

JOB NO. 18180

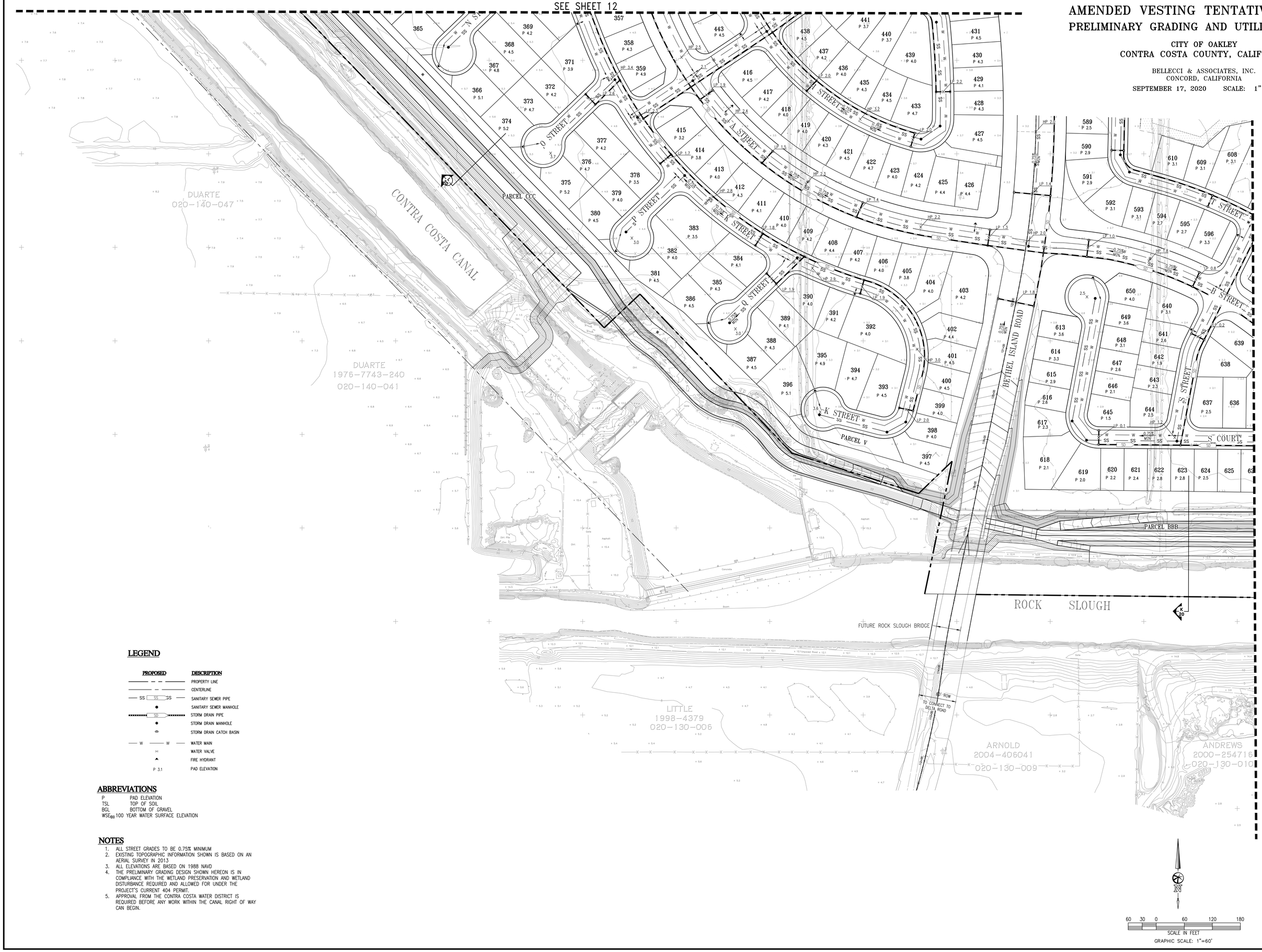
SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA
SEPTEMBER 17, 2020 SCALE: 1"=60'

SEE SHEET 12

SEE SHEET 18



LEGEND

PROPOSED	DESCRIPTION
———	PROPERTY LINE
——— – ———	CENTERLINE
— SS — SS — SS —	SANITARY SEWER PIPE
●	SANITARY SEWER MANHOLE
---------- SD ----------	STORM DRAIN PIPE
●	STORM DRAIN MANHOLE
⊕	STORM DRAIN CATCH BASIN
— W — W —	WATER MAIN
⋈	WATER VALVE
▲	FIRE HYDRANT
P 3.1	PAD ELEVATION

ABBREVIATIONS

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5. APPROVAL FROM THE CONTRA COSTA WATER DISTRICT IS REQUIRED BEFORE ANY WORK WITHIN THE CANAL RIGHT OF WAY CAN BEGIN.

N

60 30 0 60 120 180
SCALE IN FEET
GRAPHIC SCALE: 1"=60'

SHEET 19 OF 20

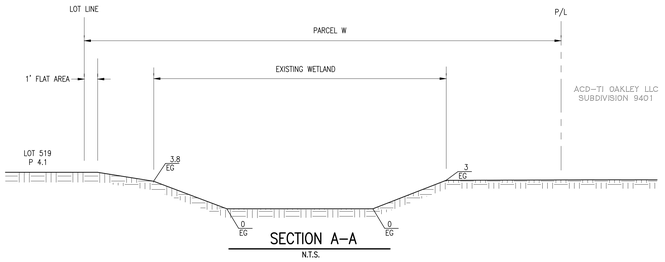
JOB NO. 18180

SUBDIVISION 9156
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING SECTIONS

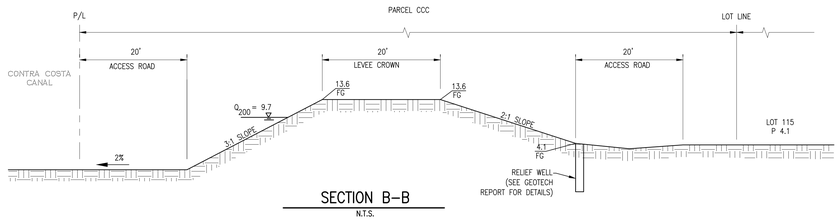
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

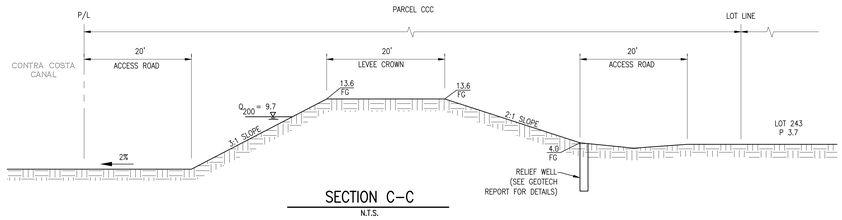
SEPTEMBER 17, 2020



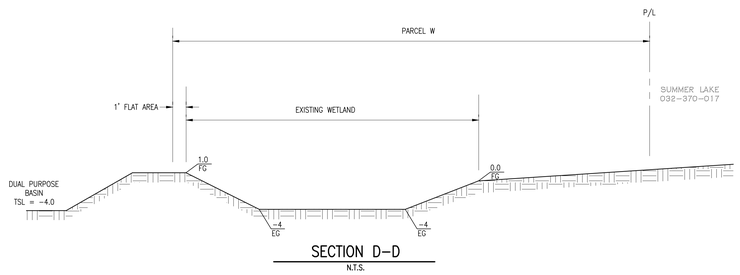
SECTION A-A
N.T.S.



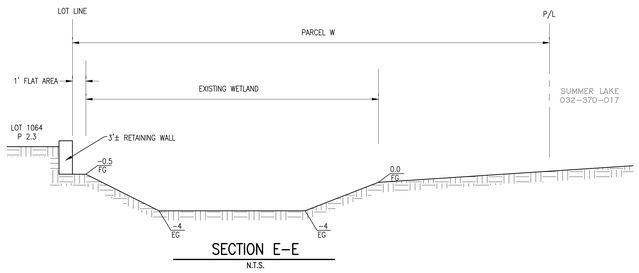
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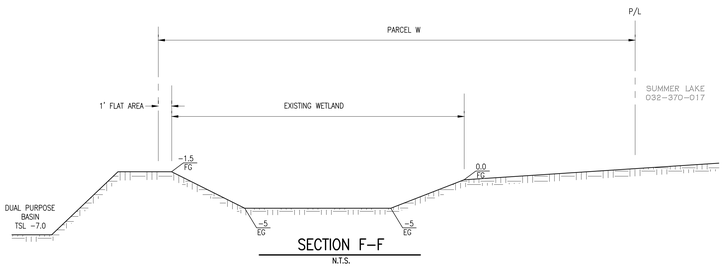
SECTION C-C
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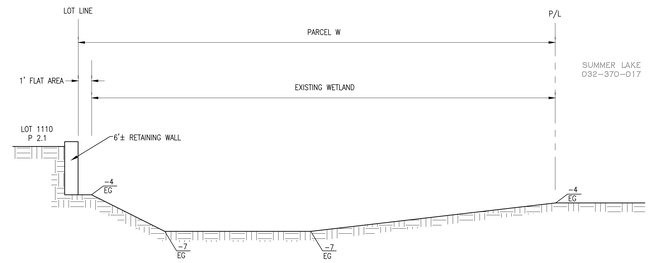
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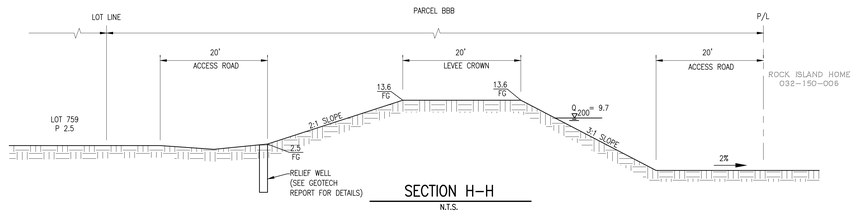
SECTION E-E
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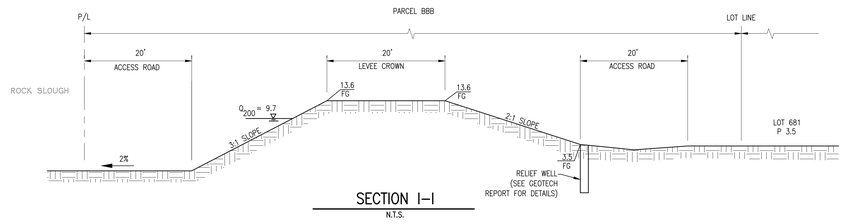
SECTION F-F
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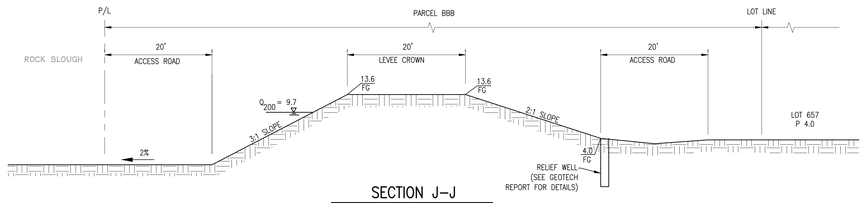
SECTION G-G
N.T.S.



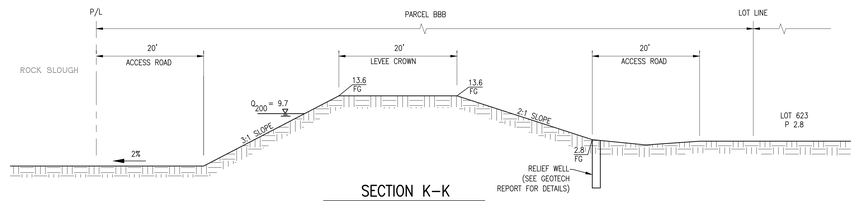
SECTION H-H
N.T.S.



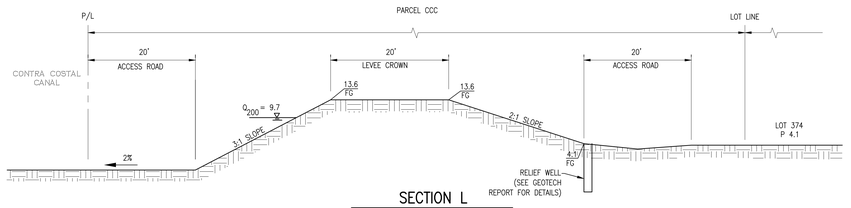
SECTION I-I
N.T.S.



SECTION J-J
N.T.S.



SECTION K-K
N.T.S.



SECTION L
N.T.S.

Planning Area 1 (Lesher) Vesting Tentative Map 9404
Planning Area 4 (Bethel Island LLC) Vesting Tentative Map 9156

East Cypress Corridor Specific Plan Environmental Impact Report Addendum

I. Introduction

The City of Oakley is the lead agency for this Addendum to the Revised East Cypress Corridor Specific Plan Environmental Impact Report (State Clearinghouse #2004092011) ("East Cypress Corridor Specific Plan EIR") certified on March 13, 2006 and the East Cypress Corridor Specific Plan Supplemental EIR (State Clearinghouse #2004092011) ("Supplemental East Cypress Corridor Specific Plan EIR" or "Supplemental EIR") certified on March 10, 2009 pursuant to City of Oakley City Council Resolution No. 46-09 (the East Cypress Corridor Specific Plan EIR and the Supplemental EIR are collectively referred to herein as the "Specific Plan EIR."). The Specific Plan EIR was prepared to support the adoption of the East Cypress Corridor Specific Plan ("Specific Plan"), adopted March 13, 2006, and to evaluate the environmental effects of developing the Specific Plan's 6 discrete Planning Areas in accordance with Specific Plan's development standards, policies, goals and objectives. In addition to certifying the Specific Plan EIR, Resolution No. 46-09 adopted a Mitigation Monitoring and Reporting Program applicable to development activities associated with build-out of the Specific Plan in accordance with Public Resource Code Section 21081.6 (the "MMRP").

This Addendum is prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 12000 *et seq.* (CEQA), to assist the City in its consideration of an application to amend Vesting Tentative Subdivision Map 9404 for an approximately 350.5-acre portion of the Specific Plan's Planning Area 1 commonly known as the Lesher Property and amend Vesting Tentative Subdivision Map 9156 for approximately 351-acres of the Specific Plan's Planning Area 4 commonly known as the Bethel Island LLC. Together both amendments are called the "Amendments". The Amendments implement a portion of the larger Specific Plan development project analyzed in the Specific Plan EIR. Specifically, the Amendments implement the City's policies, goals and objectives established for Planning Areas 1 and 4, as described in the Specific Plan and analyzed in the Specific Plan EIR.

Pursuant to Government Code Section 65457(a), CEQA does not apply to a residential development project (including any subdivision) that is consistent with, and undertaken to implement, a specific plan for which an EIR was certified after January 1, 1980, such as the Specific Plan, unless a subsequent EIR is required by Public Resources Code Section 21166 ("Section 21166"). Pursuant to Section 21166, as further clarified by CEQA Guideline Section 15162, when an EIR has been certified, the lead agency may not require a subsequent EIR unless it determines, on the basis of substantial evidence in light of the whole administrative record that one or more of the following subsequent EIR triggers have occurred:

- Substantial project changes are proposed which will require major revisions of the Specific Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the Specific Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, shows any of the following:

    - The project will have one or more significant effects not discussed in the Specific Plan EIR;
    - Significant effects previously examined will be substantially more severe than shown in the Specific Plan EIR;
    - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of the Section 21166 subsequent EIR triggers have occurred with respect to the Project, per Government Code Section 65457(a), the City's consideration and potential approval of the Project are exempt from CEQA.

As discussed below, this Addendum concludes that approval of the Amendments does not trigger need for a subsequent EIR under Section 21166 because development of the Amendments will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Specific Plan EIR. Moreover, as discussed below, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, environmental impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant environmental effects of the project. Accordingly, per Section 21166, the City may not require a subsequent EIR for the Amendments.

This Addendum incorporates, by reference, the analysis contained in the certified Specific Plan EIR. In accordance with CEQA Guidelines Section 15164(c), this Addendum does not need to be circulated for public review, but will be attached to the Specific Plan EIR.

Background

The Specific Plan site is located in eastern Contra Costa County on the eastern side of the City of Oakley. The Specific Plan applies to approximately 2,546 acres and includes vacant

land, agricultural land, proposed and existing single-family homes, commercial use, existing overhead power lines, existing natural gas wells, existing natural gas pipelines, existing irrigation canals, and the Summer Lake North and South Projects (formerly known as the Cypress Lakes and Country Club). The Specific Plan is divided into six Planning Areas. Planning Area 1 includes approximately 704 acres proposed for development of up to 1,700 residential dwelling units. Planning Area 2, also known as Summer Lake North, includes approximately 409 acres that is approved for development with 824 residential units. Planning Area 3 includes approximately 183 acres proposed for development with up to 400 residential units. Planning Area 4 includes approximately 351 acres proposed for development with up to 1,120 residential units. Planning Area 5 includes approximately 269 acres, also known as Summer Lake South, and, prior to City's adoption of the Specific Plan, had already been approved for development of up to 628 residential units. Planning Area 6 is a 631 - acre area consisting of existing residential, commercial, and agricultural land uses located throughout the Specific Plan. The Specific Plan allows new development within Planning Area 6, and provides that a total of 1,095 residential units may be developed within Planning Area 6, but the Specific Plan does not set forth a conceptual development plan for Planning Area 6, as it does for Planning Areas 1 through 5. In addition, portions of Planning Area 6 located along Dutch Slough Road and Sandmound Boulevard have not been annexed into the City of Oakley and remain under the jurisdiction of unincorporated Contra Costa County. The Specific Plan's land use plan is conceptual and expressly permits variations in the total number of residential units that are actually approved and constructed within each of its six Planning Areas, provided that the total number of residential units approved within the Specific Plan area does not exceed 5,759 residential units.

The City has taken the following actions to implement the adopted Specific Plan:

- On September 12, 2005, the City Council of the City of Oakley adopted Ordinance No. 25-05 approving a development agreement between the City and the Lesher Trust for the development of the Lesher Property (the "Lesher Development Agreement").
- On February 13, 2006, the City Council of the City of Oakley adopted Ordinance No. 02-06 approving a development agreement between the City and Shea Homes for the development of Planning Area 2 (the "PA2 Development Agreement").
- On October 25, 2011, the City Council of the City of Oakley adopted Resolution 116-11 approving a vesting tentative subdivision map to subdivide Planning Area 2 into 824 single-family residential lots, a 70-acre man-made lake, open space, parks, a commercial area and the construction of approximately 14,000 linear feet of new 300-eary storm event levee.
- On November 8, 2011, the City Council of the City of Oakley adopted Ordinance No. 24-11 approving an amendment to the PA2 Development Agreement that would extend that agreement for an additional 13 years (to 2025).
- On November 8, 2011, the City Council of the City of Oakley adopted Resolution No. 122-11 approving a vesting tentative subdivision map to subdivide Planning Area 4 into 933 single-family residential lots and one multi-family lot consisting of 195 apartment units for a total of 1,128 residential units. Concurrent therewith, the City Council adopted an ordinance approving a development agreement covering

Planning Area 4, vesting the landowner's right to develop Planning Area 4 in accordance with the Specific Plan.

- On January 10, 2012, the City Council of the City of Oakley adopted Ordinance No. 25-11 approving an amendment of the Lesher Development Agreement to vest the landowner's right to develop the Lesher Property in accordance with the Specific Plan.
- On January 12, 2012, the City Council of the City of Oakley adopted Ordinance No. 27-11 approving a development agreement for the development of Planning Area 6-H.
- On January 24, 2012, the City Council of the City of Oakley adopted Resolution 11-12 approving Tentative Parcel Map MS 11-976 subdividing two parcels totaling approximately 16.44 acres into four parcels in Planning Area 6-H2.
- On May 15, 2012, the City Council of the City of Oakley adopted Resolution No. 42-12 approving a vesting tentative subdivision map to subdivide the northern 334 acres of the 704-acre Planning Area 1 (commonly known as the Dal Porto North property) into 276 single-family residential lots, 227 acres of wetland/open space, an elementary school site, parks, and other non-urban uses. Concurrent therewith, the City Council adopted an ordinance approving development agreements covering the Dal Porto North property, vesting the landowner's right to develop such properties consistent with the Specific Plan.
- On July 14, 2015, the City Council of the City of Oakley adopted Resolution No. 98-15 approving a vesting tentative subdivision map to subdivide 355-acres of the 704-acre Planning Area 1 (commonly known as the Lesher property) into 1,056 single-family residential lots, approximately 45-acre future commercial village center, neighborhood parks, open space, lake, and other non-urban uses. Concurrent therewith, the City Council adopted an ordinance approving a development agreement covering the Lesher property, vesting the landowner's right to develop such properties consistent with the Specific Plan.
- On July 14, 2015, the City Council of the City of Oakley adopted Resolution No. 96-15 approving a vesting tentative subdivision map to subdivide 183-acres of the 183-acre Planning Area 3 (commonly known as the Dal Porto South property) into 403 single-family residential lots, a neighborhood park, community park, lake and other non-urban uses. Concurrent therewith, the City Council adopted an ordinance approving development agreements covering the Dal Porto South property, vesting the landowner's right to develop such properties consistent with the Specific Plan.

II. Vesting Tentative Map 9404

The applicant has submitted to the City an application to amend Vesting Tentative Map 9404 ("Map Amendment Application") for the development of the Lesher Property portion of Planning Area 1 in a manner consistent with the Specific Plan. The Amendment Application proposes to add 227 residential units to the 1,056 residential units that are approved for the Lesher Property for a total of 1,283 residential units. A review of the Map Amendment Application by the City confirms that the tentative map generally mirrors the Specific Plan's conceptual land use exhibit for the Lesher Property with regard to the proposed uses, internal roadways, parks, lake and other infrastructure. The proposed vesting tentative map is shown in Exhibit A. The project proposes 1,283 dwelling units in a variety of housing types and includes the same land uses on approximately the same

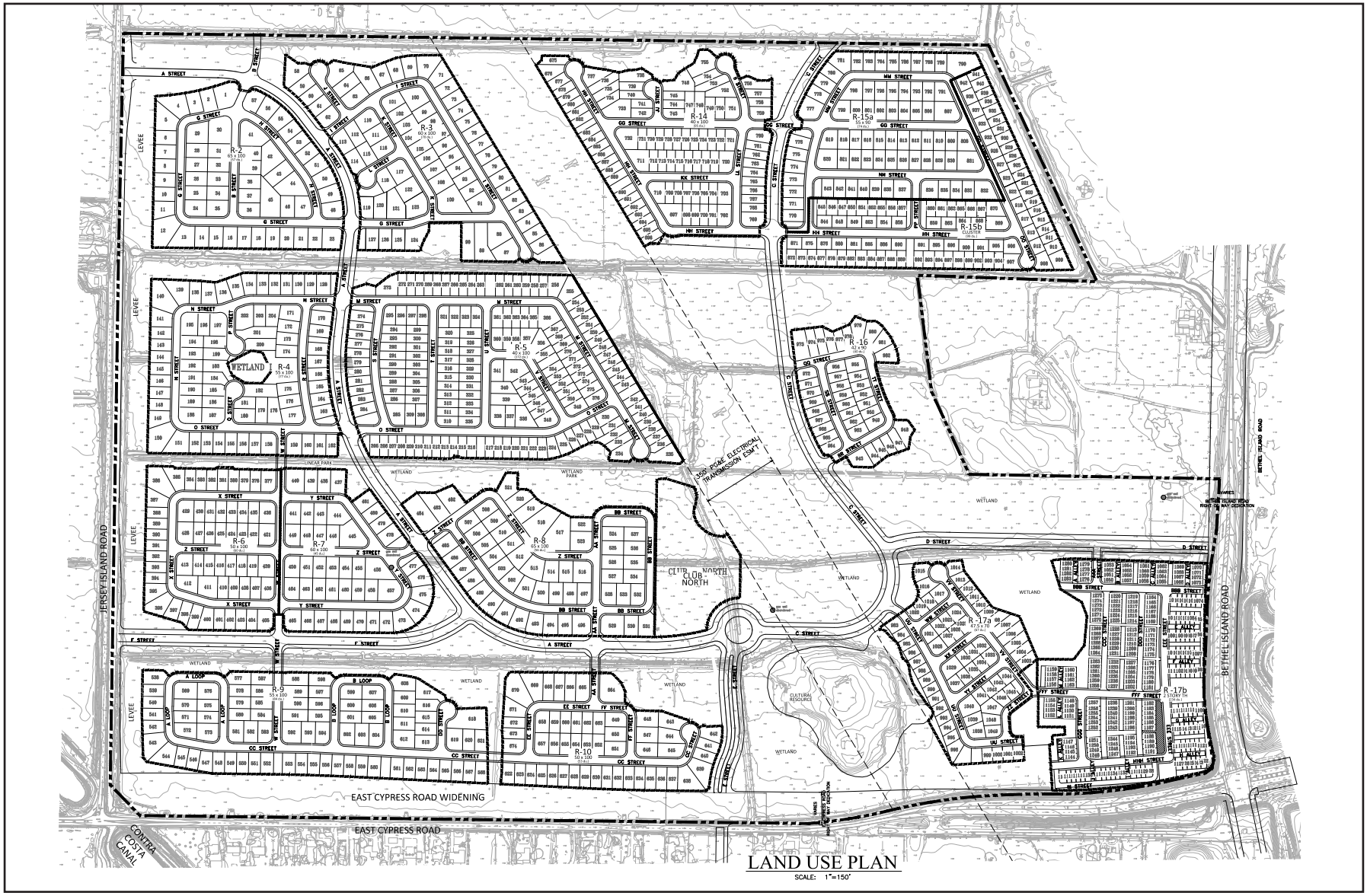


Exhibit A

Vesting Tentative Map 9404

acreage as the Specific Plan's conceptual land use plan for the Lesher Property portion of Planning Area 1.

III. Vesting Tentative Map 9156

The applicant has submitted to the City an application to amend Vesting Tentative Map 9156 ("Map Amendment Application") for the development of the Bethel Island LLC of Planning Area 4 in a manner consistent with the Specific Plan. The Amendment Application proposes to add 77 residential units to the 1,128 residential units that are approved for the Bethel Island LLC property for a total of 1,205 residential units. A review of the Map Amendment Application by the City confirms that the tentative map generally mirrors the Specific Plan's conceptual land use exhibit for the Bethel Island LLC Property with regard to the proposed uses, internal roadways, parks, lake and other infrastructure and is less than the overall dwelling unit count approved for the Specific Plan. The proposed vesting tentative map is shown in Exhibit B. The project proposes 1,205 dwelling units in a variety of housing types and includes the same land uses on approximately the same acreage as the Specific Plan's conceptual land use plan for the Bethel Island LLC Property of Planning Area 4.

IV. Summary

The Specific Plan allows the development of 3,220 dwelling units for Planning Areas 1, 3, and 4. The proposed Amendments are for Vesting Tentative Map 9404 and Vesting Tentative Map 9156 only and would result in the total development of 2,488 dwelling units for these two maps. The development of Vesting Tentative Map 9156 (Bethel Island LLC), Vesting Tentative Map 9404 (Lesher), Vesting Tentative Map 9311 (Dal Porto North), Vesting Tentative Map 9401 (Dal Porto South) would result in the total development of 3,167 dwelling units for Planning Areas 1, 3 and 4.

V. Environmental Topics

The following discussion considers the environmental effects of the Amendments to determine whether they will result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Specific Plan EIR that would trigger need for a subsequent EIR under Section 21166. The following discussion also considers whether any new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, shows any new, or substantially more adverse, environmental impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant environmental effects of the project. As discussed above, this analysis relies on, and incorporates by reference, the Specific Plan EIR.

As documented below, this Addendum concludes that approval and development of the Amendments would not result in any new, or substantially more severe, impacts to the environment than those disclosed in the Specific Plan EIR. Further, a review of available records and literature identified no new information of substantial importance that was not

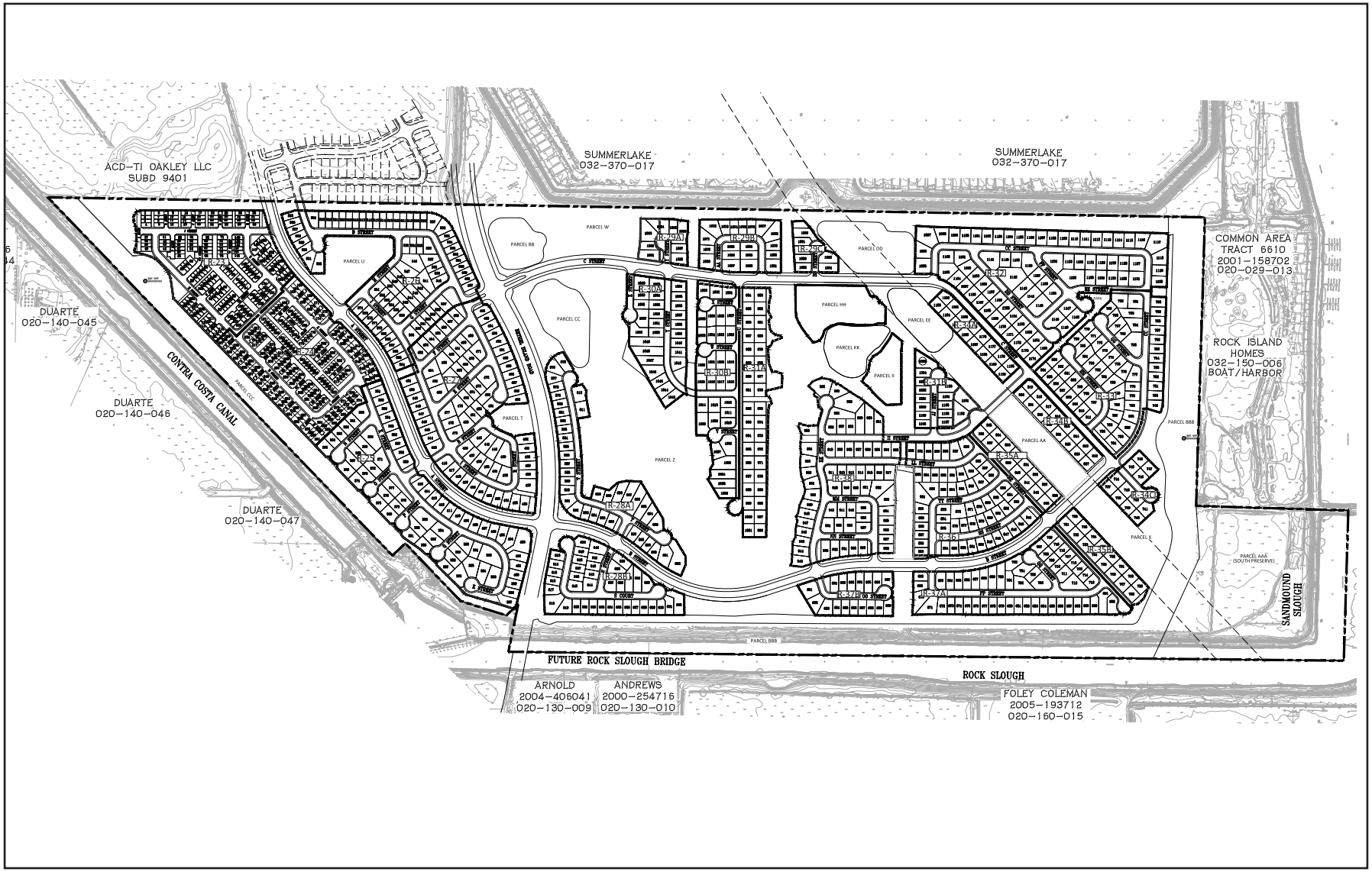


Exhibit B

Vesting Tentative Map 9156

known, or could not have been known, at the time of the certification of the Specific Plan EIR that would trigger the need for a subsequent EIR under Section 21166.

a. Aesthetics

The Amendments proposes the development of the Lesher Property and the Bethel Island LLC areas of Planning Areas 1 and 4, respectively, in a manner consistent with the Specific Plan, as analyzed and discussed in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR, including new or additional impacts to a scenic vista, a scenic highway, visual character or quality of the project site or its surroundings, new sources of substantial light or glare or project design. Accordingly, the potential aesthetic impacts associated with the Amendments would be the same as described in the Specific Plan EIR with respect to the Lesher Property and the Bethel Island LLC Property. If approved, the Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential aesthetic impacts of the development of the Lesher Property and the Bethel Island LLC Property.

There are four closed gas wells within the Lesher Property and two closed gas wells within the Bethel Island LLC Property. The Amendments do not propose, and would not be approved to reactivate any of the closed gas wells for any purpose or drilling new wells on either the Lesher or Bethel Island LLC properties. Because all of the on-site gas wells for both the Lesher and Bethel Island LLC properties have been closed, clearly marked and are not proposed to be reactivated, Mitigation Measures 3.2-1 through 3.2-4 are not applicable to the proposed Amendments.

The only mitigation measures set forth in the MMRP related to aesthetics concern the proposed school construction activities within the Specific Plan area. Under the Specific Plan, there is an elementary school site planned within Planning Area 4, but there are no school sites proposed within the Lesher Property portion of Planning Area 1. An elementary school is proposed for the Bethel Island Property. The following mitigation measures applicable to the elementary school site are carried forward from the Specific Plan EIR for the Bethel Island LLC Amendment to ensure that its aesthetic impacts with the development of an elementary school are reduced to less than significant.

Mitigation Measure 3.2-5 A lighting plan shall be submitted to the City prior to the approval of a school site plan to identify the intensity (foot candles) of light that is projected to extend off-site onto adjacent land uses. The light that extends off-site onto adjacent property shall not exceed one-foot candle.

Mitigation Measure 3.2-6 All exterior lights of the school shall have hoods and/or shielded to avoid excessive light spillage onto adjacent properties.

Mitigation Measure 3.2-7 Flood lighting shall not be allowed on the school campus.

The implementation of these mitigation measures would reduce the aesthetic, including light and glare, impacts of the Bethel Island LLC Amendment to less than significant, as established by the Specific Plan EIR and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant aesthetic impacts than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant aesthetic impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant aesthetic effects of the project. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its aesthetic effects.

b. Agricultural Resources

The certified Specific Plan Supplemental EIR disclosed that development of Planning Area 1 and Planning Area 4 in accordance with the Specific Plan would result in a significant impact to important farmland.[1] Planning Area 1 includes approximately 704 acres, currently used for cattle grazing. A total of 387 acres are mapped as prime farmland (located mainly on Sacramento clay and Egbert mucky clay loam soils), another 42 acres of Planning Area 1 are identified as farmland of statewide importance, 259 acres of Planning Area 1 are identified as farmland of local importance with the balance composed of "other" and urban or built-up, as disclosed in the Specific Plan EIR.[2] Of these, prime farmland, farmland of statewide importance and farmland of local importance are present on the Lesher Property. Planning Area 4 is currently in agricultural use (cattle). Planning Area 4 is approximately 341 acres and a total of 58 acres are mapped as prime farmland, located on Egbert mucky clay loam. Another 218 acres are identified as farmland of statewide importance, 2 acres are identified as unique farmland, and 63 acres as farmland of local importance. The remaining 10 acres are variously described as "water" or grazing land by the Farmland Monitoring and Mapping Program (FMMP).[3]

Per the Specific Plan Supplemental EIR, the adoption of the Specific Plan will advance the long-term Countywide strategy for protection of agricultural resources in two ways: First, by allowing development in a designated development area -- the East Cypress Corridor area -- it will help to reduce pressures for growth and development in identified non-urban preservation areas, including important agricultural land within those preservation areas. Second, through the requirement that development within the Specific Plan Area fund acquisition of land to be protected under the HCP/NCCP, including important farmlands, the Amendments will help preserve the agricultural resources and agricultural character of Eastern Contra Costa County consistent with the provisions of the County's 65/35 Land

[1] East Cypress Corridor Specific Plan Draft Supplemental EIR, August 21, 2008, page 3.1-13.
[2] East Cypress Corridor Specific Plan Draft Supplemental EIR, August 21, 2008, page 3.1-3.
[3] 1 Important Farmland Maps for California are compiled by the State Department of Conservation using these criteria together with land use information. The Important Farmland Maps use seven categories for classifying land: prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, grazing land, urban and built-up land and other land. The first three categories (prime, statewide, and unique farmlands) are considered "important farmland" and also meet the definition of agricultural land under CEQA (Section 21060.1).

Preservation Plan. For these reasons, implementation of the Specific Plan could help to reduce the long-term cumulative loss of important agricultural land in Contra Costa County. However, no mitigation measures are available that would compensate directly for, or otherwise mitigate, the loss of agricultural land due to conversion of the Specific Plan area to developed uses, as disclosed in the Specific Plan EIR[4].

None of the property within the Specific Plan area is in a Williamson Act contract, and there are no Williamson Act parcels located within ¼ mile of the project area[5]. The certified Specific Plan Supplemental EIR discloses that development of the Lesher Property and Bethel Island LLC Property would result in direct and cumulative significant impacts to agricultural resources. Approval and development of the proposed Amendments would proceed in a manner contemplated by the Specific Plan and analyzed in the certified Specific Plan Supplemental EIR and would not change or cause any further impacts to any existing agricultural resources within the Lesher Property or Bethel Island LLC Property to a greater extent than identified in the Specific Plan Supplemental EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan Supplemental EIR was certified, that shows any new, or substantially more adverse, significant impacts to agricultural resources than those disclosed in the Specific Plan Supplemental EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant agricultural impacts of the Project. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects to agricultural resources.

c. Air Quality

The Amendments propose development of the Lesher Property and Bethel Island LLC Property in a manner consistent with the Specific Plan and with the air quality analysis discussed in the Specific Plan EIR and the Specific Plan Supplemental EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR and Specific Plan Supplemental EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR and Specific Plan Supplemental EIR. Accordingly, the potential construction, operational and area source emission impacts associated with the Amendments are the same as described in the Specific Plan EIR and Specific Plan Supplemental EIR.

The actual construction, operational and area source emissions of the Amendments would, in all likelihood, be less than the calculated emission levels presented in the Specific Plan EIR and Specific Plan Supplemental EIR due to new regulatory requirements mandating use of cleaner engine fuels and use of more fuel- and emission-efficient engines for today's automobiles and construction equipment. In addition, the proposed Amendments to Vesting Tentative Map 9404 and Vesting Tentative Map 9156 in conjunction with the other approved vesting tentative maps for Planning Areas 1, 3, and 4 would result in the total development of 3,164 dwelling units and less than the 3,220 dwelling units allowed by the East Cypress

[4] East Cypress Corridor Specific Plan Draft Supplemental EIR, August 21, 2008, page 3.1-14.
[5] East Cypress Corridor Specific Plan Draft Supplemental EIR, August 21, 2008, page 3.1-5.

Corridor Specific Plan. As a result, the development allowed by the proposed Amendments to Vesting Tentative Map 9404 and Vesting Tentative Map 9156 will result in fewer project-related air emissions compared to the emissions generated at the time the air quality analyses were conducted for the Specific Plan EIR and Specific Plan Supplemental EIR.

Greenhouse Gas Emissions

In 2010, after the Specific Plan EIR and Specific Plan Supplemental EIR were certified, CEQA Guideline Section 15064.4 was adopted pursuant to SB 97 to provide guidance to lead agencies for determining the significance of project impacts related to greenhouse gas emissions. Such analysis was not required by CEQA at the time the Specific Plan EIR and Specific Plan Supplemental EIR were certified and the Specific Plan EIR and the Specific Plan Supplemental EIR do not evaluate the greenhouse gas impacts associated with development of the Specific Plan, including Planning Area 1 and Planning Area 4. However, as determined by the Court of Appeal in *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1319-1320 ("*Concerned Dublin*"), the potential environmental effects of greenhouse gas emissions were known or could have been known well before 2010, when the Specific Plan EIR and Specific Plan Supplemental EIR were adopted. According to the *Concerned Dublin* court, since this information was known before Specific Plan EIR and Specific Plan Supplemental EIR were adopted, the adoption of new regulations, policies, and guidelines related to the analysis of a project's potential effects related greenhouse gas emission does not constitute "new information" requiring additional environmental review under Section 21166.[6] In any case, the Amendments propose development of the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan. Accordingly, the greenhouse gas emissions associated with the development of the Amendments are at worst the same as, and no significantly greater than, the greenhouse house gas emission impacts associated with development of the Lesher Property and the Bethel Island LLC Property under the previously approved Specific Plan.

It is also noted for informational purposes that in 2014, after the Specific Plan EIR and the Specific Plan Supplemental EIR were certified, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted "Plan Bay Area," a sustainable communities strategy prepared pursuant to SB 375 (Public Resources Code Sections 21155.1, 21155.2, and 21159.28). SB 375 directs the California Air Resources Board (CARB) to set regional targets for greenhouse gas reductions from passenger vehicle use. CARB set the Bay Area's regional greenhouse gas reduction target in 2010 to require a 7% reduction below 2005 levels by 2020 and a 15% reduction below 2005 levels by 2035. Working with this emission reduction target, ABAG and MTC prepared the required SB 375 sustainable communities strategy - *i.e*., Plan Bay Area. Plan Bay Area establishes a land use and transportation development strategy to accommodate Bay Area population growth through 2040, without expanding existing city boundaries, by focusing 80% of the region's future housing needs in so-called "Priority Development Areas" located near public transit and employment hubs, thus reducing regional passenger vehicle use. Plan Bay Area's assumed distribution of housing growth through 2040 is based on ABAG's Plan Bay Area Forecast of Jobs, Population, and Housing, which includes a locally-based assessment of

[6] *See Concerned Dublin* at 1320.

housing development potential based on general plans, specific plans and zoning ordinances adopted by local governments through July 2013[7]. Plan Bay Area thus assumes the development provided for under the Specific Plan, including the development proposed by the Amendments. As determined by the Plan Bay Area Environmental Impact Report (SCH# 2012062029), regional development in a manner consistent with Plan Bay Area will achieve the 2020 and 2035 regional greenhouse gas reduction targets established by CARB.[8] Since Plan Bay Area assumes development permitted under the Specific Plan, and since the Amendments will be developed consistent with the Specific Plan, development of the Amendments is consistent with, and will advance the policy objectives of, the regional greenhouse gas reduction strategy established by Plan Bay Area.

The Plan Bay Area 2040 Final Supplemental Report[9] presents a technical overview of the Bay Area UrbanSim Land Use Model application, performed in support of the Association of Bay Area Government (ABAG) and the Metropolitan Transportation Commission's (MTC's) Plan Bay Area 2040 Draft Environmental Impact Report (DEIR). The document provides a brief overview of the technical methods used in the analysis, a description of the key assumptions made in the modeling process, and a presentation of relevant results for each EIR alternative. Based on the Plan Bay Area 2040 Final Supplemental Report, the City of Oakley is estimated to have 16,400 households by 2040, an increase in 5,700 households from 2010.[10] The City is also estimated to have an increase in 5,130 households from 2010 to 2040 in the Priority Development Areas, which the project is not a part.[11] The Plan Bay Area 2040 Final Supplemental Report housing estimate for Oakley to the year 2040 took into account the 5,759 dwelling units approved for development in the Specific Plan.

On April 20, 2015 Governor Brown signed Executive Order B-30-15 to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. This Executive Order reduction target of 40 percent below 1990 levels by 2030 provides an interim reduction goal that will help the State to reduce GHG emissions by 80 percent under the 1990 levels by 2050. The goals of Executive Order B-30-15 have been legislated through Senate Bill 32.

In addition to improved motor vehicle emission technology to reduce future GHG emissions, improved energy efficiency measures are also available to improve and maximize energy efficiency for buildings and appliances. New technologies, policies, programs, green building programs (CALGreen), etc. are available to reduce current and future GHG emissions.

The California Building Energy Efficiency Standards (Standards) were first adopted in 1976 and have since been updated periodically as directed by statute. The Standards contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. The 2019 update to the Building Energy Efficiency Standards focuses on several key areas

[7] *See* Plan Bay Area Environmental Impact Report, SCH# 2012062029 (July 2013) at ES-8; *see*, *also*, Plan Bay Area, Final Forecast of Jobs, Population and Housing (July 2013) at 33.
[8] See Plan Bay Area Environmental Impact Report at 1.2-53.
[9] Land Use Modeling Report, July 2017
[10] Ibid, Appendix 1, page 33.
[11] Ibid, Figure 10.

to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings. The most significant efficiency improvements to the residential Standards include the introduction of photovoltaic into the prescriptive package, improvements for attics, walls, water heating, and lighting. The Standards are conceptually divided into three basic sets. First, there is a basic set of mandatory requirements that apply to all buildings. Second, there is a set of performance standards the energy budgets - that vary by climate zone (of which there are 16 in California) and building type; thus the Standards are tailored to local conditions, and provide flexibility in how energy efficiency in buildings can be achieved. The third set of requirements constitutes an alternative to the performance standards, which is a set of prescriptive packages that provide a recipe or a checklist compliance approach. Project compliance with all applicable energy requirements of the Standards would further reduce GHG emissions related to energy consumption.

Per the 2019 Building Energy Efficiency Standards, as of January 1, 2020 all new residential home construction shall include a photovoltaic (PV) system, battery storage system, and solar ready for single-family and low-rise (three or fewer habitable floors) multi-family buildings. Therefore, all residential dwelling units that are constructed within VTM 9404 and VTM 9156 will be required to provide solar ready buildings.

Improved water conservation measures to treat and transport water have been developed since the approval of the Specific Plan. These improved water conservation measures would further reduce GHG emissions associated with the treatment and transportation of water compared to the emissions at the time of the approval of the Specific Plan. Increasing the efficiency of the treatment and transportation of potable water in conjunction with a reduction water consumption by the dwelling units of Vesting Tentative Maps 9404 and 9156 due to new water conservation measures and water saving devices would reduce GHG emissions compared to the GHG emissions at the time the Specific Plan was approved.

In conjunction with reducing GHG emissions associated with the treat, transportation and consumer consumption of water, the developers of Vesting Tentative Maps 9404 and 9156 would be required to comply with all applicable California Building Codes to improve water use efficiency, including compliance with Title 4, Chapter 31, Water-Efficient Landscape Requirements, of the City of Oakley's Municipal Code. Therefore, the proposed Amendments would not conflict with any of the water conservation and efficiency measures.

The developers of Vesting Tentative Maps 9404 and 9156 propose to install the electrical wiring so that project residents have the option to install Electric Vehicle Charging (EVC) equipment within their dwelling unit in compliance with and as required by Section 4.106.4 of the 2019 California Green Building Standards Code, Title 24, Part 11. Charging stations will be installed by the homeowner associations for the multi-family developments and in some common open space areas in the tracts for use by residents for a fee. The installation of EVC equipment and charging stations would encourage residents to use electric vehicles and reduce mobile-source air emissions, including GHG emissions.

Commercial land use is proposed in Planning Area 1. Project residents of Vesting Tentative Maps 9404 and 9156 would be in close proximity to an on-site commercial use that would allow residents to walk, bike or use alternative modes of transportation to access the

commercial area and reduce the use of and reliance of motor vehicles and reduce air and GHG emissions.

The existing public transportation system within the Specific Plan would be expanded to serve the residents of Vesting Tentative Maps 9404 and 9156. The expanded public transportation system would allow and encourage residents to use the public transportation and reduce air and GHG emissions.

The SEP provides five goals towards meeting the State's mandates for energy use and reduce GHG emissions. The five goals are: 1) Energy Use Reduction; 2) Green Building; 3) Economics; 4) Greenhouse Gas Reduction; and 5) Community Awareness & Engagement. The developers of Vesting Tentative Tracts 9404 and 9156 would meet and comply with all applicable energy plan goals, policies and programs, including meeting Title 24 energy requirements and when feasible exceeding Title 24 requirements, meet all applicable energy conservation and green building standards and install energy efficient streetlights and traffic signals.

The developers of Vesting Tentative Maps 9404 and 9156 would be required to meet and comply with all applicable existing State regulations that have been adopted to reduce GHG emissions, including SB 375, Executive Order B-30-15, 2019 Building Energy Efficiency Standards, 2019 California Green Building Standards Code, Title 24, Part 11CALGreen, etc. As discussed, these requirements include the installation of efficient photovoltaics, energy improvements for attics, walls, water heating, and lighting and the installation of electrical wiring so project residents have the option to install EVC equipment within their dwelling unit. As a result, the GHG emissions associated with the development of the dwelling units allowed by Vesting Tentative Maps 9404 and 9156 would be comply with all applicable state plans and programs designed to reduce GHG emissions.

The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP for potential air quality impacts associated with the development of the Lesher Property and the Bethel Island LLC Property. The following applicable mitigation measures are carried forward from the MMRP to reduce the Project's air quality impacts to less than significant.

Mitigation Measure 3.4-1 All development shall be required to implement feasible BAAQMD mitigation measures for reducing vehicle emissions from suburban residential projects. The site is suburban in nature with only limited transit service available; feasible mitigation measures to reduce vehicle emissions for a suburban project include:

- Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, nearest transit stop and nearby commercial areas;
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities;
- Implement feasible travel demand management (TDM) measures. This would include a ride-matching program, coordination with regional ride-sharing organizations,

provision of transit information, and provision of shuttle service to major destinations such as the Pittsburg BART station;
- Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves in single-family houses. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source;
- Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.;
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development;

Mitigation Measure 3.4-2 All commercial uses shall apply Transportation System Management measures as feasible to reduce trips. Appropriate strategies include:

- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.
- Connect site with regional bikeway/pedestrian trail system.
- Provide transit information kiosks.
- Implement feasible travel demand management (TDM) measures. This would include a ride matching program, guaranteed ride home programs, coordination with regional ridesharing organizations and transit incentives program.
- Provide showers and lockers for employees bicycling or walking to work.
- Provide secure and conveniently located bicycle parking and storage for workers and patrons.
- Provide electric vehicle charging facilities.
- Provide preferential parking for Low Emission Vehicles (LEVs).
- Specialty equipment (utility carts, forklifts, etc.) shall be electrically, CNG or propane powered.
- Further development shall utilize reflective (or high albedo) and emissive roofs, light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and will include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.

Mitigation Measure 3.4-2a In addition to Mitigation Measures 3.4-1 and 3.4-2 in the East Cypress Corridor Specific Plan EIR, all development shall be required to implement the following measures for reducing area source emissions:

- Eliminate wood burning fireplaces or devices. Install a gas outlet in proposed outdoor recreational fireplaces or pits. Offer as an option on homes to install a gas outlet for use with outdoor cooking appliances, such as a gas barbeque;
- Use efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces, and boiler units that meet or exceed Title 24 requirements (Title 24, Part 6, Energy Efficiency Standards for Residential and Nonresidential Buildings). Use window glazing and insulation, wall insulation, and efficient ventilation methods;
- Install electrical outlets on the exterior walls of both the front and back of all commercial buildings and residences to promote the use of electric landscape maintenance equipment;
- Landscape with drought resistant and low maintenance species of plants, trees, and shrubs to reduce the demand for gas powered landscape maintenance equipment;
- Use low VOC and low formaldehyde architectural coatings and insulation. Provide educational materials to homebuyers about the environmental benefits of using low VOC architectural coatings to help promote consumer use;
- Provide a 220-volt utility drop or other dedicated outlet that is adaptable for use by electric or rechargeable hybrid vehicles that are generally available to consumers.

Mitigation Measure 3.4-4 The project developer of Planning Areas 1, 3 and 4 shall submit lake management plans to the City for approval prior to the issuance of a grading permit for the lake. The lake management plan shall include lake design criteria, pollutant control, operations, mosquito control program, a list and description of all chemicals that would be used, and a lake maintenance program to control and minimize lake odors.

Mitigation Measure 3.4-5 The City of Oakley shall maintain all man-made lakes in PAs 1, 3 and 4 in compliance with an approved lake management plan.

Mitigation Measure 3.4-10 The following measures shall be implemented for PA's 1, 3, 4, and 6:

- All active construction areas shall be watered at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all

times, or shall be treated with non-toxic stabilizers or dust palliatives;

- All trucks hauling soil, sand, and other loose materials shall be covered or required to maintain at least 2 feet of freeboard;
- All unpaved access roads, parking areas, and staging areas at construction sites shall be paved or water applied three times daily, or a non-toxic soil stabilizer applied until the areas are developed or landscaped per final construction plans;
- All paved access roads, parking areas, and staging areas at construction sites shall be swept daily (preferably with water sweepers). Water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
- All adjacent public streets shall be swept daily (preferably with water sweepers) if visible soil material is carried onto the street;
- A non-toxic soil stabilizer shall be applied to all inactive construction areas and maintained until the construction area is developed based on construction plans;
- All exposed stockpiles of dirt, sand, etc. shall be enclosed, covered, watered twice daily, or a non-toxic soil binder applied to minimize dust;
- The traffic speeds on all unpaved roads shall be limited to a maximum of 15 mph;
- Sandbags or other erosion control measures shall be installed and maintained to prevent silt runoff to public roadways;
- All disturbed areas shall be planted with vegetation as quickly as possible and the vegetation maintained in good condition until such area is developed;
- Wheel washers shall be installed for all exiting trucks, or the tires or tracks of all trucks and equipment leaving the site shall be washed;
- Excavation and grading activity shall be suspended when winds (instantaneous gusts) exceed 25 mph.

As disclosed in the Specific Plan EIR and the Specific Plan Supplemental EIR, even with the implementation of mitigation measures, the development of the Lesher Property and Bethel Island LLC Property would result in significant and unavoidable adverse air quality impacts related to PM_{10} emissions. Because the Amendments would be required to implement all applicable mitigation measures set forth in the Specific Plan EIR for the development of the Lesher Property and Bethel Island LLC Property, the development of the Amendments consistent with the Specific Plan, as is proposed, would not create new or substantially more adverse significant air quality impacts than those disclosed in the certified Specific Plan EIR and Specific Plan Supplemental EIR. Accordingly, the approval

and development of the Amendments will not result in any new, or substantially more adverse, significant air quality impacts than were otherwise disclosed in the Specific Plan EIR and Specific Plan Supplemental EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR and Specific Plan Supplemental EIR were certified, that shows any new, or substantially more adverse, significant air quality impacts than those disclosed in the Specific Plan EIR and Specific Plan Supplemental EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant air quality effects of the project. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its potential air quality impacts.

d. Biological Resources

The development type and density proposed by the Amendments is consistent with the Lesher Property and Bethel Island LLC development type and density permitted under the approved Specific Plan and evaluated in the Specific Plan EIR.

The Specific Plan, including permits,[12] agreements,[13] biological opinion,[14] consultation,[15] order,[16] cultural resource management plans,[17] and the U.S. Department of the Interior, Bureau of Reclamation Finding of No Significant Impact (FONSI)[18] is required to preserve and set-aside approximately 431.11acres[19] of land for protection and mitigation compared to 105.2 acres for Planning Area 1 by the Specific Plan. Through the public resource agency permitting and approval process the Specific Plan will provide approximately 325.91acres of additional land compared to the original Specific Plan. As a result, through the approval process to obtain permits, agreements, etc., the Amendments will mitigate and further reduce biological and wetland impacts compared to the approved Specific Plan. Therefore, even with the Amendments there would be less biological impacts than identified in the Specific Plan EIR.

[12] U.S. Army Corps of Engineers, Sacramento District, Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, December 12, 2018.
[13] California Department of Fish and Wildlife Streambed Alteration Agreement, August 4, 2016; East Contra Costa County Habitat Conservancy Extension of Take Authority for the Cypress Preserve Project, June 13, 2018; Bureau of Reclamation, Mid-Pacific Region, Resolution of Adverse Effects to the East Cypress Preserve Development Project, Contra Costa County, California.
[14] United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, West Coast Region, Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response to the Cypress Preserve Project.
[15] U.S. Department of the Interior Fish & Wildlife Service, Section 7 Consultation on the Proposed Cypress Preserve Development Project Inclusion, June 29, 2018.
[16] Central Valley Regional Water Quality Control Board, Order Amending Clean Water Act Section 401 Technically Conditioned Water Quality Certification: ACD-TI Oakley, LLC, Cypress Preserve – City of Oakley Project (WDID#5B07CR00176A1, Contra Costa, County.
[17] U.S. Army Corps of Engineers, Bureau of Reclamation, Cultural Resources Management Plan for the East Cypress Preserve Development Project, Eastern Contra Costa, California, March 2018; U.S. Army Corps of Engineers, Bureau of Reclamation, Historic Properties Treatment Plan and Research Design for the East Cypress Preserve Development Project, Eastern Contra Costa County, California, March 2018.
[18] Contra Costa Water District Cypress Preserve Property Inclusion, FONSI, September 2018.
[19] The 431.11 acres is comprised of 255.9 acres for the North Preserve, 13.15 acres for the South Preserve and 162.06 acres for In-Tract preservation.

The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential direct, indirect, and cumulative biological resource impacts associated with approval and development of the Amendments are less than the described and evaluated biological impacts in the Specific Plan EIR with respect to development of the Lesher Property and Bethel Island LLC in accordance with the Specific Plan. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential biological resource impacts associated with development of the Lesher Property and Bethel Island LLC Property in accordance with the Specific Plan along with and in addition to approved permits, agreements, biological opinions, consultation, and orders. The following applicable mitigation measures are carried forward from the MMRP to reduce the Amendments biological impacts to less than significant.

Mitigation Measure 3.5-1 To the extent feasible, implementation of the project shall be designed and constructed to avoid and minimize adverse effects to waters of the United States or jurisdictional waters of the State of California within the project.

Mitigation Measure 3.5-2 A Section 404 permit for fill of jurisdictional wetlands and a Section 10 permit for fill of tidal waters shall be sought and mitigation for impacts to jurisdictional waters that cannot be avoided shall conform with the USACE “no-net-loss” policy and the USACE Regulatory Guidance Letter No. 02-2 establishing policies and guidance on appropriate mitigation for impacts to jurisdictional waters. Mitigation for impacts to both federal and state jurisdictional waters shall be addressed using these guidelines. Mitigation shall be implemented at a watershed scale and shall be compatible with adjacent land uses. This may include the preservation of vegetated buffers that clearly benefit functions of the aquatic ecosystem to be preserved, enhanced and/or avoided. The Mitigation and Monitoring Plan would take a watershed approach and account for the regional requirements of sensitive species and habitats. Mitigation will be reviewed by USACE on a case-by-case basis and take into account the use of vegetated buffers as well as the functions of the preserved/avoided/created and enhanced habitat. A functional assessment of the existing wetlands, waters, and habitats shall be compared with a functional assessment of the proposed mitigation to ensure no overall net loss to habitat functions.

Mitigation Measure 3.5-3 Mitigation shall include creation of wetlands at a minimum 1:1 ratio. If a greater mitigation ratio is necessary, preservation/enhancement would count towards mitigation. For purposes of this document “on-site mitigation” refers to the

entire project site. Creation opportunities within the avoided wetland and dune habitat area on the northern portion of PA 1, designated for preservation and mitigation for project impacts, shall be evaluated for hydrology and topography suitable to support creation of wetlands. Preservation/enhancement of wetland habitat shall also be evaluated within the designated wetland and dune habitat area. Public access to this area shall be limited and it shall be managed for the purpose of habitat mitigation according to the Mitigation and Monitoring Plan (MMP) described below. Accomplishment of the wetland creation, preservation, and enhancement on site shall be given first priority. If the total wetland creation, preservation, and enhancement acreage cannot be accomplished within the designated open space area, second priority shall be given to creation and preservation at an off-site location within the City of Oakley that will be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside the City of Oakley. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP). Off-site mitigation habitat shall be presented for approval to the City of Oakley, USACE, RWQCB and CDFG.

Mitigation Measure 3.5-4 If, in accordance with the above mitigation measure, the applicant implements onsite or offsite mitigation, a Mitigation and Monitoring Plan (MMP) shall be prepared that provides guidance on managing and monitoring the mitigation habitat to ensure its long-term viability. The MMP shall include elements and standards deemed appropriate and acceptable by the applicable approving agency or agencies (e.g., City of Oakley, USACE, RWQCB, and/or CDFG). Such MMP shall be prepared prior to development plan or tentative map approval.

Mitigation Measure 3.5-6 Implementation of Mitigation Measures 3.5-3 and 3.5-4 above shall include riparian habitat compensation at a minimum of a 1:1 ratio.

Mitigation Measure 3.5-9 Implementation of Mitigation Measures 3.5-3 and 3.5-4 above shall include alkali meadow and grassland habitat compensation at a 1:1 ratio.

Mitigation Measure 3.5-12 Avoidance of heritage or protected trees as defined by the Contra Costa County Ordinances shall be exercised to the greatest extent practicable.

Mitigation Measure 3.5-13 Where heritage or protected tree removal is determined to be necessary, tree removal shall be mitigated at a minimum 3:1 ratio or other ratio acceptable to the City of Oakley. The City of Oakley is currently developing a Heritage Tree Protection Ordinance. If this ordinance is adopted prior to tree removal approval, the City of Oakley may require mitigation for loss of trees as stipulated in the adopted ordinance. The mitigation trees shall be established with appropriate maintenance to ensure long-term self-sustaining survivorship. A performance standard of 80% of the established mitigation trees shall be met after 5 years. The mitigation trees shall not be dependent upon significant maintenance measures within the last 2 years of monitoring, including supplemental irrigation and staking.

Mitigation Measure 3.5-15 If protected or heritage trees are found on site, mitigation measures 3.5-12 and 3.5-13 shall be implemented as outlined.

Mitigation Measure 3.5-16 Areas supporting the special-status plant species shall be avoided; or

Mitigation Measure 3.5-17 If an area containing a special-status plant species cannot be avoided, mitigation shall occur as follows:

1. Permanently preserve, through use of a conservation easement or other similar method, an equal amount of acreage, either within the project area or off-site, that contains the plant; or

2. Harvest the plants to be lost, and relocate them to another suitable and equal sized area either within the project site or off-site that will be permanently preserved through a conservation easement or other similar method; or

3. Harvest seeds from the plants to be lost, or use seeds from another appropriate source, and seed an equal amount of area suitable for growing the plant either within the project site or off-site that will be permanently preserved through a conservation easement or other similar method.

4. These mitigation measures shall be completed by a qualified biologist with experience working with the species included in the mitigation.

5. A Mitigation and Monitoring Plan describing the mitigation and monitoring requirements and performance standards shall be prepared if habitat is preserved or acquired for special-status plant species. This mitigation measure shall

be coordinated with the Mitigation Monitoring Plan in Mitigation Measure 3.5-4.

Mitigation Measure 3.5-22 Focused surveys shall be conducted for a sufficient duration of time, to be determined by the entomologist, to determine presence or demonstrate absence of the species. If special-status insect species are not found, no further mitigation is required.

Mitigation Measure 3.5-23 If endemic dune inhabiting special-status insects are documented, occupied habitat as well as other highly suitable habitat that is part of dune complexes in the vicinity of where the species is found shall be avoided to the extent feasible. If avoidance is not feasible, suitable habitat shall be preserved at a 1:1 ratio at a location approved by the City and CDFG. The habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of suitable sand dune and mound habitat on PAs 1, 3, and 4. A Mitigation and Monitoring Plan describing the mitigation and monitoring requirements and performance standards shall be prepared if habitat is preserved or acquired for special-status insect species. This mitigation measure shall be coordinated with the Mitigation and Monitoring Plan in Mitigation Measure 3.5-4. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).

Mitigation Measure 3.5-31 A qualified entomologist shall conduct a focused survey for curved foot hygrotus diving beetle at the appropriate time of year. If curved foot hygrotus diving beetle is not found after completion of seasonal surveys, then no further mitigation is required.

Mitigation Measure 3.5-32 If the curved foot hygrotus diving beetle is found on PAs 1, 3, or 4, occupied aquatic habitat shall be avoided to the extent feasible. If avoidance is not feasible, it shall be replaced at a 1:1 ratio at a location approved by the City. The habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of suitable aquatic habitat on the PAs 1, 3, and 4. This mitigation measure shall be coordinated with the Mitigation and Monitoring Plan in Mitigation Measure 3.5-4. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved

mitigation bank, or an approved Habitat Conservation Plan (HCP).

Mitigation Measure 3.5-35 All water intake features or systems from Dutch Slough, Sandmound Slough or Rock Slough including siphons, flood gates, or pumps shall have USFWS and NOAA Fisheries approved fish screens installed. Any stormwater outfalls shall employ water pumping best management practices.

Mitigation Measure 3.5-36 Consultation with the CDFW, NOAA Fisheries, and USFWS shall be requested in conjunction with USACE Section 404 and CDFW Streambed Alteration Agreement permitting to determine appropriate measures to avoid and mitigate impacts to special-status fish species. As part of the consultation process, a Biological Assessment and Essential Fish Habitat Assessment shall be prepared by a fisheries biologist that evaluates: proposed construction plans (including any vegetation removal); design details for pumps, siphons, outfalls, and/or flood gates; rip-rap or other bank protection measures; and stormwater flow regime (including flow rates, timing and temperature).

Mitigation Measure 3.5-37 A Mitigation Plan shall be prepared that includes measures to avoid take of special-status fish during construction activities (which may include, if necessary, placement of coffer dams and preparation of a Fish Rescue Plan for in-water work) and post construction water withdrawal activities. To ensure compliance and implementation of the Mitigation Plan, a qualified biologist shall be present during construction and pumping activities associated with construction.

Mitigation Measure 3.5-39 A pre-construction survey for silvery legless lizards shall be conducted within interior dune and Sand mound habitat and submitted to the City of Oakley for their review and approval prior to the issuance of grading permits. If silvery legless lizards are not found, no further mitigation is required. If they are found Mitigation Measure 3.5-40 shall be implemented.

Mitigation Measure 3.5-40 If silvery legless lizards are found, occupied habitat as well as other highly suitable habitat shall be avoided to the maximum extent feasible. If avoidance is not feasible, it shall be replaced at a 1:1 ratio at a location approved by the City and CDFG. The habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of suitable sand dune and mound habitat on the PAs 1, 3 and 4. For purposes of this document “on-site mitigation” refers to the entire project site. First priority for habitat preservation shall be accomplished on site. If the required

acreage cannot be preserved within the designated wetland and dune habitat area, designated for preservation and mitigation for project impacts on PA 1, second priority shall be given to habitat preservation at an off-site location within the Oakley city limits that shall be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside of the Oakley city limits. Public access to this area shall be limited and it shall be managed for the purpose of habitat mitigation. A Mitigation and Monitoring Plan describing the mitigation and monitoring requirements and performance standards shall be prepared if habitat is preserved or acquired for this species. This mitigation measure shall be coordinated with the Mitigation and Monitoring Plan in Mitigation Measure 3.5-4. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).

Mitigation Measure 3.5-43 A habitat assessment shall be conducted by a qualified biologist to develop focused survey methods and a trap array design that will result in the highest probability of detection of giant garter snakes. Focused trapping and visual surveys approved by the USFWS shall then be conducted for the giant garter snake. A qualified biologist shall conduct these surveys during the spring for optimal detection. If giant garter snake is not found during spring protocol surveys, fall surveys are not required. If the giant garter snake is not found during protocol surveys, no habitat mitigation shall be required.

Mitigation Measure 3.5-44 If the giant garter snake is found to occur during protocol surveys within the boundary of the project site mitigation shall be required for PAs 1, 2, 3, 4, and 6. If the giant garter snake is found within the boundary of the site, impacts (as defined above) to aquatic habitats plus a 200-foot buffer of such habitat shall be avoided to the extent feasible.

If avoidance is not feasible, aquatic habitat and upland habitat within 200 feet of aquatic habitat shall be replaced at a 1:1 ratio at a location approved by the City, USFWS, and CDFG. The habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of aquatic and upland habitat. For purposes of this document “on-site mitigation” refers to the entire project site. First priority for habitat preservation shall be accomplished on site. If the required acreage cannot be preserved within the designated open space area located on the northwest portion of PA 1,

second priority shall be given to habitat preservation at an off-site location within the Oakley city limits that shall be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside of the Oakley city limits. A Mitigation and Monitoring Plan describing the mitigation and monitoring requirements and performance standards shall be prepared if habitat is preserved or acquired for this species. This mitigation measure shall be coordinated with the Mitigation and Monitoring Plan in Mitigation Measure 3.5-4. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).

Mitigation Measure 3.5-45 Regardless of the results of focused surveys, the Applicant shall request that the USACE initiate consultation with the Service as part of 404 impacts, and the following measures shall be implemented to avoid potential take of individual garter snakes during construction:

A qualified biologist shall provide project contractors and construction crews with a worker-awareness program before initiating any work within aquatic habitats or adjacent upland habitats that are appropriate for giant garter snakes. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, all applicable mitigation measures, and conditions of any state or federal permits as they relate to giant garter snake. Proof of this instruction shall be submitted to the City within 24 hours of completion of the initial worker-awareness program.

1. 24-hours prior to construction activities, the project area shall be surveyed for giant garter snake. Survey of the project area shall be repeated at the start of each construction season and/or if a lapse in construction activity of two weeks or greater has occurred. If a giant garter snake is encountered during construction, activities shall not begin until the USFWS has been consulted and the corrective measures required by the USFWS have been completed or the USFWS has determined that the snake will not be harmed.

2. After pre-construction surveys are completed, animal exclusion fencing shall be installed around all construction sites adjacent to aquatic habitats.

Mitigation Measure 3.5-47 A qualified biologist shall conduct pre-construction surveys for western pond turtles in all construction areas identified as

potential nesting or dispersal habitat located within 1000 feet of potential aquatic habitat 48 hours prior to initiation of construction activities. If a western pond turtle is found during pre-construction surveys, it shall be relocated by a qualified biologist with permission from CDFG as necessary to a location deemed suitable by the biologist and CDFG (i.e., at a location which is a sufficient distance from construction activities). This survey shall include looking for turtle nests within the construction area. If a nest is found within the construction area, construction shall not take place within 100 feet of the nest until the turtles have hatched and have left the nest or can be safely relocated with assistance from CDFG.

Mitigation Measure 3.5-48 Because attempting to locate pond turtle nests would not necessarily result in detection, after completion of pre-construction surveys, and relocation as necessary, exclusion fencing shall be placed around all construction sites adjacent to aquatic habitats to eliminate the possibility of nest establishment in uplands adjacent to aquatic areas.

Mitigation Measure 3.5-49 If construction activities occur in aquatic areas where turtles have been identified during pre-construction or other surveys, a biological monitor shall be present during disturbance of those aquatic habitats. If a turtle is found, it shall be relocated as necessary to a location deemed suitable by the biologist and CDFG (i.e., at a location which is a sufficient distance from construction activities).

Mitigation Measure 3.5-50 A qualified biologist shall provide project contractors and construction crews with a worker-awareness program prior to the start of any work within aquatic habitats or adjacent upland habitats that are appropriate for western pond turtles. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.

Mitigation Measure 3.5-51 If not already completed, breeding season and focused winter surveys shall be conducted according to CDFG and California Burrowing Owl Consortium guidelines between April 15 and July 15 and December 1 and January 31, respectively, to determine the number of owls utilizing each of the properties. The survey protocol calls for 4 separate survey dates during each season, at the time of day owls are most likely to be detected.

Mitigation Measure 3.5-52 Prior to issuance of a grading permit, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area and within 250 feet of

the project boundary. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to CDFG and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected, by either sign or direct observation, construction may proceed. Pre-construction surveys must be reinitiated if more than 30 days lapse between surveys dates and construction activities.

Mitigation Measure 3.5-53 If potentially nesting burrowing owl are present during pre-construction surveys conducted between February 1 and August 31 grading shall not be allowed within 250 feet of any nest burrow during the nesting season (February-August), unless approved by the CDFG.

Mitigation Measure 3.5-54 If burrowing owls are detected during pre-construction surveys outside the nesting season (September 1 - January 31), passive relocation and monitoring may be undertaken by a qualified biologist following CDFG and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 160-foot buffer zone of the impact area. A minimum of one (1) week shall be allowed to accomplish this task and allow for owls to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1- August 31) and a qualified biologist shall monitor the site weekly until construction begins to ensure that burrowing owls do not re-inhabit the site.

Mitigation Measure 3.5-55 If burrowing owls or signs of burrowing owls are detected at any time on the project site a minimum of 6.5 acres of foraging habitat per pair or individual resident bird, shall be acquired and permanently protected to compensate for the loss of burrowing owl habitat. The acreage shall be based on the maximum number of owls observed inhabiting the property for any given observation period, pre-construction survey, or other field visit. The protected lands shall be occupied burrowing owl habitat at a location acceptable to CDFG and the City of Oakley. For purposes of this document “on-site mitigation” refers to the entire project site. First priority for habitat preservation shall be accomplished on site. If the required acreage cannot be preserved within the designated open space area, second priority shall be given to habitat preservation at an off-site location within the Oakley city limits that shall be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside of the Oakley city limits. The habitat in the amount specified above

shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of burrowing owl habitat on PAs 1, 3, and 4. A Mitigation and Monitoring Plan describing the mitigation and monitoring requirements and performance standards shall be prepared if habitat is preserved or acquired for this species. This mitigation measure shall be coordinated with the Mitigation and Monitoring Plan in Mitigation Measure 3.5-4. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).

Mitigation Measure 3.5-56 Before construction activities begin all construction personnel shall receive training that includes photos of burrowing owl for identification purposes, habitat description, limits of construction activities in the project area, and guidance regarding general measures being implemented to conserve burrowing owl as they relate to the project.

Mitigation Measure 3.5-57 A monitoring report of all activities associated with pre-construction surveys, avoidance measures, and passive relocation of burrowing owls shall be submitted to the City and CDFG no later than two weeks before initiation of grading.

Mitigation Measure 3.5-59 The removal of any buildings, trees, emergent aquatic vegetation, or shrubs shall occur from September 1 through December 15, outside of the avian nesting season. If removal of buildings, trees, emergent aquatic vegetation, or shrubs occurs, or construction begins between February 1 and August 31 (nesting season for passerine or non-passerine land birds) or December 15 and August 31 (nesting season for raptors), a nesting bird survey shall be performed by a qualified ornithologist within 14 days prior to the removal or disturbance of a potential nesting structure, trees, emergent aquatic vegetation, or shrubs, or the initiation of other construction activities during the early part of the breeding season (late December through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, a qualified biologist shall inspect all potential nesting habitat (trees, shrubs, structures, grasslands, pastures, emergent aquatic vegetation, etc.) in and immediately adjacent to the impact areas for nests.

Mitigation Measure 3.5-60 All vegetation and structures with active nests shall be flagged and an appropriate non-disturbance buffer zone shall be established around the nest site. The size of the buffer zone

shall be determined by the project biologist in consultation with CDFG and will depend on the species involved, site conditions, and type of work to be conducted in the area.

Mitigation Measure 3.5-61 A qualified biologist shall monitor active nests to determine when the young have fledged and are feeding on their own. The project biologist and CDFG shall be consulted for clearance before construction activities resume in the vicinity. Mitigation Measure 3.5-66 shall be enforced for all raptors.

Mitigation Measure 3.5-62 In order to ensure that nesting Swanson's hawks would not be affected by construction of the project, a qualified biologist shall conduct pre-construction surveys according to CDFG and Swanson's Hawk Technical Advisory Committee guidelines (2000). Survey Period I occurs from January 1 – March 20, Period II from March 20 – April 5, Period III from April 5 – April 20, Period IV from April 21 – June 10, and Period V is from June 10 – July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project's initiation and encompass the area within ½ mile of the project site. If a nest site is found, then, either of the following measures shall be followed:

Mitigation Measure 3.5-63 Trees containing known or potential raptor nest sites may be removed during the non-breeding season to discourage future nesting attempts on the condition that no Swanson's hawk pair is currently utilizing the nest site. Monitoring evidence that any nests in trees planned for early removal are unattended by reproductive-aged birds must be provided.

Mitigation Measure 3.5-64 If an active Swanson's hawk nest is found sufficiently close (as determined by the qualified biologist and CDFG) to the construction area to be affected by construction activities, a qualified biologist shall determine the extent of a construction-free buffer zone to be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1 until it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are feeding on their own.

Mitigation Measure 3.5-65 If nesting white-tailed kites are observed on site during the pre-construction raptor surveys, CDFG shall be consulted regarding appropriate avoidance and mitigation measures to meet the specific needs of the nesting birds. Avoidance of impacts shall be accomplished through the implementation of a CDFG-approved buffer zone to protect the nest from

disturbance until the young birds have fledged and are feeding on their own.

Mitigation Measure 3.5-66 If, after the young are determined to have fledged by a qualified biologist, avoidance of the nesting tree is infeasible, it shall be removed under supervision of qualified biologist.

Mitigation Measure 3.5-67 A pre-construction survey for roosting bats shall be performed by a qualified biologist within 30 days prior to any removal of trees or structures on the site. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, the following mitigation measures shall be implemented.

Mitigation Measure 3.5-68. If active maternity roosts or hibernacula are found in trees or structures which would be removed as part of project construction, the project shall be redesigned to avoid the loss of the tree or structure occupied by the roost to the extent feasible as determined by the City. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied tree or structure, demolition can commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones as determined by a qualified biologist in coordination with CDFG shall be observed during the maternity roost season (March 1 - July 31).

Mitigation Measure 3.5-69 If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition can then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.

Mitigation Measure 3.5-70 If active bat roosts are found in trees or structures that will be removed as part of project construction, the applicant will develop a bat box plan for the project area. State-of-the-art bat box technology will be employed. Lindsey Wildlife Museum wildlife biology specialists will be asked to review the design and placement of bat boxes.

The implementation of the above mitigation measures would reduce the direct, indirect, and cumulative biological resource impacts of the Amendments to less than significant, as established by the Specific Plan EIR[20] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant biological impacts than were otherwise disclosed in the Specific Plan EIR.

Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant biological impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant biological effects of the project. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects on biological resources.

e) Cultural Resources

The development type and density proposed by the Amendments is consistent with the Lesher Property and Bethel Island LLC development type and density permitted under the approved Specific Plan and evaluated in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential cultural resource impacts associated with the development of the Amendments are the same as described and analyzed in the East Cypress Corridor Specific Plan EIR.

As identified in the Specific Plan and Specific Plan EIR, there is one cultural resource mound within the Lesher Property (i.e., CA-CCO 368), which would be preserved and maintained in accordance with the Specific Plan and Specific Plan EIR as part of the Project. As also identified in the Specific Plan and Specific Plan EIR, there is one cultural resource mound within the Bethel Island LLC Property (i.e., CA-CCO 767), which would be preserved and maintained in accordance with the Specific Plan and Specific Plan EIR as part of the Amendments.

There is no indication the Amendments will have an impact on known cultural resources within the Lesher Property or the Bethel Island LLC Property that is different or more significant than those identified in the Specific Plan EIR. The development proposed FOR VTM 9404 and VTM 9156 by the Amendments is proposed within the same development footprint analyzed in the East Cypress Corridor Specific plan EIR and would not occur in any areas with known cultural resources.

Accordingly, the potential cultural resource impacts associated with the development proposed by the Amendments are the same as the potential cultural resource impacts and issues described and analyzed in the East Cypress Corridor Specific Plan EIR with respect to the Lesher Property and the Bethel Island LLC Property. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential unknown cultural resource impacts associated with development of the Lesher

[20] East Cypress Corridor Specific Plan Draft EIR, pages 3.5-45 –3.5- 71.

Property and Bethel Island LLC Property. The following applicable mitigation measures are carried forward from the MMRP to reduce the Amendments cultural resource impacts to less than significant.

Mitigation Measure 3.6-4 Site CA-CCO-368 shall be protected from damage through the following mitigation measures:

a. Plan construction to avoid the sites and record a conservation easement over the site.

b. If avoidance is not feasible, incorporate the archeological site within a park, green space, or open space, record a conservation easement over the site, and, in consultation with a professional archeologist certified by the Register of Professional Archeologists (RPA), cap the site by installing a water permeable protective barrier that is covered with a layer of chemically stable soil as follows:
   1) The thickness of the cap shall be determined by a registered archeologist to ensure protection of the site from disturbance, but the cap shall be at least 18 inches thick;
   2) Minimal or no surface preparation shall be allowed prior to the placement of the cap unless required by a qualified soils engineer;
   3) To minimize ground disturbance to and compaction of previously undisturbed areas within the site boundaries, all equipment used in the installation of the site cap shall be equipped with inflatable rubber tires (i.e., no tracked equipment);
   4) The cap shall be in place before constructing non-intrusive facilities on the site; and
   5) If facilities or excavation are to occur below the cap, a registered archeologist shall be present to monitor the activities so as to avoid disturbance of the site.

c. If disturbance of the archeological site cannot be avoided, data recovery within the affected area shall be conducted by a certified archeologist in accordance with CEQA Guideline § 15064.5 so as to record and preserve the significant characteristics of the site.

Mitigation Measure 3.6-5 Site CA-CCO-767 shall be protected from damage through the following mitigation measures:

a. Plan construction to avoid archaeological sites and record a conservation easement over the site.

b. If avoidance is not feasible, incorporate the archeological site within a park, green space, or open space, record a conservation easement over the site, and, in consultation with a professional archeologist certified by the Register of Professional Archeologists (RPA), cap the site by installing a water permeable protective barrier that is covered with a layer of chemically stable soil as follows:
   1) The thickness of the cap shall be determined by a registered archeologist to ensure protection of the site from disturbance, but the cap shall be at least 18" thick;
   2) Minimal or no surface preparation shall be allowed prior to the placement of the cap unless required by a qualified soils engineer;
   3) To minimize ground disturbance to and compaction of previously undisturbed areas within the site boundaries, all equipment used in the installation of the site cap shall be equipped with inflatable rubber tires (i.e., no tracked equipment);
   4) The cap shall be in place before constructing non-intrusive facilities on the site; and
   5) If facilities or excavation are to occur below the cap, a registered archeologist shall be present to monitor the activities so as to avoid disturbance of the site.

c. If disturbance of the archeological site cannot be avoided, data recovery within the affected area shall be conducted by a certified archeologist in accordance with CEQA Guideline § 15064.5 so as to record and preserve the significant characteristics of the site.

Mitigation Measure 3.6-6 In accordance with CEQA Guideline §15064.5 (f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching, or other on-site excavation(s), earthwork within 100 feet of these materials shall be stopped. A professional archaeologist certified by the Register of Professional Archaeologists (RPA) shall evaluate the significance of the find and suggest appropriate mitigation measure(s), as determined necessary to protect the resource and be approved by the City.

Mitigation Measure 3.6-7 In accordance with CEQA Guideline §15064.5 and 15126.4, any archaeological resources over 45 years shall be recorded on appropriate Department of Parks and Recreation Primary Record (DPR 523) and associated (e.g., Building –Structure-Object) forms. Such structures shall be evaluated for

significance (California Register of Historic Resources eligibility) in accordance with the criteria in CEQA Section 15064.5. Appropriate mitigation measures shall be developed for those structure determined to be potentially significant so that project-related impacts to the structures are reduced to less-than-significant.

Mitigation Measure 3.6-10 In the event that Native American human remains or funerary objects are discovered, the provisions of the California Health and Safety Code shall be followed. Section 7050.5(b) of the California Health and Safety Code states:

a) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

b) The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission within twenty-four hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for “protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction.” A combination of preconstruction worker training and intermittent construction monitoring by a qualified archaeologist will serve to achieve compliance with this requirement for protection of human remains. Worker training typically instructs workers as to the potential for discovery of cultural or human remains, and both the need for proper and timely reporting of such finds, and the consequences of failure thereof. Once the find has been identified, the

archaeologist will make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be significant according to CEQA.

The implementation of the above mitigation measures would reduce the cultural resource impacts associated with development of the Amendments to less than significant, as established by the Specific Plan[21] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant impacts to cultural resources than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant cultural resource impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project to cultural resources. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects on cultural resources.

f) Geology and Soils

The Amendments propose to develop the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan and as discussed and evaluated in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential geology and soil impacts associated with the Amendments are the same as the geology and soil impacts described and analyzed in the East Cypress Corridor Specific Plan EIR. The Amendments do not propose development for any areas in either VTM 9404 or VTM 9156 that were not evaluated in the geotechnical report that was prepared for the East Cypress Corridor Specific Plan EIR. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential geology and soil impacts associated with the Lesher Property and Bethel Island LLC Property. The following applicable mitigation measures are carried forward from the MMRP to reduce geology and soils impacts to less than significant.

Mitigation Measure 3.7-1 The proposed developments shall comply with the seismic design provisions of the Uniform Building Code (UBC). Because of the relatively close presence of the CRCV fault system, it is conceivable that the site may experience ground shaking higher than the UBC-specified ground shaking (produced by the more distant Greenville Fault), but the probability of occurrence is lower. For this reason, structures shall be designed for a horizontal ground acceleration of at least 0.32g.

[21] East Cypress Corridor Specific Plan Draft EIR, p. 3.6-14 – 3.6-19.

Mitigation Measure 3.7-2 A design-level geotechnical report shall be completed for each project development (e.g., housing subdivisions, schools, commercial/retail centers, new levees) and submitted to the City Engineer for approval prior to issuance of a grading permit or building permit, whichever is issued first. Geologic hazards that shall be included in the study are lateral spreading, or other types of ground failure that could affect the project. Development design recommendations to correct geologic hazards that would impact development shall be included in each study and implemented during project construction. Acceptable corrective measures by the City Engineer shall be implemented as appropriate, based on the specific soil conditions and the type of facility being constructed.

Mitigation Measure 3.7-3 Developers shall prepare for City review and approval an Earthquake Response Plan for all proposed pipelines and facilities outlining post-earthquake inspection and repair plans to evaluate any damage that may have occurred. Inspection procedures shall ensure the integrity of the mechanical systems, and, if service is disrupted, determine what is necessary to make facilities operational as soon as possible.

Mitigation Measure 3.7-4 A design-level geotechnical report shall be completed by the project developers for the new master interior levee and submitted to the City Engineer, Reclamation District 799, and FEMA for approval prior to issuance of a grading permit for levee construction. In addition to the City Engineer, Reclamation District 799 and FEMA, CCWD shall review and approve the levee plan adjacent to the Canal.

Mitigation Measure 3.7-5 A Storm Water Pollution Prevention Plan (SWPPP) shall be completed for each project and submitted to the City of Oakley Public Works and Engineering Division for approval prior to the issuance of a grading permit. The SWPPP shall include BMPs acceptable to the City to reduce and minimize soil erosion and siltation. BMPs shall be installed prior to the start of grading and maintained throughout the duration of the project as determined by the City.

Mitigation Measure 3.7-6 A design-level geotechnical report shall be completed for each project development (e.g., housing subdivisions, schools, commercial/retail centers, new levees) and submitted to the City Engineer for approval prior to issuance of a grading permit or building permit, whichever is issued first. Geologic hazards that shall be included in the study include expansive soil and subsidence. Development design recommendations to correct expansive soil and subsidence, if present, shall be included in

each study and implemented during project construction. Acceptable corrective measures by the City Engineer shall be implemented as appropriate, based on the specific expansive soil and subsidence conditions and the type of facility being constructed.

Mitigation Measure 3.7-7 A soil corrosion report shall be completed for each project development and submitted to the City Engineer for approval prior to issuance of a grading permit or building permit, whichever is issued first. The report shall include measures to address corrosive soils and identify measures to be incorporated into the project to minimize and control corrosive soils where damage to underground facilities may occur.

The implementation of the above mitigation measures would reduce any geology and soils impacts of the Amendments to less than significant, as established by the Specific Plan EIR[22] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant impacts to geological and soil resources than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant geology or soil impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project to geological or soil resources. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects on geological or soil resources.

g) Hazards and Hazardous Materials

The Amendments propose to develop the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan and as discussed and evaluated in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential hazards and hazardous materials impacts associated with approval and development of the Amendments are the same as the potential hazards and hazardous materials impacts described and analyzed in the Specific Plan EIR.

As discussed in the Specific Plan EIR, the Specific Plan is located on the Dutch Slough Gas Field and part of the Hotchkiss Oil and Gas Tract. There are four gas well sites on the Lesher Property of Planning Area 1 and two gas well sites on the Bethel Island LLC Property of Planning Area 4. All of the gas well sites on both the Lesher Property and the Bethel Island LLC Property have been plugged and abandoned in accordance with the requirements of state law, as certified by the Department of Conservation Division of Oil,

[22] East Cypress Corridor Specific Plan Draft EIR, pages 3.7-11 – 3.7-15.

Gas & Geothermic Resources (http://owr.conservation.ca.gov/WellSearch/WellSearch.aspx). The Amendments do not propose, and would not be approved to reactivate any of the closed gas wells for any purpose or drilling new wells on either the Lesher Property or the Bethel Island LLC Property. Because all of the on-site gas wells for both VTM 9404 (Lesher) and VTM 9156 (Bethel Island LLC) properties have been closed and clearly marked and are not proposed to be reactivated, Mitigation Measure 3.8-3 is not applicable to the proposed Amendments. In conjunction with closing all on-site gas wells, the well owners were responsible to remove any soils of concern in compliance with all applicable state and local laws and regulations. Therefore, Mitigation Measure 3.8-6 is not applicable to the proposed Amendments. Although all gas wells were closed, some abandoned natural gas gathering lines remain and would require removal prior to project construction.

The Amendments would be required to implement all other applicable mitigation measures set forth in the MMRP with regard to potential hazards and hazardous materials impacts of the development of the Lesher Property and the Bethel Island LLC Property. The following mitigation measures are carried forward from the MMRP to reduce Amendment impacts related to hazards and hazardous materials to less than significant:

Mitigation Measure 3.8-1 All chemicals transported, used and stored for lake maintenance shall comply with all applicable laws and regulations.

Mitigation Measure 3.8-3a The relocation of any natural gas lines shall require approval from the owner of the gas line and comply with all laws and regulations applicable to its relocation. All abandoned gathering lines, whose ownership cannot be determined, that are encountered during construction shall be removed in compliance with all state and local laws and regulations governing their removal.

Mitigation Measure 3.8-5 Prior to issuance of a demolition permit for any structures, the project developer shall provide a building survey to determine whether any structures to be demolished contain asbestos, mercury, or lead paint. An asbestos and lead paint survey shall be conducted by a Cal-OSHA Certified Asbestos Consultant prior to the demolition of a structure. If lead paint and or asbestos is found, all lead containing paint and or asbestos shall be removed and disposed of by a licensed and certified lead paint and or asbestos removal contractor, as applicable in accordance with local, state, and federal regulations. The demolition contractor shall be informed that onsite buildings shall be considered as potentially containing lead and asbestos. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint and/or asbestos in accordance with local, state, and federal regulations subject to the City Building Official

approval. If mercury is present it shall be removed and properly disposed in compliance with all applicable laws and regulations.

Mitigation Measure 3.8-6 An assessment of all buildings to be demolished shall be completed to evaluate if lead, mercury, CFCs, or universal waste are present. The assessment shall be submitted to the Oakley Building Department prior to the issuance of a demolition permit. If any are present, the assessment shall identify the measures that would be implemented to safely remove them from the building in compliance with all applicable laws and regulations.

Mitigation Measure 3.8-7 Prior to the issuance of a grading permit the project developer shall submit a shallow soil sampling assessment to the City to evaluate if environmentally persistent pesticides are present. If present, the pesticide concentrations shall be compared to EPA Residential Preliminary Remedial Goals (PRGs) to evaluate if pesticide concentrations are appropriate for residential use. If Residential PRGs are exceeded, a site-specific health risk assessment shall be prepared to further evaluate risk. Potential remedial measures based on a risk assessment shall include that the soil be treated, removed, or other mitigation methods employed to limit exposure/risk and to comply with applicable local, county, state and federal regulations. A health risk assessment and or confirmation soil samples, and supporting data shall be provided, if remedial activities are deemed necessary. This data shall be provided, as needed, to the City for said purposes prior to the issuance of a grading permit.

Mitigation Measure 3.8-8 A school site constraint analyses shall be prepared by each respective school district for each school based on standards for school site selection and procedures for site acquisition set forth in California Code of Regulations (CCR), Title 5 at the time individual schools are proposed for either of the elementary school sites. The school site constraint analysis shall meet California Department of Education and Department of Toxic Substance Control requirements and include a Phase I report and or a Preliminary Endangerment Assessment or remedial actions, as required by the regulatory agencies to address existing gas line, electrical transmission lines, the potential for residual soil contamination and any other identified potential hazard.

Mitigation Measure 3.8-10 The developers of PAs 3 and 4 shall install a CCWD approved fence along the east Canal property line from East Cypress Road to its intersection with Rock Slough.

Mitigation Measure 3.8-11 All property shall be investigated to determine if it is a hazardous material site pursuant to Government Code Section 65962.5 and that evidence provided to the City prior to the issuance of a demolition or grading permit, whichever is issued first. If a property is listed as a hazardous materials site pursuant to Government Code Section 65962.5, remedial measures to remove the hazardous materials in compliance with all local, county, state and federal laws and regulations shall be provided to and approved by the City prior to the issuance of a grading or building permit.

Mitigation Measure 3.8-12 Bethel Island Road, including the construction of either a two or four-lane bridge, as determined by the City Engineer, shall be constructed to Byron Highway for emergency access before 20% of the project is occupied. The construction cost of the bridge shall be paid by the project developers on a fair-share basis to be determined by the City Engineer.

Mitigation Measure 3.8-13 The project developer of PA 1 shall construct the east-west road through the middle of PA 1 connecting Bethel Island Road with Jersey Island Road prior to the occupancy of 5% of the residential units of PA 1. This roadway at a minimum shall be constructed to allow two-way travel in addition to supporting the weight of a fire truck and meeting fire department emergency roadway standards.

Mitigation Measure 3.8-14 The bridge over Rock Slough shall be designed to minimize the discharge and release of liquids and material into the Contra Costa Canal from motorist and pedestrians on the bridge. The bridge shall also be designed to prevent easy access to the Canal from the bridge. The bridge plans shall be reviewed and approved by CCWD before a building permit is issued by the City of Oakley.

Mitigation Measure 3.8-15 A geotechnical engineer shall survey the property within a proposed development for the presence of peat soil prior to the issuance of a grading permit. If present, peat soil shall be removed or protected from potential fire hazard as recommended by the geotechnical engineer.

Mitigation Measure 3.8-16 Prior to the issuance of a lake grading permit by the City of Oakley, the project developers shall submit their lake plans for PA 1 and 4 to Pacific Gas and Electric for review and approval. The City approved lake management plan shall include information that specifically and categorically identifies the types of recreational and maintenance watercraft that are allowed on the lakes within the electrical power line

easements.

Mitigation Measure 3.8-17 All multi-use trails and open space landscape plans within the WAPA and PG&E electrical easements shall be approved by the respective public utility prior to the issuance of a grading or building permit, whichever is issued first, by the City of Oakley for any development within the easements.

Mitigation Measure 3.8-18 All levee plans within the PG&E and WAPA utility easements shall be submitted to the respective public utility for review and approval for adequate vertical height separation prior to the issuance of a grading permit. The implementation of the above mitigation measures would reduce hazards and hazardous materials impacts of the Amendments to less than significant, as established by the Specific Plan EIR[23] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant impacts related to hazards and hazardous materials than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant hazard or hazardous materials impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to hazards or hazardous materials. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects related to hazards or hazardous materials.

h) Hydrology and Water Quality

The Amendments propose to develop the Lesher Property and the Bethel Island LLC in a manner consistent with the Specific Plan and as discussed and evaluated in the East Cypress Corridor Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential hydrology and water quality impacts associated with the Amendments are the same as the potential hydrology and water quality impacts described and analyzed in the Specific Plan EIR. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential hydrology and water quality impacts of the development of Planning Areas 1 and 4. The following applicable mitigation measures are carried forward from the MMRP for this project to reduce hydrology and water quality

[23] East Cypress Corridor Specific Plan Draft EIR, pages 3.8-11 – 3.8-21.

impacts.

Mitigation Measure 3.9-1 The City of Oakley shall require comprehensive Stormwater Management Plans (SWMPs) for all new developments within the Amendment before final map approval. Each SWMP shall clearly identify the storm water management strategy related to water quality such that the regulations and standards of the City, County of Contra Costa and Central Valley Regional Water Quality Control Board are met. At a minimum, each SWMP document shall provide treatment for storm water runoff consistent with the requirements in the C3 Guidebook prepared by the CCCWP.

Mitigation Measure 3.9-2 To maintain long-term water-quality objectives for the lakes, the City shall require a comprehensive Lake Management Plan (LMP) for all individual projects that will construct lake features. The plan shall clearly identify the management activities that are needed, the anticipated costs of conducting the required activities and the funding source to implement the LMP. Wherever practical, the City of Oakley shall own the lakes and associated infrastructure and shall be the entity responsible for implementing the LMP. The Lake Management Plan shall be approved by the Building Department prior to the issuance of a final grading permit for the lake.

Mitigation Measure 3.9-3 Prior to issuance of a grading permit, individual project proponents shall conduct design-level geotechnical study. Measures recommended in that study shall be incorporated into the design of roadway and infrastructure improvements, building foundations, and building designs.

Mitigation Measure 3.9-4 The developers shall obtain NPDES Construction General Permits prior to the start of grading. The applications for such permits shall include, in the required SWPPP, appropriate BMPs and mitigation measures to control erosion during construction. If dewatering is not allowed by the NPDES Construction General Permit, a separate Waste Discharge Requirement permit shall be obtained before dewatering is commenced. Evidence of the issuance of a dewatering permit shall be provided to RD 799 prior to the start of any dewatering activities.

Mitigation Measure 3.9-5 All project drainage infrastructure shall be designed such that it is not necessary to increase peak discharge rates at the existing RD 799 pump station outfalls into Dutch Slough and Sand Mound Slough. Any installation or replacement of pumps and/or outfalls shall be completed with approval and

any necessary permits from the appropriate agencies (including (U.S. Army Corps of Engineers, Regional Water Quality Control Board, City of Oakley, RD 799, etc.) and in consultation with federal and state fish and wildlife agencies.

Mitigation Measure 3.9-6 The City of Oakley shall require consideration of surface water supplies as an irrigation water source in the approval of all development in the project area. In cases where on-site lakes would be constructed, details of surface water use for irrigation shall be a component of the required Lake Management Plan. Where continued surface water withdrawals are needed they would be made in a manner that most closely approximates the rate and timing of customary surface water withdrawals. All surface water withdrawal infrastructure shall be updated to the prevailing standards for protection of fisheries resources where applicable.

Mitigation Measure 3.9-7 The City of Oakley shall confirm whether continued access to irrigation water from the Jersey Island Road Canal is needed as part of the interior levee design review. Delivery of surface water to existing users shall be maintained as needed and any required new or updated irrigation infrastructure shall be constructed on a schedule that precludes interruption of customary deliveries. Replacement of irrigation waters, if any, would be small and could be provided by pumping the small amount of water from Little Dutch Slough or the east end of the truncated Jersey Island Road Canal to the affected properties along the alignment. All surface water withdrawals shall be based on design requirements of NOAA Fisheries and other resource agencies to protect fishery resources from adverse impacts.

Mitigation Measure 3.9-8 The Mitigation and Monitoring Plan prepared for Mitigation Measure 3.5-4 shall include the interior levee design. The plan shall recognize the sources of water supporting any preserved wetland habitats between the interior levee and the existing perimeter levee as well as maintain the DSWRP. Adequate provisions for maintaining the quantity and quality of flow shall be included in the mitigation plan and implemented on a schedule that does not impair the functions and values of the wetland habitats. An appropriate monitoring program shall be implemented to assess the effectiveness of any flow augmentation solutions that are used.

Mitigation Measure 3.9-9 Amendment proponents shall prepare a drainage master plan and detailed design level drainage study as part of the flood control levee design review. The final drainage design shall present detailed calculations and modeling that demonstrate

that peak discharge rates would not be increased to those portions of the existing drainage system that will remain in place. This includes existing drainage ditches and channels, as well as the pump stations operated by RD 799. The City shall work closely with RD 799 as part of this study to assure that all improvements are consistent with mutually agreed long-term drainage management goals.

Mitigation Measure 3.9-10 All required outfalls for drainage improvements for the project shall be located at existing RD 799 pump station outfalls. Detailed engineering studies shall be carried out with RD 799 during the interior levee design process. The resulting designs shall coordinate the construction of any new outfalls with other improvements at the pump stations. Construction best management practices shall be strictly implemented and detailed in the SWPPP for control of erosion or degradation of water quality in the receiving waters.

Mitigation Measure 3.9-12 A geotechnical report shall be submitted along with levee design plans to the City of Oakley, RD 799, FEMA, and CCWD for approval and any necessary permits. The geotechnical report shall identify all geotechnical and soils constraints with levee construction and recommend measures accordingly to correct all identified soil and/or geotechnical constraints. All measures to correct soil and geotechnical constraints shall be incorporated into the design and construction of the levee.

Mitigation Measure 3.9-13 A soil erosion control plan to reduce and minimize soil erosion during and after levee construction shall be submitted to the City for approval. The soil erosion control plan for both construction and post-construction shall be approved by the City prior to the start of construction.

Mitigation Measure 3.9-14 Hydrology mitigation measure 3.9-5 shall be incorporated into the levee construction.

Mitigation Measure 3.9-15 All levee construction activity shall comply with the City of Oakley Noise Element with regards to hours and days of construction.

Mitigation Measure 3.9-16 Traffic mitigation measure 3.13-18 shall be incorporated into the construction of the levee.

Mitigation Measure 3.9-17 The following Biology mitigation measures shall be required: 3.5-42, 44, 45, 47- 50, 58, 59-69. The Hollywood junipers may be considered protected or heritage trees according to the Contra Costa County Tree Ordinance. Biology mitigation

measures 3.5-14-15 shall be followed to reduce impacts to heritage and protected trees.

Mitigation Measure 3.9-18 All new levees shall be constructed to the latest FEMA standards such that all interior areas can be removed from the one-percent chance floodplain. Compliance with FEMA regulations and standards shall be documented through the filing, and FEMA approval of a Letter of Map Revision. All new habitable structures located in a designated floodplain shall be protected by adequate levees, elevated above the base flood elevation or otherwise flood-proofed to FEMA standards

Mitigation Measure 3.9-19 The City of Oakley shall require a detailed design level drainage study as part of the interior levee design review that supplements the analyses presented in the Hydrology and Water Quality report appended to this document. The final design analysis shall include a thorough assessment of existing drainage facilities that may be impacted by construction of the levee. Detailed calculations shall be provided of the peak flow and volume of runoff from any areas that will be impacted, consistent with the analytical methodologies used by the City of Oakley and CCCFCWCD, and must be reviewed and approved by RD 799. Adequate alternative drainage facilities shall be required as identified in the study, and shall be constructed on a schedule that precludes any impairment of existing drainage routes. In the case of the drainage that originates south of Cypress Road, the ultimate solution may involve a small pump at the intersection of Cypress Road and Jersey Island Road to direct the flow toward Little Dutch Slough at the existing RD 799 outfall for PS-1a or to the truncated end of the irrigation canal on the DWR property, along an alignment outside of the internal levees.

Mitigation Measure 3.9-20 The City of Oakley shall cooperate with RD 799, the County of Contra Costa and other pertinent agencies to update the emergency response plan for a perimeter levee failure. The updated emergency response plan shall include consideration of the changes in land use and public facilities proposed by the project. The emergency response plan shall include a detailed levee failure analysis study to identify all areas of high risk, and select appropriate evacuation routes and staging areas accordingly. The emergency response plan shall be approved by the City, RD 799 and the County of Contra Costa before the extension of the interior levees beyond the southern phase of the Summer Lake project.

Mitigation Measure 3.9-21 All levees shall be constructed using design criteria identified in the NFIP regulations. Levees shall be constructed in a manner that takes into account the potential for future increase in sea level. The City of Oakley and RD 799 shall prohibit any structures or encroachments that would compromise future remedial actions to raise levee crest heights to maintain levee safety factors to FEMA standards.

Mitigation Measure 3.9-22 All man-made lakes shall be designed and constructed to contain wind- and seismically-generated (seiche) waves within the boundary of the lake. All structures and buildings, surrounding and within 20 feet of a lake shall be placed at a minimum of two feet above the maximum lake.

The implementation of the above mitigation measures would reduce hydrology and water quality impacts of the Amendments to less than significant, as established by the Specific Plan[24] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant impacts to hydrology and water quality than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant hydrology or water quality impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to hydrology or water quality. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects on hydrology or water quality.

i) Land Use

Vesting Tentative Map 9404

The approved Lesher Property Vesting Tentative Map 9404 allows the development of 1,056 dwelling units on the Lesher Property portion of Planning Area 1. The Amendment proposes to amend Vesting Tentative Map 9404 to add 227 dwelling units for a total of 1,283 dwelling units for the Lesher Property for a total of 1,559 dwelling units for PA 1. A review of the Map Amendment Application by the City confirms that the vesting tentative map generally mirrors and is consistent with the Specific Plan's conceptual land use exhibit for the Lesher Property with regard to the proposed uses, internal roadways, parks, lake and other infrastructure.

Vesting Tentative Map 9156

The approved Bethel Island LLC Property Vesting Tentative Map 9156 allows the development of 1,128 dwelling units for Planning Area 4. The Amendment proposes to amend Vesting Tentative Map 9156 to add 77 dwelling units for a total of 1,205 dwelling

[24] East Cypress Corridor Specific Plan Draft EIR, pages 3.9-26 – 3.9-58.

units for the Bethel Island LLC Property. A review of the Map Amendment Application by the City confirms that the vesting tentative map generally mirrors and is consistent with the Specific Plan's conceptual land use exhibit for the Bethel Island LLC Property of Planning Area 4 with regard to the proposed uses, internal roadways, parks, lake and other infrastructure.

The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR for the Lesher Property within Planning Area 1 and Planning Area 4, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential land use impacts of the Amendments are the same as the potential land use impacts described and analyzed in the Specific Plan EIR. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential land use impacts of the development of the Lesher Property and the Bethel Island LLC Property. The following applicable mitigation measure is carried forward from the MMRP for this project to reduce land use impacts.

Mitigation Measure 3.10-1 All perspective residents shall be notified prior to the purchase of a residence that existing agricultural activities exist on the site and the agricultural activities may continue into the future. In addition, future project residents shall acknowledge during and prior to the close of escrow they have been properly notified and are aware that agricultural activities exist and may continue to exist.

The implementation of the above mitigation measure would reduce land use impacts of the Amendments to less than significant, as established by the Specific Plan[25] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant land use impacts than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant land use impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to land use. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its potential land use impacts.

j) Noise and Vibration

The Amendments propose to develop the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan and as discussed and evaluated in the East Cypress Corridor Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the East Cypress Corridor Specific Plan EIR.

[25] East Cypress Corridor Specific Plan Draft EIR, pages 3.10-17.

Accordingly, the potential noise impacts associated with the Amendments would be less than the noise impacts described and analyzed in the East Cypress Corridor Specific Plan EIR because the Amendments result in the entitlement of 56 fewer dwelling units for Planning Area 1 and Planning Area 4 than allowed by the East Cypress Corridor Specific Plan. As a result, the development of Planning Area 1 and Planning Area 4 would, based on the trip generation in the East Cypress Corridor Specific Plan EIR, generate approximately 537 fewer daily vehicle trips than estimated by the East Cypress Corridor Specific Plan EIR and incrementally reduce traffic noise impacts due directly to the estimated reduction of 537 daily vehicle trips associated with the development of the East Cypress Corridor Specific Plan and analyzed in the East Cypress Corridor Specific Plan EIR. Therefore, the potential noise and vibration impacts associated with Amendments are less than the noise and vibration impacts described and analyzed in the East Cypress Corridor Specific Plan EIR. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential noise and vibration impacts of the development of the Lesher Property and Bethel Island LLC Property. Since all of the on-site gas wells for both the Lesher and Bethel Island LLC properties have been closed and are not proposed to be re-opened, Mitigation Measures 3.11-9 through 3.11-12 are not applicable to the proposed Amendments. The following applicable mitigation measures are carried forward from the MMRP for this project to reduce noise and vibration impacts.

Mitigation Measure 3.11-1 A 6-foot noise barrier shall be constructed along the rear yards of those residences located adjacent to Bethel Island Road. If the building pad elevations of the residences are more than 2 feet below the roadway elevation, a revised barrier calculation shall be conducted to confirm the 6-foot noise barrier is adequate to reduce noise levels to meet City noise criteria.

Mitigation Measure 3.11-2 An 8-foot noise barrier shall be constructed along the rear yards of residences that are located adjacent to the north side of East Cypress Road between Jersey Island Road and Bethel Island Road. A 6-foot noise barrier shall be constructed along the south side of the pedestrian trail and the north side of the existing East Cypress Road, between Jersey Island Road and Bethel Island Road. If the building pad elevations of those residences are more than 2 feet below the roadway elevation, a revised barrier calculation shall be conducted to confirm the 8-foot and 6-foot noise barriers are adequate to reduce noise levels to meet City noise criteria.

Mitigation Measure 3.11-3 A noise analysis shall be submitted to the City along with development plans for the Village Center. The noise analysis shall identify all on-site noise sources, including mechanical equipment, and determine the noise levels that could extend to adjacent residences. Measures to reduce exterior and interior noise levels of the residential use to City standards shall be identified.

Mitigation Measure 3.11-4 All loading docks shall be located a minimum of 150 feet from the closest residence.

Mitigation Measure 3.11-5 Sound walls shall be constructed along property lines or adjacent to loading docks between commercial unloading areas or commercial truck routes, and adjacent residential uses. The final locations and heights of walls shall be determined at the time a site plan is submitted to the City for approval.

Mitigation Measure 3.11-6 Loading dock activities and on-site truck traffic shall be limited to the daytime hours between 7:00 a.m. and 10:00 p.m.

Mitigation Measure 3.11-7 Roof-top HVAC equipment shall generate no more than 50 dBA and a distance of 25-feet from the equipment. In addition, sound controls such as roof-top parapets or acoustical enclosures shall be considered when designing the commercial uses.

Mitigation Measure 3.11-8 A noise study shall be submitted prior to issuance of a building permit for a commercial use to confirm the noise from the operation of the mechanical equipment will not exceed the City's noise criteria.

Mitigation Measure 3.11-13 All heavy construction equipment and all stationary noise sources (such as diesel generators) shall have manufacturer installed mufflers. In addition, construction activities shall be restricted between the hours of 7 a.m. and 7 p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences as feasible.

The implementation of the above mitigation measures would reduce the Amendments noise and vibration impacts to less than significant, as established by the Specific Plan EIR[26] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant noise or vibration impacts than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant noise or vibration impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to noise or vibration. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its potential noise or vibration impacts.

[26] East Cypress Corridor Specific Plan Draft EIR, pages 3.11-19 – 3.11-20.

k) Public Services and Utilities

The Amendments propose to develop the Lesher Property and Bethel Island LLC Property in a manner consistent with the Specific Plan and as discussed and evaluated in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential public service and utility impacts associated with the development of the Amendments are the same as the potential public service and utility impacts described and analyzed in the Specific Plan EIR. A Water Supply Assessment (WSA) was prepared for the Specific Plan EIR by Diablo Water District (DWD) per SB 610 that evaluated DWD's ability to serve the Specific Plan's water demand in normal years, drought years, and multiple drought years, as required by law. The WSA and Specific Plan EIR determined that DWD's water supply is sufficient to meet the yearly water demand associated with the development allowed by the Specific Plan under all climate conditions, which includes the Lesher Property and the Bethel Island LLC Property. The Amendments do not propose any changes that would result in greater water demand than otherwise disclosed in the Specific Plan EIR and assumed by the WSA. Moreover, there have been no significant changes to DWD's water supply or circumstances that substantially affect DWD's ability to provide a sufficient supply of water to the project; and there is no significant information available today that was not known and could not have been known at the time the water supply assessment was prepared. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to public service and utility impacts of the development of the Lesher Property and the Bethel Island LLC Property. The following applicable mitigation measures are carried forward from the MMRP for this project to reduce public services and utilities impacts.

Mitigation Measure 3.12-1 To address potential impacts on DWD water service infrastructure and provide the necessary looping in the southern part of the DWD service area, the developments within the Specific Plan area shall implement one or more of the following options as applicable:

- Install 18" water main in Neroly Road, and extend the 16" water main in Laurel Road to Sellers Avenue. Install 24" main in Sellers Avenue from Laurel Road to East Cypress Road;
- Install 24" main in Carpenter Road west of O'Hara Avenue, and extend the 16" water main in Laurel Road to Sellers Avenue. Install 24" main in Sellers Avenue from Laurel Road to East Cypress Road;
- Install 18" water main in Neroly Road, and install 24" main in Neroly and Delta Roads from O'Hara Avenue to Sellers Avenue. Install 24" main in Sellers Avenue from Delta Road to East Cypress Road;

- Install 24” main in Carpenter Road west of O’Hara Avenue, and install 24” main in Neroly and Delta Roads from O’Hara Avenue to Sellers Avenue.
- Install 24” main in Sellers Avenue from Delta Road to East Cypress Road.

Mitigation Measure 3.12-2 Implement water conservation measures approved by USBR under Section 3406 of the CVPIA that shall include, but are not limited to:

- Installation of water measuring devices (i.e., water meters);
- Adoption of California Urban Water Agencies (CUWA) BMPs for residential/commercial water usage, including, but not limited to the following:
  - Irrigating large turf/landscape areas with local groundwater wells;
  - Landscape road medians and other similar areas with xeriscape and low water use plants;
  - Install low water use fixtures in residential and non-residential buildings; and
  - Use high efficiency irrigation equipment in public and common areas.

Mitigation Measure 3.12-3 Consistent with SB 221, each final subdivision map approval shall be conditioned on DWD's issuance of a "Written Verification" that its water supplies are sufficient to serve the subdivision.

Mitigation Measure 3.12-4 The developers shall furnish all plans regarding FEMA levees proposed along the Canal (between the Rock Slough Headworks and East Cypress Road) to CCWD, RD 799, and the USBR. Plans shall include proposed levees within or adjacent to USBR property. All final plans shall be subject to approval by these three cooperating agencies in accordance with NEPA and other applicable state and federal regulations.

Mitigation Measure 3.12-5 To ensure proper coordination of the roadway improvements and replacement of the Canal siphon underlying East Cypress Road, design specifications and construction of roadway improvements and siphon replacement are subject to CCWD and Bureau of Reclamation direction and approval and must comply with NEPA, the Endangered Species Act, and other applicable federal and state regulations. Performance bonds for design and construction of the roadway improvements and siphon replacement shall be advanced prior to construction consistent with CCWD and Bureau of Reclamation requirements.

Mitigation Measure 3.12-6 CCWD and the Bureau of Reclamation may require proposed residential developments within the Specific Plan Area to provide reimbursement for a fair share of the administrative costs necessary for CCWD and the Bureau of Reclamation to review and approve the roadway and siphon designs and construction. Such administrative costs may include, for example, administration, design review, and inspection.

Mitigation Measure 3.12-7 Any modifications to the Canal itself shall follow and be consistent with CCWD and Bureau of Reclamation design and construction management approaches. The siphon may be designed and constructed either by CCWD, the City of Oakley, or a private party (as specifically approved by CCWD and the Bureau of Reclamation). In any event, the design of the siphon, including the designer used, shall be reviewed and approved by CCWD and/or the Bureau of Reclamation. Any private party design and/or construction of the siphon shall be subject to a design and construction agreement between the developer, CCWD and/or the Bureau of Reclamation.

Mitigation Measure 3.12-8 According to CCWD, during the early winter (typically October through December) the Canal can be taken offline without impacting the water supply system. If possible, the modifications to the Canal should occur during this down time. In the event that construction must proceed outside this period, the East Cypress Road widening shall require that a portion of the Canal flows be diverted around the construction area to maintain ongoing service to customers in the area. The timing of the construction of the facilities shall only occur at a time approved by CCWD and the Bureau of Reclamation.

Mitigation Measure 3.12-8.1 Prior to construction of homes within PA's 1, 3, 4 or 6, the project applicant shall consult with ISD to determine whether the existing emergency storage ponds and 14" gravity main are adequate to address the cumulative build-out of the ECCSPA. If existing planned facilities are adequate, no further mitigation is required. If existing facilities are not adequate, each project will pay its proportionate share for necessary upgrades to these wastewater storage and conveyance facilities.

Mitigation Measure 3.12-9 Prior to the start of construction of the homes in PAs 1, 3, 4 or 6, the project site shall be in a Community Facilities District that is authorized to collect a special tax that is used by the East Contra Costa Fire Protection District to fund on-going operations to provide fire protection service for the project and meet the Districts' response goal of 6 minutes for 90% of incidents.

The implementation of the above mitigation measures would reduce public services and utilities impacts of the Amendments to less than significant, as established by the Specific Plan EIR[27] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant public services or utilities impacts than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant public services or utilities impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to public services and utilities. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its potential public services and utilities impacts.

l) Transportation and Circulation

The Amendments propose to develop the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan and as discussed and evaluated in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential traffic impacts associated with the Amendments would be less than the traffic impacts described and analyzed in the Specific Plan EIR because the Amendments result in the entitlement of 56 fewer dwelling units for Planning Area 1 and Planning Area 4 than allowed by the Specific Plan. As a result, the development of Planning Area 1 and Planning Area 4 would, based on the trip generation in the Specific Plan, generate approximately 537 fewer daily vehicle trips than estimated by the Specific Plan EIR and incrementally reduce traffic impacts due to the estimated reduction of 537 daily vehicle trips associated with the Specific Plan analyzed in the Specific Plan EIR.

The Amendments would be required to implement all the applicable mitigation measures set forth in the MMRP with regard to potential land use impacts of the development of the Lesher Property and the Bethel Island LLC. The following applicable mitigation measures are carried forward from the MMRP for the Amendments to reduce transportation and circulation impacts.

Mitigation Measure 3.13-1 Mitigation of the unacceptable traffic conditions along Main Street can partially be achieved through the construction of Segment 1 of the SR 4 Bypass, the Laurel Road Interchange and the extension of Laurel Road to the SR 4 Bypass. This mitigation would provide an alternative route to Main Street and alleviate some of its congestion. The SR 4 Bypass Authority is responsible for the construction of this mitigation. The project would contribute to this mitigation by paying its fair share of the cost through the payment of regional traffic fees

[27] East Cypress Corridor Specific Plan Draft EIR, pages 3.12-6 – 3.12-8.

to the East Contra Costa Regional Fee and Finance Authority (ECCRFFA).

Mitigation Measure 3.13-2 Mitigation of the unacceptable conditions along East Cypress Road between Sellers Avenue and Jersey Island Road can partially be achieved through widening the roadway to three lanes in each direction to provide more capacity on this portion of East Cypress Avenue and alleviate some of the congestion along the roadway. This roadway improvement has been identified in the City's General Plan and is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation constructing the improvement or by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-3 Mitigation of the unacceptable conditions along East Cypress Road and Main Street can partially be achieved through extending Laurel Road from its current eastern terminus just west of the Union Pacific Railroad to Sellers Avenue as a four-lane arterial and upgrading Sellers Avenue between East Cypress Road and Laurel Road to a four-lane arterial. This mitigation measure in conjunction with the construction of Segment 1 of the SR 4 Bypass and extension of Laurel Road west to SR 4 Bypass (Mitigation 1) would provide an alternative route to and from the SR 4 freeway, and alleviate some of the congestion along East Cypress Road and Main Street. This roadway improvement project has been identified in the City's General Plan and is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-4 Mitigation of the unacceptable conditions along East Cypress Road can partially be achieved with the construction of a bridge over Rock Slough to connect Bethel Island Road with Byron Highway and Delta Road that are south of the project site. This connection would provide an alternative access to the south. Two lanes of the roadway and a bridge, with the exact width and configuration of the bridge to be determined through further engineering analysis, shall be constructed before 20% of the project (800 residential units) has been completed and the ultimate four-lane roadway should be constructed before 80% of the project (3,100 units) has been completed. This improvement project has been identified in the Contra Costa County General Plan. However, no funding sources have yet been identified. The project would contribute to this mitigation by constructing the improvement.

Mitigation Measure 3.13-5 Mitigation of the unacceptable conditions along Laurel Road can partially be achieved through widening Laurel Road to a four-lane arterial between Empire Avenue and Main Street. This mitigation measure would alleviate some of the congestion along Laurel Road. This roadway improvement project has been identified in the City's General Plan and is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-6 Mitigation of the unacceptable conditions at Main Street/O'Hara Avenue intersection can be achieved through the construction of the Main Street Downtown Bypass. This project would realign Main Street north of its current alignment as a new four-lane arterial between west of Vintage Parkway and 2nd Street to provide an alternative to Main Street through Downtown Oakley. The Main Street Downtown Bypass was included in the *Old Town Oakley Specific Plan* in 1999 and is also included in the City's General Plan and the City's Transportation Impact Fee Program. Developers of the East Cypress Corridor Specific Plan would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-7 Mitigation of the unacceptable conditions at West Cypress Road/O'Hara Avenue intersection can be achieved through the installation of traffic signals at the intersection. The forecasted AM peak hour and PM peak hour intersection volumes would satisfy the MUTCD peak hour traffic signal warrants.[28] This signal installation is included in the City's Transportation Impact Fee Program. The proposed project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-8 Mitigation of the unacceptable conditions at West Cypress Road/Main Street intersection can be achieved through the

[28] This analysis is intended to examine the general correlation between the planned level of future development and the need to install new traffic signals. It estimates future development-generated traffic compared against a sub-set of the standard traffic signal warrants recommended in the Federal Highway Administration *Manual on Uniform Traffic Control Devices* and associated State guidelines. This analysis should not serve as the only basis for deciding whether and when to install a signal. To reach such a decision, the full set of warrants should be investigated based on field-measured, rather than forecast, traffic data and a thorough study of traffic and roadway conditions by an experienced engineer. Furthermore, the decision to install a signal should not be based solely upon the warrants, since the installation of signals can lead to certain types of collisions. The City of Oakley should undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of warrants in order to prioritize and program intersections for signalization.

addition of a second southbound left-turn lane, the reconfiguration of the eastbound right-turn lane to a shared through/right-turn lane, and the reconfiguration of the westbound through lane to a shared through/right-turn lane. The reconfiguration of the West Cypress Road/Main Street intersection is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-9 Mitigation of the unacceptable conditions at East Cypress Road/Sellers Avenue intersection can be achieved through the reconfiguration of the intersection to provide a right-turn, a shared through/right-turn, a through, and a left-turn lane on the southbound approach; a shared through/right-turn, a through, and two left-turn lanes on the westbound approach; two left, two through, and a free right-turn lane on the northbound approach; and a right, two through, and one left-turn lane on the eastbound approach. The reconfiguration of the East Cypress Road/Sellers Avenue intersection is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-10 Mitigation of the unacceptable conditions at East Cypress Road/Jersey Island Road intersection can be achieved through the installation of a traffic signal at this intersection. The forecasted AM peak hour and PM peak hour intersection volumes would satisfy the MUTCD peak hour traffic signal warrant. The installation of a signal is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-11 Mitigation of the unacceptable conditions at the Laurel Road/Empire Avenue intersection can be achieved through installing traffic signals at the intersection and providing a right-turn, two through, and a left-turn lane on the northbound approach and a shared through/right-turn lane, a through lane, and a left-turn lane on the other approaches. The signalization of the Laurel Road/Empire Avenue intersection is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-12 Mitigation of the unacceptable conditions at the Laurel Road/Main Street intersection can be achieved by providing an additional eastbound right-turn lane on Laurel Road. This improvement project is not included in any funding document. The proposed project would contribute to this mitigation by paying its fair share of the cost.

Mitigation Measure 3.13-13 Mitigation of the unacceptable conditions at the Balfour Road/Byron Highway intersection can be achieved through installing a traffic signal at the intersection. The forecasted PM peak hour intersection volumes would satisfy the MUTCD peak hour traffic signal warrant for rural areas.[29] The Balfour Road/Byron Highway intersection signalization is not identified in any funding documents, but this mitigation measure is consistent with the findings of previous environmental documents.[30] If an agreement regarding cooperative funding of this improvement exists between Contra Costa County and the City of Oakley at the time of vesting map, the proposed project would contribute to this mitigation by paying its fair share of the cost to Contra Costa County.

Mitigation Measure 3.14-14 Mitigation of the unacceptable conditions at Sandmound Boulevard/Bethel Island Road intersection can be achieved through widening the Bethel Island Road to two lanes in each direction and the installation of traffic signals at the intersection. The forecasted AM peak hour and PM peak hour intersection volumes would satisfy the MUTCD peak hour traffic signal warrant.[31] No funding sources have been identified for this project. The proposed project would construct this improvement.

Mitigation Measure 3.13-15 Mitigation of the unacceptable conditions on SR 4 freeway can be achieved through widening the freeway to provide three mixed-flow travel lanes and one high-occupancy vehicle (HOV) lane in each direction between Loveridge

[29] This analysis is intended to examine the general correlation between the planned level of future development and the need to install new traffic signals. It estimates future development-generated traffic compared against a sub-set of the standard traffic signal warrants recommended in the Federal Highway Administration *Manual on Uniform Traffic Control Devices* and associated State guidelines. This analysis should not serve as the only basis for deciding whether and when to install a signal. To reach such a decision, the full set of warrants should be investigated based on field-measured, rather than forecast, traffic data and a thorough study of traffic and roadway conditions by an experienced engineer. Furthermore, the decision to install a signal should not be based solely upon the warrants, since the installation of signals can lead to certain types of collisions. The County of Contra Costa should undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of warrants in order to prioritize and program intersections for signalization.

[30] Discovery Bay West General Plan Amendment Environmental Impact Report (Contra Costa County, 1994).

[31] Please see footnote 5.

Road and Hillcrest Avenue. This improvement project is currently in the planning stages and a variety of funding sources, including ECCRFFA and Measure C, have been identified. The proposed project would contribute by paying its fair share of the cost through the payment of the regional fees.

Mitigation Measure 3.13-16 Mitigation of the potential insufficient emergency access can be achieved by providing an additional access point to the site with the construction of a bridge over Rock Slough to connect Bethel Island Road south to Byron Highway and Delta Road. Two lanes of the roadway and a bridge, with the exact width and configuration of the bridge to be determined through further engineering analysis, shall be constructed before 20% of the project (800 residential units) has been completed and the ultimate four-lane roadway should be constructed before 80% of the project (3,100 units) has been completed. The project would construct this improvement.

Mitigation Measure 3.13-17 Mitigation of the potential impacts can be achieved through a review of the tentative map for each neighborhood by the City Engineer to ensure the adequacy of the site plan.

Mitigation Measure 3.13-18 Mitigation of the potential temporary hazardous conditions can be achieved through preparation of a Construction Phasing and Management Plan for each construction phase. The Construction Phasing and Management Plan shall be approved by the City and may include the following elements:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure procedures; signs, cones, and other warning devices for drivers; and designation of construction access routes.
- Location of construction staging, and provision of on-site parking for all construction employees, site visitors, and inspectors.
- Provision for monitoring surface streets used for haul routes so that any damage attributable to the haul trucks can be identified and corrected.

Mitigation Measure 3.13-19 All development in the East Cypress Corridor Specific Plan shall pay its fair share of the cost to signalize the Knightsen Avenue @ East Cypress Road intersection through payment of the City of Oakley Transportation Impact Fee as required.

Mitigation Measure 3.13-20 The intersection shall be signalized and the following improvements constructed: 1) One left-turn, one through, and one shared through/right-turn lane in the northbound direction; 2) one left-turn, one through, and one right-turn lane in the eastbound direction; 3) one left- turn, two through, and one right-turn lane in the southbound direction; 4) two left-turn, and one shared through/right-turn lane in the westbound direction. The City shall add the intersection improvements to the Transportation Impact Fee program and all development in the project shall be required to pay its fair share towards the cost to construct the improvements. The City shall determine the fair share cost for each development allowed within the project. The fair share development fee shall be paid to the City prior to the issuance of building permits.

Mitigation Measure 3.13-21 The intersection shall be signalized and an exclusive left-turn lane provided at all four approaches. If not included in a County fee program at the time of project approval, the City will request that the project be added to the appropriate County fee program. All development in the project shall be required to pay its fair share towards the cost to signalize and construct an exclusive left-turn lane at all four intersection approaches. The City, in conjunction with the County, shall determine the fair share cost for each development allowed within the project. The fair share fee shall be paid to the City prior to the issuance of building permits.

Mitigation Measure 3.13-22 The intersection of Byron Highway @ Delta Road shall be signalized and an exclusive right-turn lane on the southbound approach shall be added. The project shall construct the traffic signal and turn lane at this intersection.

Mitigation Measure 3.13-23 All development shall be required to pay its fair share towards the cost to signalize and construct an exclusive left-turn lane at all four intersection approaches. If not included in a Brentwood fee program at the time of project approval, the City will request that the project be added to the Brentwood fee program. The City, in conjunction with the City of Brentwood, shall determine the fair share cost for each development allowed within the project. The development fee shall be paid to the City of Oakley prior to the issuance of building permits.

Mitigation Measure 3.13-24 All development in the project shall be required to pay its fair share towards the cost to signalize and construct an exclusive left-turn lane at all four intersection approaches. If

not included in a Brentwood fee program at the time of project approval, the City will request that the project be added to the Brentwood fee program. The City, in conjunction with the City of Brentwood, shall determine the fair share cost for each development allowed in the project. The fair share fee shall be paid to the City of Oakley prior to the issuance of building permits.

Mitigation Measure 3.13-25 All development within the project shall pay a fair share impact fee, based on the City of Brentwood Transportation Impact Fee, to the City of Oakley to signalize the intersection prior to the issuance of building permits.

Mitigation Measure 3.13-26 All development within the project shall be required to pay a fair share impact fee towards the cost to signalize the intersection. If not included in a County fee program at the time of project approval, the City will request that the project be added to the appropriate County fee program. The City, in conjunction with the County, shall determine the fair share cost for each development allowed within the project. The fair share impact fee shall be paid to the City prior to the issuance of building permits.

Mitigation Measure 3.13-27 All development within the project shall be required to pay its fair share towards the cost to signalize the intersection. If not included in a County fee program at the time of project approval, the City will request that the project be added to the appropriate County fee program. The City, in conjunction with the County, shall determine the fair share cost for each type of development allowed within the project. The development fee shall be paid prior to the issuance of building permits.

Mitigation Measure 3.13-28 If not included in the County fee program at the time of project approvals, the City will request appropriate County fee program shall be amended to include the signalization. All development within the project shall be required to pay its fair share towards the cost to signalize the intersection. The City, in conjunction with the County, shall determine the fair share cost for each development allowed within the project. The fair share fee shall be paid to the City prior to the issuance of building permits.

Mitigation Measure 3.13-29 If not included in the County fee program at the time of project approvals, the City will request the project be added to the appropriate County fee program to include the improvement. All development within the project shall be required to pay its fair share towards the cost to construct a second left-turn lane on the northbound approach to the

intersection. The City, in conjunction with the County, shall determine the fair share cost for each development allowed within the project. The fair share fee shall be paid to the City prior to the issuance of building permits.

Mitigation Measure 3.13-30 If not included in the County fee program at the time of project approvals, the City will request that the project be added to the appropriate County fee program to include the signalization. All development within the project shall be required to pay its fair share towards the cost to signalize the intersection. The City, in conjunction with the County, shall determine the fair share cost for each development allowed within the project. The fair share fee shall be paid to the City prior to the issuance of building permits.

The implementation of the above mitigation measures from the certified Specific Plan EIR will reduce transportation and circulation impacts of the Amendments to less than significant, with the exception of the Sellers Avenue at Marsh Creek Road intersection, as established by the Specific Plan EIR[32] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant public transportation or circulation impacts than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant transportation or circulation impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to transportation or circulation. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its potential transportation or circulation impacts.

m) Wildfires

The review of the California Department of Forestry and Fire Protection's (Cal Fire) Fire and Resource Assessment Program (FRAP) shows that the Specific Plan is not in a designated Fire Hazard Severity Zone in a State Responsibility Area (SRA).[33] Similarly, the FRAP shows the Specific Plan is not in a designated Very High Fire Hazard Severity Zone in a Local Responsibility Area (LRA).[34] Therefore, the development proposed for the Lesher Property and Bethel Island LLC Property by the Amendments would not be impacted by wildfires.

The Amendments propose to develop the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan. The City of Oakley utilize the National Emergency Management System (NEMS)[35] to respond to emergencies, including assigning tasks, specifying policies and general procedures and providing coordination for

[32] East Cypress Corridor Specific Plan Draft EIR, pages 3.13-19 – 3.13-40.
[33] https://osfm.fire.ca.gov/media/6662/fhszs_map7.pdf
[34] https://osfm.fire.ca.gov/media/6660/fhszl_map7.pdf
[35] https://www.ci.oakley.ca.us/community/emergency-services/

planning efforts of various emergency staff and service elements. The Amendments do not propose any substantial changes to the type or location of the development that was analyzed in the Specific Plan EIR that would impair or impact the city's ability to implement the NEMS to a city emergency.

The closest SRA designated Very High Fire Hazard Severity Zone to the Specific Plan is the open space located southeast of the city of Clayton, California and approximately 13 miles southwest of the Specific Plan. The closest LRA designated Very High Fire Hazard Severity Zone to the Specific Plan is the open space located east of the city of Danville, California and approximately 18 miles southwest of the Specific Plan. The topography of the Specific Plan and the immediate surrounding properties are generally flat with no significant topographic relief that could expose the development, including residents, allowed by the Amendments to a wildfire risk. While local or regional winds could expose future project residents to smoke and other pollutants associated with wildfires away from the site and outside of the city, that exposure would not be site specific and directly impact project residents only and not other residents outside of the Lesher Property and Bethel Island LLC Property. Therefore, the Amendments would not specifically expose future project residents to pollutant concentrations from a wildfire due to slope, prevailing winds or other factors.

The development proposed by the Amendments would not be required to install and maintain any roads, fuel breaks, emergency water sources, power lines or other utilities specifically to protect the development and the immediate area from a wildfire because the project is not located in a LRA or SRA. The project would be required to construct and install roads, fuel breaks, emergency water sources, power lines and other utilities to serve the development allowed by the East Cypress Corridor Specific Plan and their construction would be required to meet and comply with the California Fire Code as applicable.

As discussed above, neither the Lesher Property nor the Bethel Island LLC Property are located within a Moderate, High or Very High fire hazard zone. As also discussed above, the Specific Plan and surrounding properties are generally flat with no significant topographic relief that would expose future structures or residents of the development allowed by the Amendments to significant risks due to downslope or downstream flooding or landslides associated with a wildfire. Because the project is not located in a fire hazard zone or downstream of any hillsides of areas of topographic relief the Amendments would not expose future residents or dwelling units to significant risks due to downstream or downstream flooding or landslides due to post-fire slope instabilities.

The approval and development of the Amendments will not result in any significant wildfire impacts that would trigger the need for a subsequent EIR on the basis of its potential wildfire impacts.

V. Conclusion

Based on the foregoing, none of the circumstances requiring preparation of a subsequent or supplemental EIR to the East Cypress Corridor Specific Plan EIR or East Cypress Corridor Specific Plan Supplemental EIR (as specified in CEQA section 21166 and CEQA Guidelines 15162 and 15163) exist. The Amendments propose no substantial changes to

the development proposed for the Lesher Property portion of Planning Area 1 and the Bethel Island LLC for Planning Area 4 under the Specific Plan. In the case of biological resources, the proposed Amendments would have less biological impacts than the originally adopted Specific Plan by providing 325.91 acres of additional biological resource and wetlands areas due to permit and agreement requirements than required by the Specific Plan EIR. Furthermore, no substantial changes are proposed or would occur with respect to the circumstances that development of the Lesher Property or the Bethel Island LLC Property would be undertaken that would require major revisions to the Specific Plan EIR and no new information that was not known and could not have been known at the time the Specific Plan EIR was certified has become available.

RESOLUTION NO. XX-20

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE AMENDED BETHEL ISLAND, LLC SUBDIVISION 9156 (TM 03-20) VESTING TENTATIVE MAP SUBDIVIDING 10.9 ACRES INTO 162 RESIDENTIAL LOTS AND OTHER IMPROVEMENTS CONSISTENT WITH PLANNING AREA 4 OF THE ADOPTED EAST CYPRESS CORRIDOR SPECIFIC PLAN. APNS 020-140-048 AND 020-150-003

FINDINGS

WHEREAS, on August 11, 2020, ACD-TI Oakley, LLC filed an application for approval of a an amendment to the Vesting Tentative Map known as Subdivision 9156 and Application Number TM 03-20 ("Project"); and

WHEREAS, the application for approval of the amended Vesting Tentative Map proposes to subdivide approximately 10.9 acres into 162 residential lots and other improvements consistent with Planning Area 4 of the adopted East Cypress Corridor Specific Plan; and

WHEREAS, on March 13, 2006, the City Council adopted City Council Resolution No. 30-06, certifying the Initial Final EIR (SCH # 2004092011) and City Council Resolution No. 31-06, approving Amendments to the Oakley 2020 General Plan, approving the "SP" Land Use Designation for the East Cypress Corridor Expansion Area, adopting the East Cypress Corridor Specific Plan, and making Mitigation Findings and adopting a statement of overriding considerations, as required by the California Environmental Quality Act ("CEQA"); and

WHEREAS, in response to a Peremptory Writ of Mandate issued on August 20, 2007, regarding a challenge to the adequacy of the EIR, the City Council adopted City Council Resolution No. 111-07, rescinding City Council Resolutions 30-06 and 31-06; and

WHEREAS, the Initial Final EIR and the Final Supplemental EIR, including all appendices and documents incorporated in them by reference, together comprise the Revised Final EIR for the East Cypress Corridor Specific Plan project ("Revised Final EIR"); and

WHEREAS, the Revised Final EIR identifies potentially significant environmental impacts and related mitigation measures, shall apply to development in the Specific Plan Area; and

WHEREAS, the Revised Final EIR also identifies potentially significant environmental impacts that will remain significant despite adoption of the mitigation measures that will apply to development in the Specific Plan Area, and for which the City must adopt a statement of overriding considerations pursuant to CEQA; and

WHEREAS, the components of the Revised Final EIR are separately bound documents, incorporated herein by reference, and are available for review in the City's Planning Division. The custodian of the documents and other materials which constitute the record of proceedings for the East Cypress Corridor Specific Plan and the Revised Final EIR is the City of Oakley Community Development Director at 3231 Main Street, Oakley, California 94561; and

WHEREAS, on March 10, 2009 the City Council adopted City Council Resolution 46-09 certifying the East Cypress Corridor Specific Plan Revised Final EIR, making certain findings concerning environmental impacts and mitigation measures, adopting a mitigation monitoring program, making findings concerning alternatives, and adopting a statement of overriding consideration in connection with the East Cypress Corridor Specific Plan; and

WHEREAS, on March 24, 2009, the City Council adopted City Council Ordinance 10-09 with the second reading waived, making findings and adopting the East Cypress Corridor Specific Plan; and

WHEREAS, on October 28, 2020 the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. On October 15, 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 November 10, 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 on the City's General Plan, the City's Zoning and Subdivision Ordinances, the East Cypress Corridor Specific Plan and the information submitted to the City Council at its November 10, 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 Subdivision (hereafter the "Record").

WHEREAS, the City Council hereby makes the following factual findings regarding this application:

A. The real property affected by this vesting tentative map is designated SP (Specific Plan) in the Oakley 2020 General Plan and zoned SP-1 (East Cypress Corridor Specific Plan) District; and

B. The Revised Environmental Impact Report (EIR) for the East Cypress Corridor Specific Plan (Project EIR) was certified by the City Council on March 10, 2009. The Project EIR, which is made up of the Initial EIR and Supplemental EIR, was prepared to support adoption of the East Cypress Corridor Specific Plan. The Project EIR contains a project level analysis of the development of the real property affected by this vesting tentative map also referred to as Planning Area 1 of the East Cypress Corridor Specific Plan; and

C. Pursuant to Public Resources Code Section 21166, and as further clarified by CEQA Guideline Section 15162, an addendum to the Project EIR was prepared and included as an attachment to the project Staff Report. The Addendum incorporates, by reference, the analysis contained in the certified Project EIR, and addresses only those issues specific to the project. The Addendum concludes that approval of the Project does not trigger need for a subsequent EIR under Section 21166 because development of the Project will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Project EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Project EIR was certified, that shows any new, or substantially more adverse, environmental impacts than those disclosed in the Project EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant environmental effects of the project. Accordingly, per Section 21166, the City has not required a subsequent EIR for the Project.

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

A. Regarding the application requesting approval of an amendment to Vesting Tentative Map (9156) to subdivide approximately 10.9 acres into 162 residential lots and other improvements consistent with Planning Area 4 of the adopted East Cypress Corridor Specific Plan, the City Council finds that:

1. The proposed Vesting Tentative Map, together with the provisions of its design and improvements, is consistent with the Zoning Code, adopted SP-1 District (East Cypress Corridor Specific Plan), and applicable General Plan land use designations, as approved by City Council for the Project, in that it allows for orderly residential development in a residential

area that meets the General Plan density allowance and complies with all of the applicable regulations set forth in the Project's SP-1 District;

2. The site is physically suitable for the type of development in that the proposed Vesting Tentative Map meets all of the applicable development standards in the Project's SP-1 District and is designed in a manner consistent with Planning Area 1 (PA 1) of the East Cypress Corridor Specific Plan. As conditioned, it will be served by public streets and utilities;

3. The site is physically suitable for the proposed density and number of dwelling units. The number of acres planned to be used for the commercial village center, neighborhood parks, open space, lake, trails, the levee, and other land uses are also consistent with the numbers anticipated in the East Cypress Corridor Specific Plan;

4. The proposed Vesting Tentative Map and all identified mitigation measures have been incorporated into Project EIR Mitigation and Monitoring Plan, certified March 10, 2009, and prepared in accordance with the CEQA Guidelines;

5. The design of the subdivision and type of improvements are not likely to cause serious public health problems in that the proposed subdivision consists of 162 single family residential lots and other improvements consistent with Planning Area 1 of the East Cypress Corridor Specific Plan. Construction and grading of the project are subject to building or grading permits, and violations of any such permits are subject to appropriate enforcement;

6. The design of the subdivision includes the construction of improvements within public right-of-way that are consistent with major subdivisions, the City's design standards and design standards approved in the East Cypress Corridor Specific Pan. The improvements consist of roads, sidewalks, curbs and gutters; and

7. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. The Vesting Tentative Map

does not conflict with easements acquired by the public for access and utilities.

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

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council take the following actions:

A. Approval of the amended Vesting Tentative Map 9156 (TM 03-20) subdividing approximately 10.9 acres into 162 residential lots and other improvements consistent with Planning Area 4 of the adopted East Cypress Corridor Specific Plan.

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 Vesting Tentative Map 9156, subject to the following conditions:

A. Applicant shall comply with the requirements of the Oakley Municipal Code and the adopted East Cypress Corridor Specific Plan. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the plans received by the Community Development Department and made a part of the City Council's meeting packet for November 10, 2020.

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

Planning Division Conditions

General:

1. This Vesting Tentative Map is approved, as shown on the plans, date stamped by the City of Oakley Planning Department on October 1, 2020, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. This approval shall be effectuated within the timeframe allowed by the Development Agreement between the City of Oakley and Bethel Island LLC. and if not effectuated shall expire on December 13, 2025. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code. Approval of a development agreement, subject to City Council approval, may also provide an extension of time.

3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on November 10, 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.

7. All applicable mitigation measures addressed in the Project EIR shall be complied with and addressed as outlined in the Mitigation Monitoring Program approved by the City Council on March 10, 2009 by Resolution 46-09 and as reaffirmed by this Resolution.

8. 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).

9. The model home complex shall have a copy of the City of Oakley's General Plan Land Use Map and East Cypress Corridor Land Use Diagram posted within the sales office or included with the informational material provided to prospective home buyers.

Development Regulations:

10. All development regulations shall be subject to Section 6 of the East Cypress Corridor Specific Plan, unless otherwise specified in this resolution.

11. Prior to recording a Final Map that would create legal parcels for residential use in the area of the property identified as village R-23 on Vesting Tentative Map for Subdivision 9156, the applicant shall provide the Community Development Director detailed documentation that shows the Knightsen Elementary School District has agreed there is no need for a school site in this location.

Parks, Open Space, and Trails:

12. The applicant shall work with the Community Development Department with the design, construction and completion of the parks, open space, and trails concurrent with the development of the subdivision. As part of the plan check process, the applicant shall develop a construction schedule approved by the Community Development Director to provide for the timely completion of the parks, open space, and trails concurrent with development.

13. Details of all trails, including lake edges, overlooks, and levee trails shall be submitted with the future design review application. All details shall be consistent with Section 7 of the East Cypress Corridor Specific Plan.

14. A mix of evergreen and deciduous trees as well as shrubs and ground cover shall be planted along the street frontage as specified in the East Cypress Corridor Specific Plan per the review and approval of the Community Development Director.

15. 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 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.

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

17. 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.

18. Each residential lot shall have a minimum of two trees along the street frontage, with the exception of corner lots, which shall have four, per the review and approval of the Community Development Department. The Community Development Department may allow for a reduction of frontage trees on any given lot line where constraints may occur that limit the number of installed trees.

19. The applicant shall maintain all private landscaping until occupancy.

20. A street tree plan, including species and sizes shall be submitted for review prior to issuance of Building Permits, or with the future design review application. The

street trees shall be inter-mixed throughout the subdivision so there are a variety of trees on every street, per review of the Community Development Department.

Fences and Walls:

21. Within the subdivision good neighbor fences shall be constructed as detailed in Appendix B of the East Cypress Corridor Specific Plan.

22. Sound walls and community accent walls be submitted with the future design review application.

23. Sound walls shall attenuate, not just deflect sound. The use of sound absorbing material should be used for the construction of sound walls per the review and approval of the Community Development Director.

24. Anti-graffiti techniques shall be used on sound walls, per the review of the Community Development Director.

Subdivision Design:

25. The community and neighborhood entries, arrival elevations and plans, and neighborhood icons, and park entries shall be detailed and submitted with the future design review application. All details shall be consistent with Section 7 of the East Cypress Corridor Specific Plan.

26. Driveway openings shall be a maximum 18' in width or up to 25% of a lot's frontage (except on cul de sacs), whichever is greater.

27. The street names shall be approved by the Community Development Department and the East Contra Costa Fire Protection District.

Subdivision Disclosures:

28. 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.

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

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

Design Review:

30. The future design review application shall include details of all home designs, and any landscaping in parks, on trails, rights of way, open spaces, and other common areas. All design elements shall be analyzed for consistency with the East Cypress Corridor Specific Plan. For elements not covered in the East Cypress Corridor Specific Plan, the Oakley Residential Design Guidelines shall be used.

Energy Efficiency:

31. Water heaters shall provide an energy efficiency factor of 0.62 or better.

32. Dual zone air conditioning shall be provided on all two-story residential units.

33. 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.

34. 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:

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

Building Division Conditions

36. 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.

37. An Automatic Life Safety Sprinkler System shall be required in all new construction pursuant to Ordinance 22-06. The automatic Life Safety Sprinkler Systems in commercial and industrial buildings shall be designed and installed to the standards and requirements found in the most recent version of the NFPA (National Fire Protection Association). Automatic Life Safety Sprinkler Systems in hotels and apartments shall be installed to the standards and requirements found in the most recent version of the NFPA Standard 13R. After July 1, 2011, the Automatic Life Safety Sprinkler Systems in one and two family dwellings, and townhouses not more than three stories above grade plane, shall be designed and installed to the standards and requirements found in the 2010 California Residential Code section R313.

38. 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.

Public Works and Engineering Conditions

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

39. GENERAL. All public improvements shall be made according to the design standards as set forth in the East Cypress Corridor Specific Plan and where no such standards are identified 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. All conditions of approval shall be

satisfied by the owner(s)/developer(s). All costs associated with compliance with the conditions shall be at the owner(s)/developer(s)'s expense. All applicable Mitigation Measures contains in the master EIR shall be complied and responded to.

40. DEVELOPMENT STANDARDS. All development regulations shall be subject to Section 6 of the East Cypress Corridor Specific Plan, unless otherwise specified in this Conditions of Approval, including but limited to the Trail Master Plan Exhibit, Emergency Evacuation Plan. All requirements outlined in the Development Agreement and any other agreements with other agencies must be adhered to.

41. PLAN SUBMITTAL. All civil engineering improvement such as but not limited to: traffic improvements, traffic signals, modification of existing improvements 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. Submit of Joint Trench Intent and design is required as part of this submittal for complete review of the project

42. 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.

43. LEVEES. The levee system design and construction shall be coordinated between two or more subdivision projects within the East Cypress Corridor Specific Plan (ECCSP) area as needed to provide adequate flood protection and to the satisfaction of the City Engineer.

44. WELLS. All abandoned or inactive wells on the subject site shall be destroyed accordance with the required abandonment wells standards by the agencies responsible for the wells. Proof of work completed is required to be provided to the City prior issuances of any permits.

45. MAINTENANCE. Provide table or exhibit of all private and public improvements items to be maintained privately or by public agencies and responsible entities.

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

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

48. 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.

49. 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.

50. EASEMENTS. Owner/Applicant/Developer shall provide copy of recorded Grant of Easements and/or land acquisitions and duly executed rights of entry for all permanent and temporary construction of improvements required for the project and shall fully comply with their requirements.

51. WETLANDS/VERNAL POOLS. Prior to the first submittal of any improvement/grading plans the Owner(s)/Developer(s) shall provide a wetland delineation map showing the location, quantity of vernal pools, water courses and wetland in the project area. Map and report shall be prepared by a recognized environmental consultant in this field. Any work within the identified wetland delineation map would need to have an approved Section 404 permit from the Army Corps of Engineers prior to any construction, grading, ground disturbance at the site.

52. 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.

53. FINAL MAP. Submit a Final Map prepared by a Licensed Land Surveyor. The final map shall be recorded, and the subdivision agreement must be executed before any building permits for production homes are issued.

54. DEDICATIONS. The following shall be dedicated on the final map. The dedication shall be recorded before any permits are issued.

55. Streets/ Road/Trails: Dedicate the required right-of-way as defined in the ECCSP, Development Agreement, or any other agreements with other agencies.

56. Public Utility Easement (PUE): A PUE shall be provided whenever there will be less than 15' from the face of curb to all public rights-of-way lines. The width of the required PUE will be such as to provide for 15' from the face of curb to the edge of PUE.

57. Ingress-egress, storm drainage easements, or any other easements as required by the local jurisdictional agencies.

58. Emergency Access Easement: As required by the City engineer, County Fire Department or Police Department.

59. 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.

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

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;

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.

61. 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.

62. 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.

63. FIRE CONTROL. The project developer shall keep the site free of fire hazards from the start of construction until final inspection. The plan must adhere to the satisfaction of the East Contra Costa Fire District.

64. 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.

65. 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:
    a) Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, and special events.
    b) 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.
    c) 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 or as permitted by the City Engineer.
    d) The traffic control plan shall be reviewed for compliance to the project's Haul Route, approved by the City of Oakley.
    e) A full road closure will require a detour plan and a road closure permit issued by the Public Works Department.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

73. GRADING

a) 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.

b) 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.

c) 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.

d) 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.

e) 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.

f) The burying of any construction debris is prohibited on construction sites.

74. 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

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:

75. 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.

76. 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 each cul-de-sac or knuckle. Show truck turning radius for garbage truck for garbage pickup. Please provide narrative on how this process will be handled for private roadways and alleys. If the applicant can receive East Contra County Fire District approval, they may use the 42 foot outside turning radius as allowed in the ECCSP.

77. STREET IMPROVEMENTS. Project is required to complete all street improvements identified in the recorded Development Agreement, previously approved conditions and ECCSP.

    a. Construct the roadway improvements along Bethel Island Road to conform to the ECCSP guidelines. Provide a framework and mechanism to improve the bridge over Rock Slough per the ECCSP for a secondary access to the subdivision prior to the first submittal of the final map.

    b. The roadway improvements along Jersey Island Road, East Cypress Road, and Bethel Island Road to conform to the ECCSP guidelines.

    c. Construct the East Cypress Road and Bethel Island Road Signalized Intersection at ultimate configuration as shown in the exhibit dated October 23, 2020 prepared by Bellecci & Associates, Inc. and consistent with the improvements necessary as identified in the project EIR Traffic Report for the ECCSP. Prior to the recordation of the first final map, developer shall enter into a Reimbursement Agreement for the above referenced improvements. The intersection improvements must be constructed with the ultimate improvements of East Cypress Road fronting the development

    d. Install traffic calming measures consistent with the City's Neighborhood Traffic Management Program and Section 5.1.3 of the ECCSP. The traffic calming measures shall be included in the improvement plans and are subject to the review and approval of the City Engineer.

    e. Install standard street barricades at the terminus of all streets that will be extended by future developments. The barricades shall include a sign notifying residents that the streets are planned to be extended in the future.

    f. Submit a phasing plan for roadway and infrastructure improvements

along with schedule for completion to the City Engineer for approval. The plan shall include provisions for emergency vehicle access, evacuation routes, solid waste truck access, temporary turn-around facilities, and safe access to occupied lots.

g. Provide Signal Warrants for main entrances to the development from arterial roadways.

78. DRAINAGE IMPROVEMENTS.
    a. Submit a Master Drainage Plan to provide for onsite and offsite storm water drainage for the project, designed by a California registered civil engineer and approved by the City Engineer.
    b. A final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for all the proposed drainage system and stormwater pond approval by the City Engineer is required prior to issuance of grading permit
    c. Approval of detention ponds prepared by a licensed civil engineer is required prior to issuance of grading permits
    d. Developer shall submit a water management plan prepared by a licensed limnologist to provide direction for the ongoing water quality maintenance of the proposed ponds.
    e. Pond's edge treatment shall be subject to the review and approval of the city of Oakley prior to approval of the first map. The edge treatment shall meet the requirements identified in the ECCSP.
    f. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
    g. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
    h. All storm drain systems onsite are to be private shall be maintained by the property owner and/or HOA.
    i. Submit a long-term operational and maintenance plan for the stormwater pond and pump stations to the City Engineer for review. The plan must include a level of estimate for staffing and maintenance requirements as well as an operational and life cycle budget analysis.

79. 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.

80. 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.

81. BONDS. The applicant shall supply suitable securities for all improvements that

are a part of the development in a form acceptable to the City in the amount of 100% (performance), 50% (labor and material) prior to issuance of any permit.

82. 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.

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

84. LIGHTING. Submit a photometrics plan outlining the public street lights required for this development.

85. 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.

86. 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.

87. UTILITY EASEMENTS. Deed restrictions shall be placed on lots containing utility easements, as applicable. The deed restrictions shall specify that no trees, fences, or hardscape are allowed within the easement boundaries, and that

maintenance access must be provided. The City will assist and provide guidance for the deed language and the Applicant's surveyor shall prepare the legal description and plat. The Applicant shall pay any recordation costs

88. MAINTENANCE ACCESS. Maintenance access agreement and easement need to be in place for any public improvements located within private property/lot.

89. HOMEOWNER'S ASSOCIATION: Prior to the sale of any lot or acceptance of site improvements, whichever occur first, Conditions, Covenants and Restrictions (CC&R's), creating a Homeowners Association (HOA) for the project shall be reviewed and approved by the City of Oakley and recorded. The HOA shall own and maintain the private roadways, alleys and common landscape, private infrastructures and on-site storm drain systems within the development.

90. FENCING. Any proposed fencing and walls shall be located on private property and maintained by the property owner(s) and/or HOA. The design and placement of walls, fences, signs, landscape features near intersections and driveways shall allow stopping site distance per Caltrans standards and comply with the City's corner sight distance requirements. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the City Engineer.

91. GATE: Any proposed private gates are to be set be minimum 20' from all public and private streets, roads, alleys.

92. LANDSCAPING IN PUBLIC RIGHT OF WAY.
    a) Install public right-of-way landscaping along the project's frontages concurrently with the construction of the sound wall. Public right of way landscaping along the project streets shall be installed prior to occupancy of homes adjacent to that street.

    b) Maintain all landscaping within the public right-of-way until such time that the adjacent roadway improvements have been accepted for maintenance. Frontage landscaping shall be maintained by the HOA.

    c) Prior to the issuance of certificate of occupancy, an inspection will be performed to verify the health and location of the street trees per lot. Trees in poor health or those without adequate clearance from utilities will require replacement or relocation.

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

93. 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 final map.

94. EASEMENTS. All easements of record that affect this property are to be shown on the Final Map. Any easements no longer in use shall be abandoned/quitclaimed. Recorded documents shall be provided to the City prior to release of any building permits.

95. RIGHTS OF ENTRY. Provide necessary rights of way, rights of entry, permits, and/or easements for the construction of off-site, temporary or permanent, public and private roads, utility and drainage improvements.

96. 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.

97. 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.

98. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS. The property owner/HOA 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/HOA 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.

99. 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.

100. 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);

d) 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);

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

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

101. 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.

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.

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. The applicant shall be responsible for paying the County Recorder's Fee for the Notice of Determination as well as the State Department of Fish and Game's Filing Fee.

I. East Contra Costa County Habitat Conservation Plan Fee (adopted by Resolution No. 112-07 & 124-07).

J. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 10th of November, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____

Kevin Romick, Mayor Date

ATTEST:

_____ _____

Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

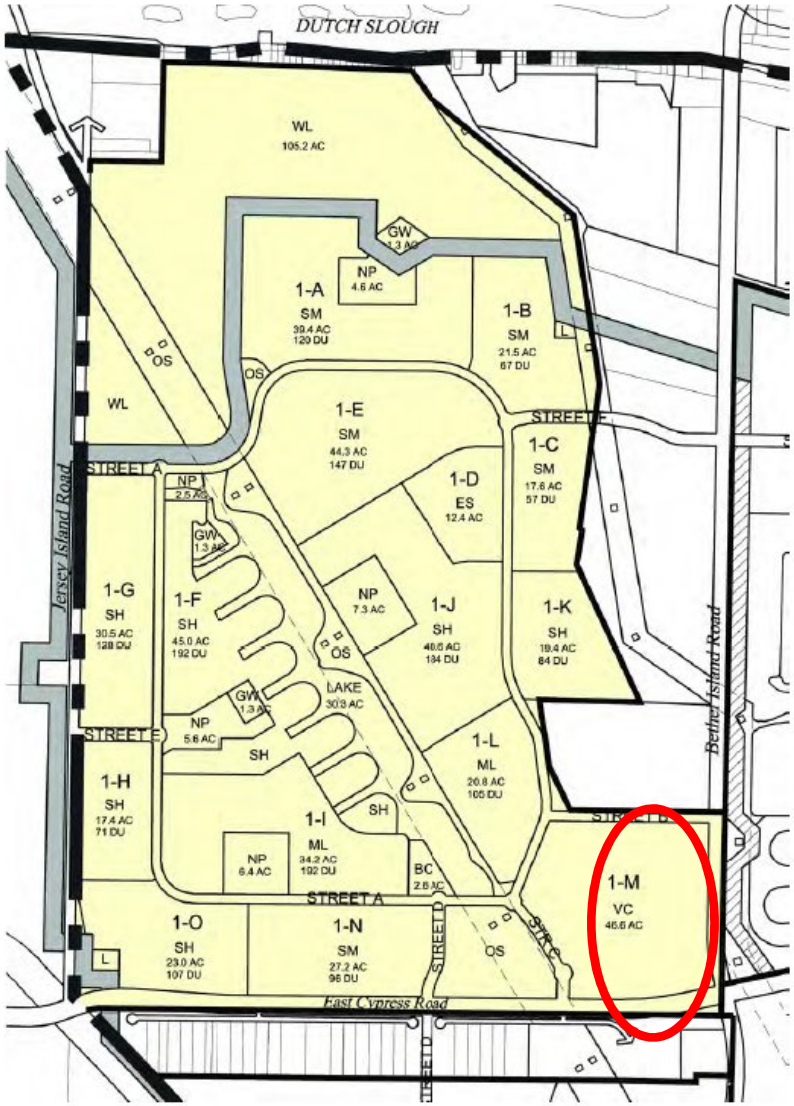
Cypress Preserve
Vesting Tentative Map 9156
Vesting Tentative Map 9404

City Council

November 10, 2020

History of Project's

- Specific Plan - Approved in 2006
- EIRs - Certified in 2009
- VTM 9156 – Approved in 2011
- VTM 9404 – Approved in 2015


DUTCH SLOUGH
WL
105.2 AC
GW
1.3 AC
NP
4.6 AC
1-A
SM
39.4 AC
129 DU
1-B
SM
21.5 AC
67 DU
OS
OS
WL
1-E
SM
44.3 AC
147 DU
STREET F
1-C
SM
17.6 AC
57 DU
STREET A
NP
2.5 AC
GW
1.3 AC
1-D
ES
12.4 AC
Jersey Island Road
1-G
SH
30.5 AC
128 DU
1-F
SH
45.0 AC
192 DU
NP
7.3 AC
1-J
SH
46.6 AC
134 DU
1-K
SH
19.4 AC
84 DU
OS
LAKE
30.3 AC
GW
1.3 AC
Bethel Island Road
STREET E
NP
5.6 AC
SH
1-L
ML
26.8 AC
105 DU
1-H
SH
17.4 AC
71 DU
SH
1-I
ML
34.2 AC
192 DU
NP
6.4 AC
BC
2.6 AC
1-M
VC
46.6 AC
STREET A
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1-N
SM
27.2 AC
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STREET D
OS
L
East Cypress Road
STREET D

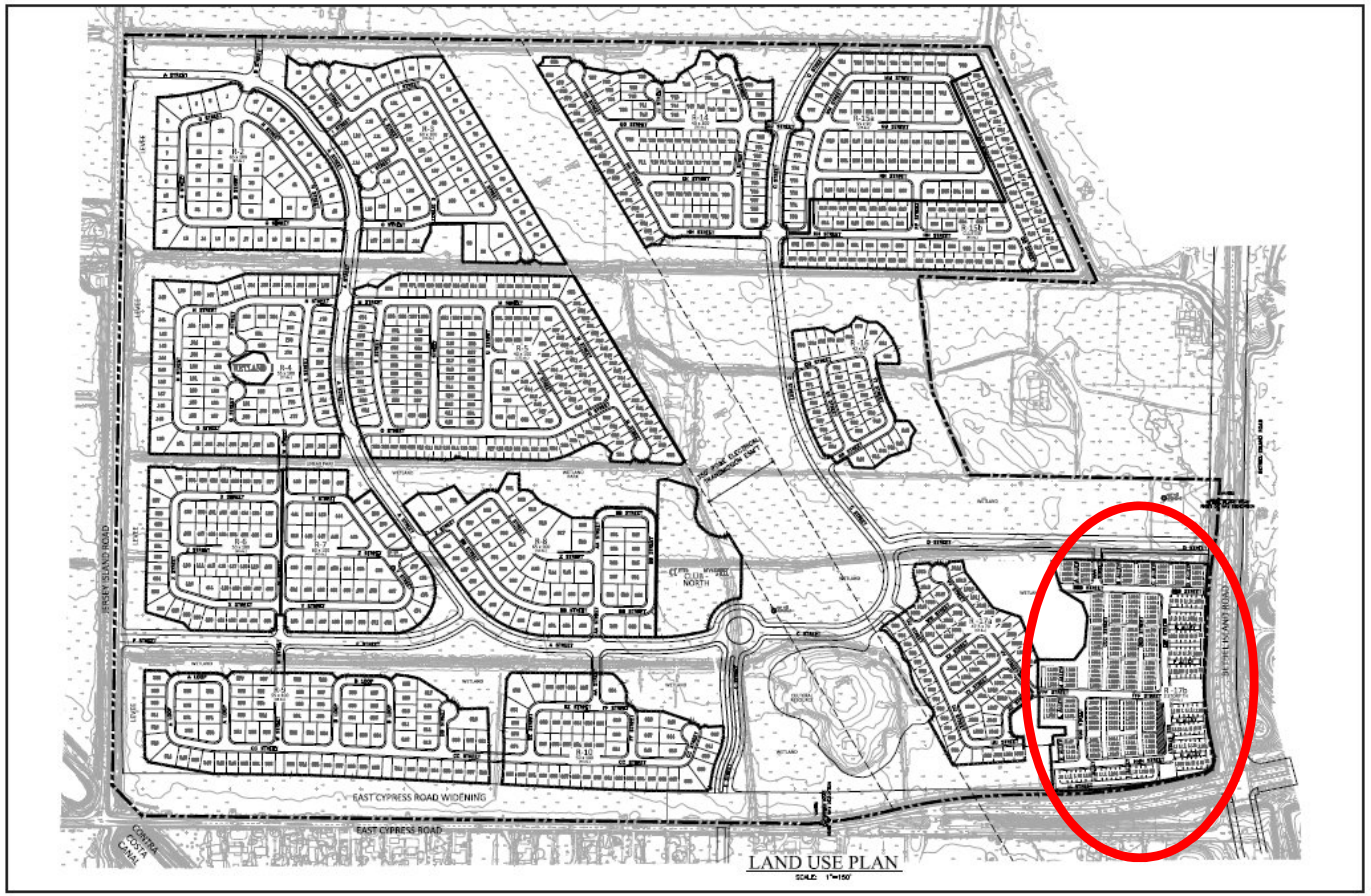
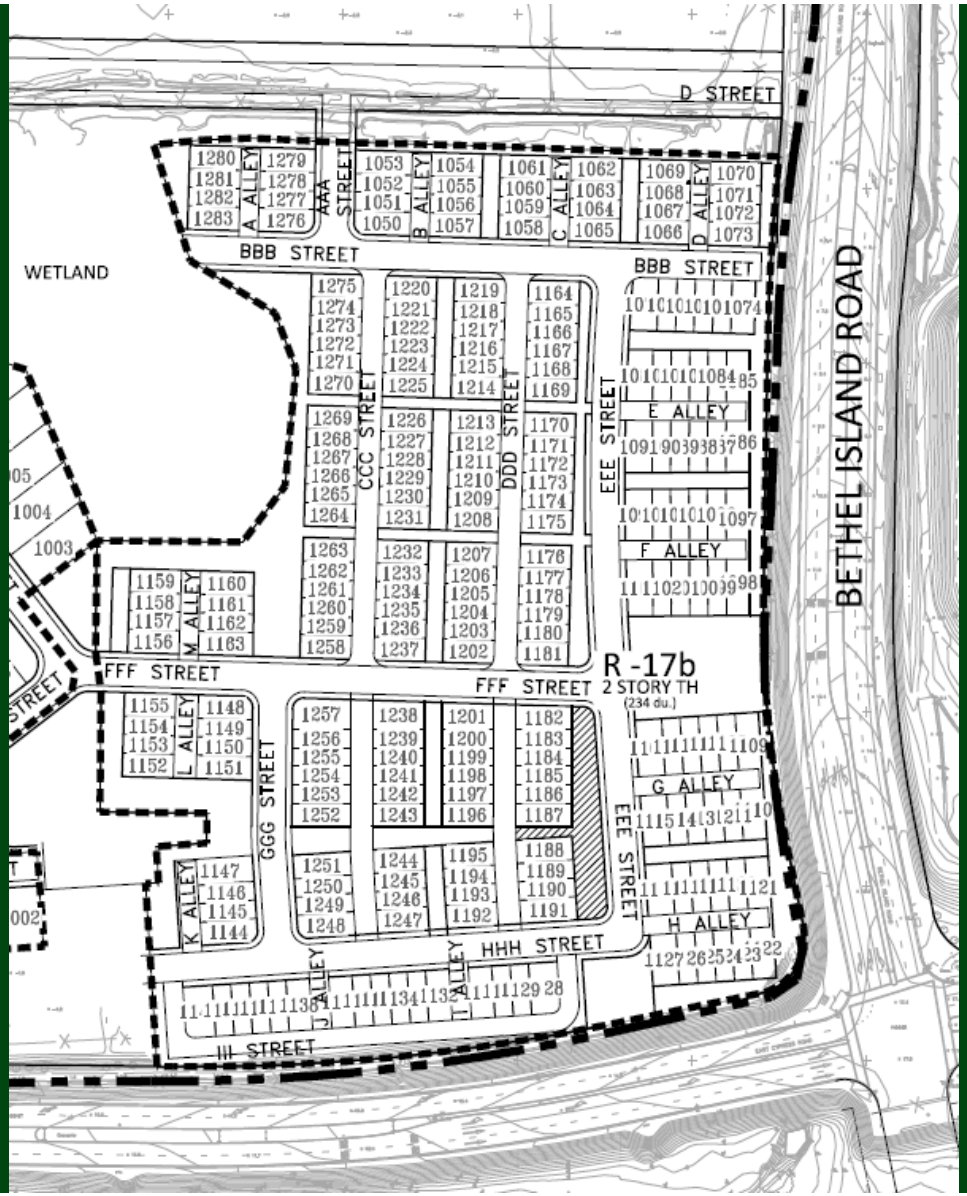
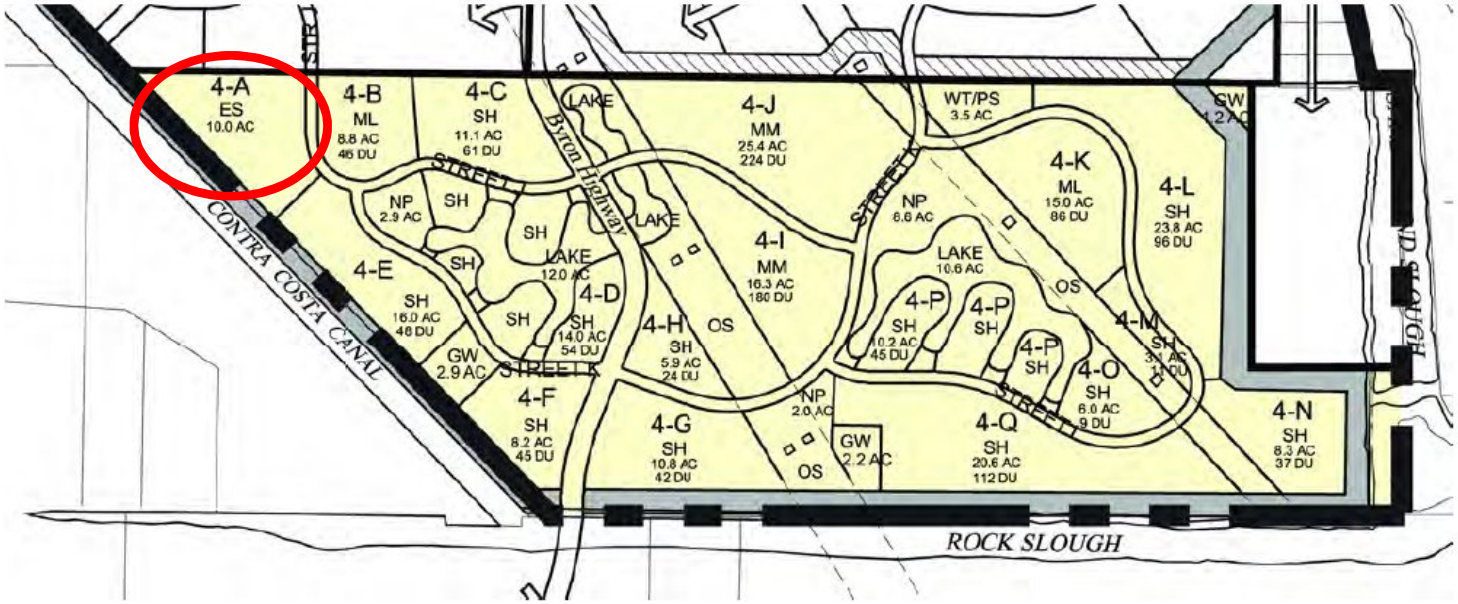


Exhibit A

Vesting Tentative Map 9404


D STREET
BBB STREET
BBB STREET
WETLAND
AAA STREET
CCC STREET
DDD STREET
EEE STREET
BETHEL ISLAND ROAD
A ALLEY
B ALLEY
C ALLEY
D ALLEY
E ALLEY
F ALLEY
G ALLEY
H ALLEY
J ALLEY
K ALLEY
L ALLEY
M ALLEY
FFF STREET
FFF STREET
R -17b
2 STORY TH
(234 du.)
GGG STREET
EEE STREET
HHH STREET
III STREET


4-A
ES
10.0 AC
4-B
ML
8.8 AC
46 DU
4-C
SH
11.1 AC
61 DU
LAKE
4-J
MM
25.4 AC
224 DU
WT/PS
3.5 AC
GW
1.2 AC
4-K
ML
15.0 AC
86 DU
4-L
SH
23.8 AC
96 DU
NP
2.9 AC
SH
Byron Highway
LAKE
NP
6.6 AC
LAKE
10.6 AC
4-I
MM
16.3 AC
180 DU
4-E
SH
16.0 AC
48 DU
LAKE
12.0 AC
4-D
SH
14.0 AC
54 DU
4-H
SH
5.9 AC
24 DU
OS
4-P
SH
10.2 AC
45 DU
4-P
SH
4-P
SH
4-M
SH
3.1 AC
11 DU
4-O
SH
6.0 AC
9 DU
GW
2.9 AC
4-F
SH
8.2 AC
45 DU
NP
2.0 AC
4-G
SH
10.8 AC
42 DU
OS
GW
2.2 AC
4-Q
SH
20.6 AC
112 DU
4-N
SH
8.3 AC
37 DU
CONTRA COSTA CANAL
ROCK SLOUGH

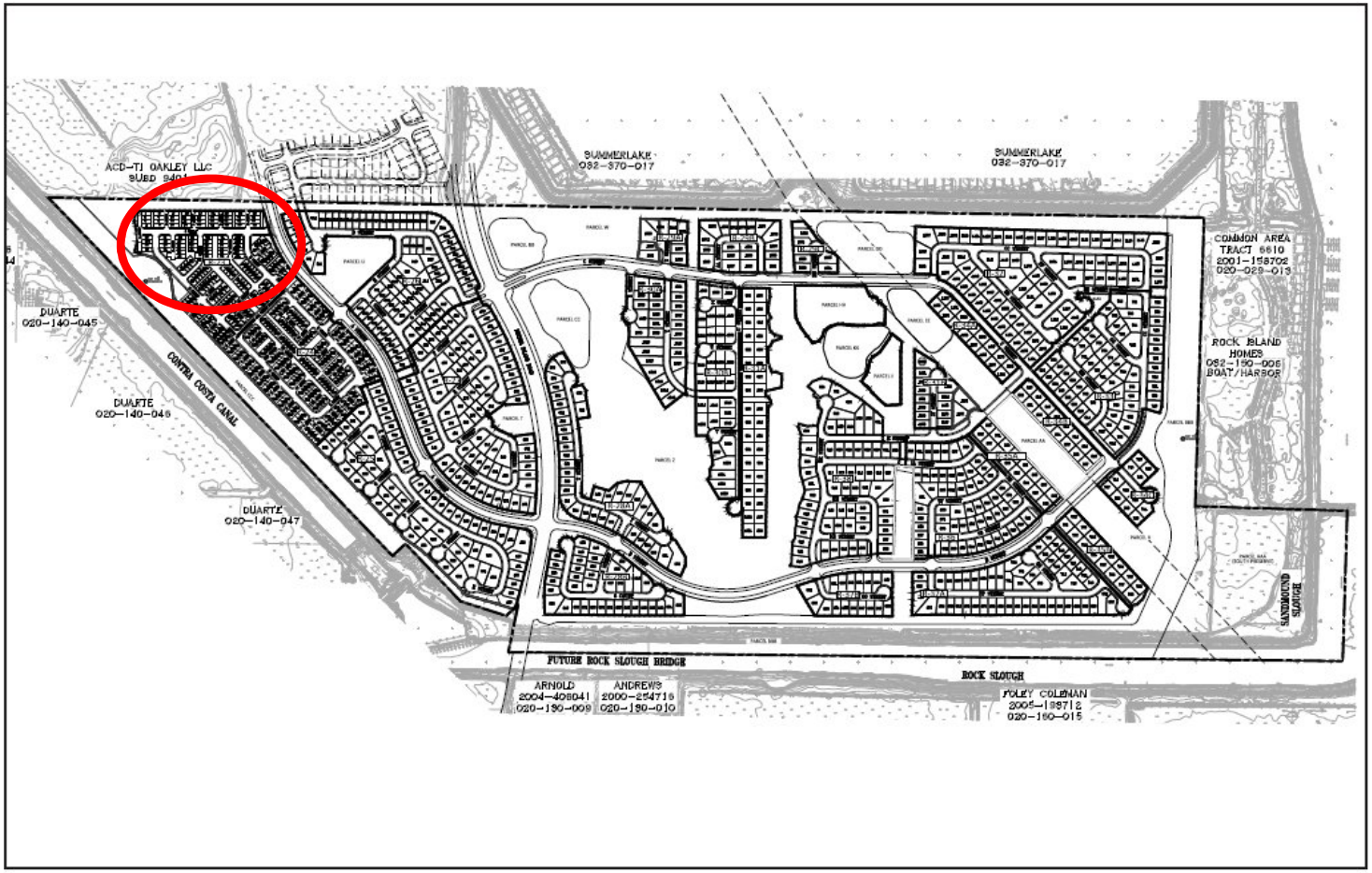
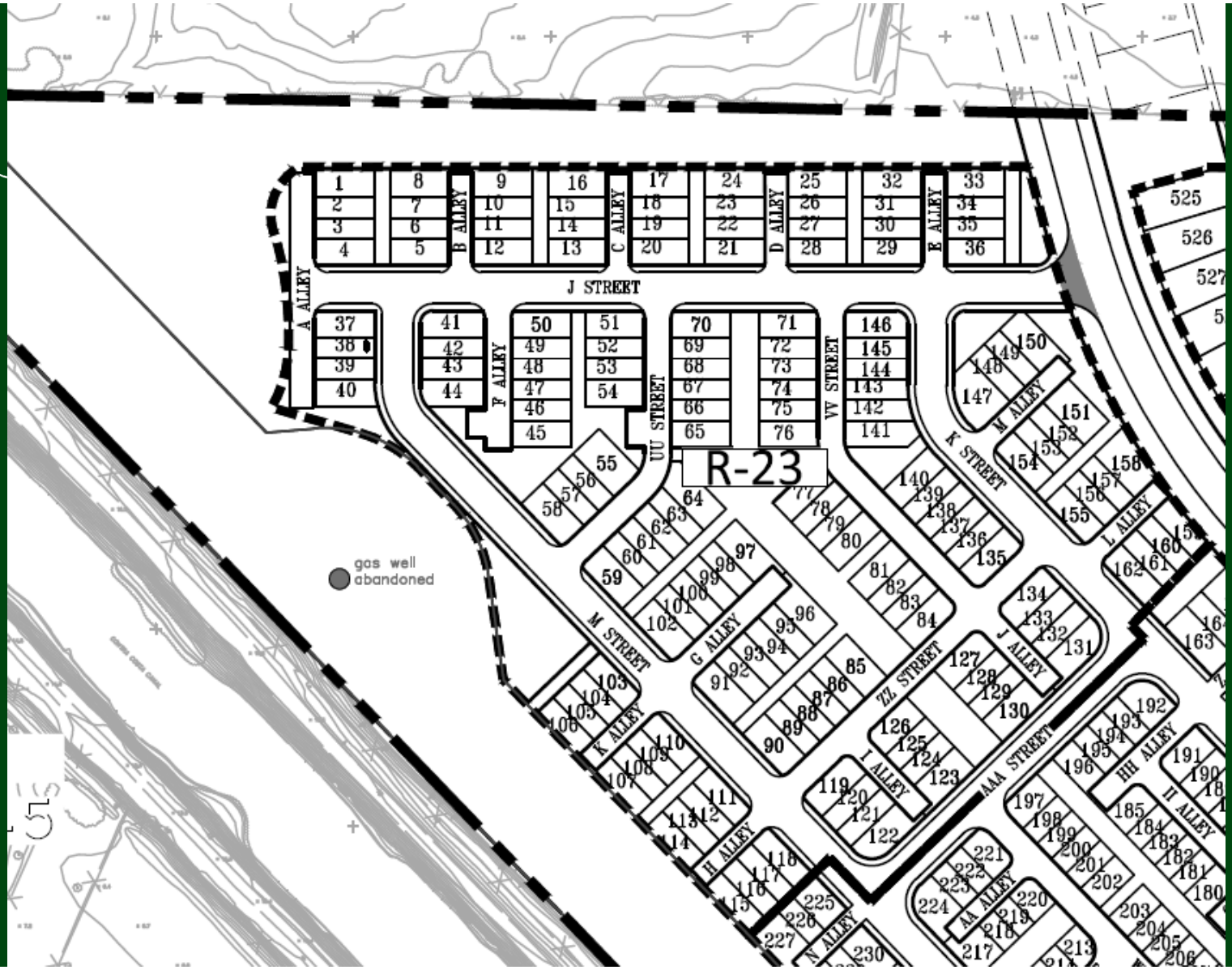


Exhibit B

Vesting Tentative Map 9156


R-23
J STREET
A ALLEY
B ALLEY
C ALLEY
D ALLEY
E ALLEY
F ALLEY
G ALLEY
H ALLEY
I ALLEY
J ALLEY
K ALLEY
L ALLEY
M ALLEY
M STREET
UU STREET
VV STREET
ZZ STREET
AAA STREET
K STREET
AA ALLEY
HH ALLEY
II ALLEY
gas well
abandoned



FRONT ELEVATION - TOWNHOMES ALT-1

SCALE: 1/4" = 1'-0"



FRONT ELEVATION - TOWNHOMES ALT-2

SCALE: 1/4" = 1'-0"

CEQA

- Prepared an Addendum to the Certified EIR(s)
- No new impacts
- Within the limits of what was approved within the Specific Plan

Recommendation's

- Staff recommends the City Council adopt a resolution approving the Amended Vesting Tentative Map 9156 (TM 03-20), as conditioned.

- Staff recommends the City Council adopt a resolution approving the Amended Vesting Tentative Map 9404 (TM 04-20), as conditioned.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: November 10, 2020

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

FROM: Joshua McMurray, Community Development Director

SUBJECT: **Lesher Amended Vesting Tentative Map 9404 (TM 04-20) - Amendment to change the overall land plan of the existing Lesher Subdivision # 9404. This includes the remapping and addition of 227 dwelling units. The new land plan results in a 1,283 unit subdivision and associated site improvements. The project site is designated Specific Plan in the Oakley 2020 General Plan and zoned SP-1 (East Cypress Corridor Specific Plan). The Project is located at the northwest corner of Bethel Island Rd. and East Cypress Rd. (APN's: 032-082-005 and 013).**

Summary and Recommendation

This is a public hearing on an application by John Baayoun requesting approval of a Vesting Tentative Map (TM 04-20) Amendment to change the overall land plan of the existing Lesher Subdivision # 9404. This includes the remapping and addition of 227 dwelling units. The new land plan results in a 1,283 unit subdivision and associated site improvements. The project site is designated Specific Plan in the Oakley 2020 General Plan and zoned SP-1 (East Cypress Corridor Specific Plan). The Project is located at the northwest corner of Bethel Island Rd. and East Cypress Rd. (APN's: 032-082-005 and 013).

Staff recommends the City Council adopt a resolution approving the Amended Vesting Tentative Map 9404 (TM 04-20), as conditioned.

Background

Surrounding Uses

The 350.5-acre Lesher property encompasses the southern portion of Planning Area 1 ("PA 1") of the East Cypress Corridor Specific Plan ("Specific Plan"). It is bordered on the west by Jersey Island Road, on the south by East Cypress Road, to the north by existing rural land that makes up the entitled northern portion of PA 1, known as

KT KB Oakley, LLC Subdivision 9311(formerly "Dal Porto North"), and to the east by Bethel Island Road. An approximately 26-acre rural property, that is a part of Planning Area 6, is located along a portion of the eastern border of the project site. Within that property's northeast corner exists an approximately 1-acre lot occupied with a veterinary hospital. That parcel and Planning Area are not part of this project.

Figure 1. Land Use Planning Areas of the East Cypress Corridor Specific Plan



History on East Cypress Corridor Specific Plan Area

The East Cypress Corridor ("ECC") first became a part of Oakley's land use planning in 2002 when the City's General Plan was adopted and the area was included in the City's Planning Area. In August of 2003, the ECC was added to the City's Sphere of Influence through Contra Costa County Local Agency Formation Commission ("LAFCO") approval.

In September of 2005, the City Council adopted Resolution No. 89-05 providing a Notice of Intent to LAFCO and other applicable agencies of its plans to initiate boundary reorganization proceedings to annex the ECCSP area into the City of Oakley. In March of 2006, the City Council held a public hearing and took the following actions in relation to the ECCSP project:

- Certified the ECCSP Final Environmental Impact Report ("EIR");
- Adopted the General Plan Amendment;
- Adopted the ECCSP;
- Adopted three resolutions authorizing the submittal of boundary reorganization applications to LAFCO for the ECCSP area; and
- Adopted the ECCSP pre-zoning.

In October of 2005, Areas I & II of the ECC Specific Plan were annexed into the City of Oakley. Areas along Dutch Slough Road and Sandmound Boulevard were not included in the annexation due to a failure to receive adequate property owner votes to annex those areas.

History of the Land Use Plan

The applicant, ACD-TI Capital LLC, is the collective owner of 4 approved Vesting Tentative Maps within the ECC Specific Plan area known as the "Cypress Preserve". The Cypress Preserve project area is within Planning Areas 1, 3 and 4 of the ECC Specific Plan. The Cypress Preserve is made up of Vesting Tentative Maps 9156, 9311, 9401 and 9404. The Lesher Vesting Tentative Map 9404 was approved on July 14, 2015. Those 4 approvals allow for a total of 2,863 units to be developed. The maximum number of units analyzed under the ECC Specific Plan is 3,220.

In the fall of 2019, the applicant submitted to the City an updated land use plan prepared by the Dahlin Group. The purpose of this plan was to further refine the land use plan to take into account the needed approval from the United States Army Corps of Engineers (USACE). The issue's with that approval are complex and take into account the total acreage of wetlands in the entire Cypress Preserve area. Ultimately, the applicant has approval from the USACE to fill just 4.58-acres of the 133.62-acres of wetland. The applicant is conditioned to (i) permanently protect the approximately 255-acre North Preserve and its 76.34 acres of wetlands, (ii) create 15.02 acres of new wetland habitat in the North Preserve (Planning Area 1), (iii) permanently protect the approximately 13-acre wetland area in the Project Site's southeast comer commonly known as the "South Preserve" (Planning Area 4), (iv) permanently protect 162.06 acres of in-tract development area in order to avoid and adequately buffer 43.1 acres of wetlands located within the Project Site but outside of the North and South Preserve areas.

The Cypress Preserve Project will permanently preserve 129.04 acres of wetlands and will provide three times more wetland mitigation than otherwise required by the mitigation measures in the Certified EIR. As required by the fill permit conditions and Mitigation Measure's in the Certified EIR, the Project's wetland avoidance, mitigation and preservation requirements will be implemented in accordance with a Habitat Mitigation and Monitoring Plan approved by the USACE, and will reduce wetland impacts assumed by the Specific Plan EIR by over 93 percent.

The history of the wetland areas and the USACE permit requirements required the land plan to be altered. The alterations are memorialized in that updated land plan prepared by the Dahlin Group; which was approved at a Staff level on October 2, 2019 and is known as the Cypress Preserve Substantial Conformances Land Use Plan. That plan has a unit count totaling 2,789 units, which is 74 units less than what was originally approved and 431 units less than what the ECC Specific Plan allows for in Planning Areas 1, 3 and 4. It should be noted that the substantial conformance land plan removed the lakes and reconfigured some of the product types from the original approval, including the introduction of an Age Qualified detached product and an attached townhome product.

Project Description

General Plan and Zoning/Specific Plan

General Plan: SP (Specific Plan) – The project site is designated as "SP" (Specific Plan) in the Oakley General Plan. The "SP" designation was approved through adoption of City Council Resolution 49-07, at which time other specific land use modifications were made to the ECCSP area, including adding additional Commercial, Community Park, and Light Industrial acreage to the Specific Plan area.

Zoning: SP-1 (ECCSP) – The zoning classification for the project site is "SP-1" (ECCSP) District. The SP-1 District and ECCSP were approved with adoption of City Council Ordinance 10-09. The SP-1 District is further classified into land uses within the Specific Plan. The project site is located within "Planning Area – 1 (PA 1)" of the ECCSP, which is also referred to as "Lesher/KT KB Oakley LLC."

Land Uses

The ECCSP includes land uses and densities for all planning areas (Planning Areas 1-6). Chapter 8 of the ECCSP outlines the implementation of the plan. Section 8.5 speaks to Density Allocations and provides for the following:

> "The East Cypress Corridor Specific Plan Land Use Plan allocates a maximum number of residential dwelling units and density to each Planning Area and the Specific Plan Area as a whole. Variations in number of residential dwelling units per land use designation and density allocation may occur within each of the six Planning Areas at the time of

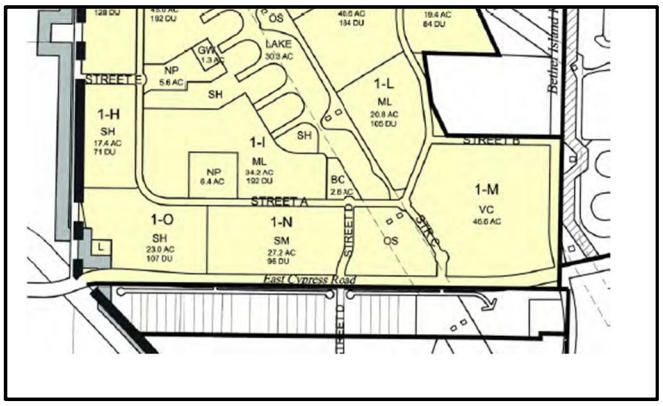
> final design of the Planning Area depending upon the residential product identified for development, provided the total number of dwelling units assigned to each Planning Area as part of the Specific Plan is not exceeded. If the development potential is reduced due to environmental constraints, the residential units may be reallocated to other Planning Areas provided densities stay within the ranges shown on the Land Use Map and the total number of dwelling units for the Specific Plan is not exceeded. Variations in number of residential dwelling units and/or variations of land use boundaries and acreages within each Planning Area shall be subject to approval by the Director."

The last two sentences of Section 8.5 have been underlined to draw attention to the fact that the Specific Plan language at the time of adoption, the Specific Plan already took into consideration that the final development plan(s) and final map(s) for the projects within each Planning Area may have to be adjusted due to environmental constraints. As mentioned above, the Cypress Preserve projects had to be significantly modified to minimize the wetland impacts as part of the USACE permit process. In addition to that, the Specific Plan allocates 3,220 residential units within Planning Areas 1, 3 and 4. As proposed with this amended Vesting Tentative Map (9404), there will be an excess of 141 dwelling units within Planning Area 1. This is relevant because the application for the amendment to Subdivision 9156, being processed and heard by the City Council at this same meeting, is requesting to transfer 85 dwelling units from Planning Area 1 to Planning Area 4. If approved, there will be 53 excess units in Planning Area 1 that are allocated through the Specific Plan and would require additional mapping to capture as part of a project. Staff has evaluated the request and feels that the re-allocation of units from Planning Area 1 to Planning Area 4 are warranted due to both the existing environmental constraints and that the environmental constraints are required to be evaluated and mitigated per the Certified EIR. For those two reasons, Staff is in support of the request.

The Table below further reiterates the discussion below in a visual format that may be easier to follow.

Specific Plan Area	Ownership Name	Subdivision #	Planning Area Allowable Maximum Unit Count	Approved TM Lots	Remaing Unmapped Lot Count	Amended VTM Unit Count	Total Unit Count in Planning Area	Unmapped PA Units	Units Transferred from PA1 to PA4
1	(KT-KB) & Lesher	(9311) & 9404	1700	(276) & 1056	368	1283	1559	141	
4	Bethel Island, LLC	9156	1120	1128	-8	1205	1205	-85	85

Figure 1



Amendment to the Vesting Tentative Map

The proposed amendment would add 227 attached townhomes within the Village Commercial (VC) area of the ECC Specific Plan. Specifically, the VC Area is located within the southeast corner of the project site and per the ECC Specific Plan the area was targeted to have 46.6-acres reserved for commercial uses as shown in Figure 1. That acreage was based on a land plan that, until recently, did not take into account the significant amount of mitigation that would have been required to impact the wetlands. Now that we have all the relevant information, we consider that 46.6-acres to be overly ambitious and not realistic based on the wetland permitting requirements at the Federal level. It should be noted that the ECC Specific Plan allocated 46.6-acres to the Village Commercial area of Planning Area 1, while the original 9404 Vesting Tentative Map Approval showed 45-acres. Staff is using the approved 45-acres in the discussion below.

As previously discussed, the applicant has permitted the project with the USACE and as a result of that, the VC Area was reduced from its originally planned acreage to approximately 21.3-acres. As part of the Substantial Conformance review, the Dhalin Group plan shows 75 dwelling units on 9-acres of land within the VC area. Those units are consistent with the ECC Specific Plan in that the plan already assumed some level of residential development on the commercial land. Furthermore, the applicant has had recent discussions with commercial brokers about the viability of the commercial land in which they have received no positive feedback. As of right now, there is 14.7-acres of commercial land that is being requested to be converted to a residential land use as part of this project. With that said, Staff is concerned with the elimination of all commercial land in Planning Area 1 and also feels that there will be a need for additional analysis to support the applicants claim that the land isn't commercially viable now or in the future. Staff has developed the following condition to address that concern:

> "Prior to recording a Final Map that would create legal parcels for residential use in the area of the property identified as village R-17B on Vesting Tentative Map for Subdivision 9404, the applicant shall provide the Community Development Director detailed documentation of applicant's commercially reasonable, good faith efforts to sell or lease (for fair market value, as determined by a qualified appraiser mutually acceptable to applicant and the City) the entirety, or significant portion thereof acceptable to the City, of such real property to one or more commercial development entities for the purposes of developing a commercial project. The applicant shall not request the Final Map that creates residential parcels for area R-17B until December

13, 2025 or a total of 1,056 building permits have been issued for the balance of Subdivision 9404, whichever occurs first."

Levee Design and Location

New development in the ECCSP requires protection from potential flooding. The specific plan contains a conceptual levee plan to surround all of the developable properties that were annexed into the City. The proposed project is conditioned to provide levee protection and is in the process of preparing levee plans to be reviewed and approved by the City.

California Environmental Quality Act (CEQA)

The proposed project was analyzed in the East Cypress Corridor Specific Plan EIR and Supplemental EIR (SCH # 2004092011), collectively, "ECCSP EIRs", certified by the City Council in March of 2006 and 2009, respectively. The City has reviewed the information submitted with the project and determined that approval of the project will not result in any new, or substantially more adverse, significant environmental impacts than those disclosed in the ECCSP EIRs. The proposed project is subject to applicable mitigation measures from the Mitigation and Monitoring Plan (MMP) for the ECCSP EIR. The MMP is incorporated as Chapter 4.0 of the ECCSP Final EIR.

In addition to the above, pursuant to Public Resources Code Section 21166, and as further clarified by CEQA Guideline Section 15162, an addendum to the Project EIR was prepared and is included as an attachment to this Staff Report. The Addendum incorporates, by reference, the analysis contained in the certified ECCSP EIR, and addresses only those issues specific to the project. The Addendum concludes that approval of the Project does not trigger need for a subsequent EIR under Section 21166 because development of the Project will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Project EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the ECCSP EIR was certified, that shows any new or substantially more adverse environmental impacts than those disclosed in the ECCSP EIR, or that shows that new or previously identified infeasible mitigation measures or alternatives would substantially reduce one or more significant environmental effects of the project. Accordingly, per Section 21166, the City has not required a subsequent EIR for the Project.

Analysis

Vesting Tentative Map

The proposed vesting tentative map is designed in a manner substantially consistent with the southern portion of Planning Area 1 (PA 1) of the East Cypress Corridor Specific Plan. The street connections on the project boundaries, as well as internal

street circulation, location of different housing types and neighborhood parks are all in substantial conformity. Slight modifications in acreages associated with the specific land uses do not result in any significant design changes and are common when a project moves from conceptual design to engineered design. One thing to note that is different from the approval in 2015 is that all four of the gas wells that existed within the project site have now been closed, clearly marked and are not proposed to be reactivated. The closure of the gas wells required certification from the Department of Conservation Division of Oil, Gas & Geothermic Resources.

Development of the project, along with development of other Planning Areas within the ECCSP will provide new residents amenities, such as parks, open space and trails, and will benefit existing Oakley and Bethel Island residents with additional road improvements and additional community park land. The development will be subject to applicable City development impact fees, which can be used for traffic improvements, infrastructure improvements, and public facilities.

It is important to note that before any home or unit is constructed, the applicant will be required to bring forward to the City Council for consideration the Design Review approval of individual neighborhoods and products. The Design Review process analyses architecture, landscaping and other community features. This process is further outlined in Section 8.2 of the ECC Specific Plan.

The design of the subdivision includes the construction of improvements within public right-of-way that are consistent with major subdivisions, the City's design standards and design standards approved in the East Cypress Corridor Specific Pan. The improvements consist of roads, sidewalks, curbs and gutters, and associated improvements.

The proposed Vesting Tentative Map and all identified mitigation measures have been incorporated into Project EIR Mitigation and Monitoring Plan, certified March 10, 2009, and prepared in accordance with the CEQA Guidelines.

It should also be noted that the Resolution requires the applicant, per Condition of Approval #101(a), to annex in to the City of Oakley Community Facilities District No. 2018-1 for Fire Protection Services. This condition was not part of the original approval and because the applicant is requesting an amendment to that approval, the timing is now appropriate.

Findings

Draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt a resolution approving the Amended Vesting Tentative Map 9404 (TM 04-20), as conditioned.

Attachments

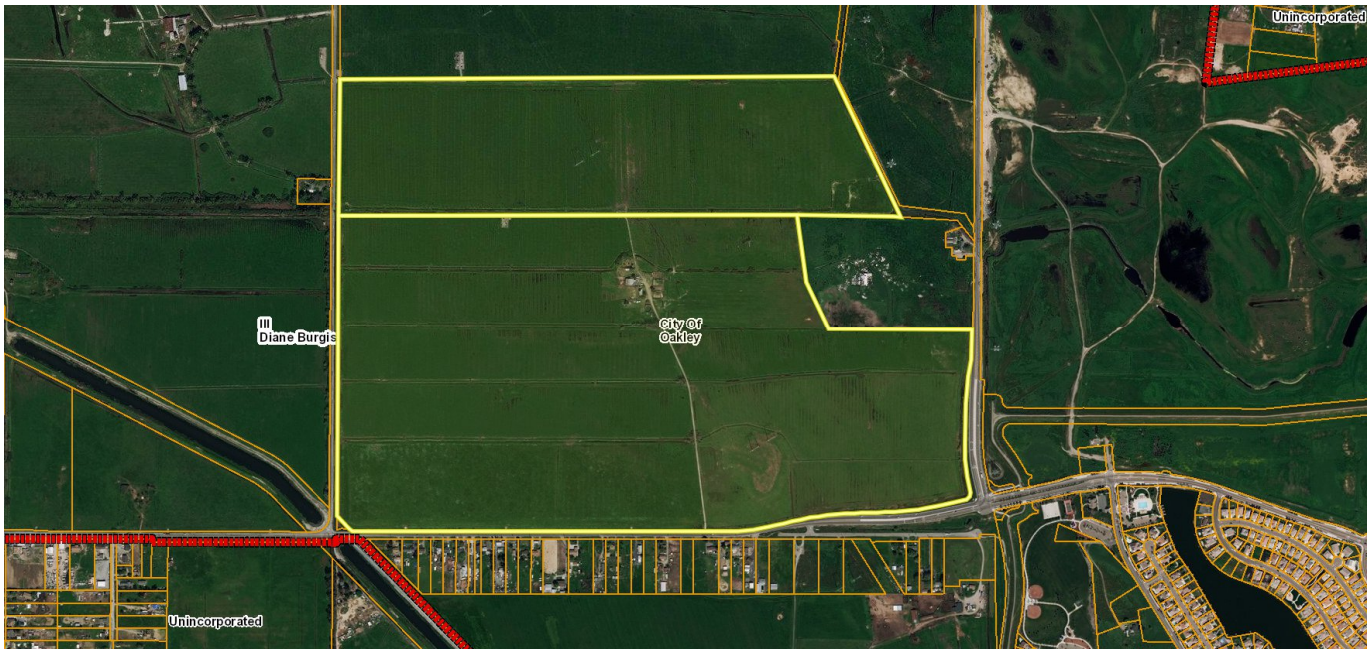
1. Vicinity Map
2. Proposed Subdivision 9404 Vesting Tentative Map
3. Planning Area 1 (Lesher) Vesting Tentative Map 9404, Planning Area 4 (Bethel Island LLC) Vesting Tentative Map 9156 East Cypress Corridor Specific Plan Environmental Impact Report Addendum
4. Proposed Resolution
5. PowerPoint Presentation for the November 10, 2020 City Council Meeting

Available in the City Clerk's Reading File and/or City website (www.oakleyinfo.com)

- East Cypress Corridor Specific Plan EIR and Supplemental EIR
- East Cypress Corridor Specific Plan

Vicinity Map

Lesher Amended Vesting Tentative Map 9404 (TM 04-20)
N/W corner of Bethel Island Rd. and East Cypress Rd.
APN's: 032-082-005 and 013

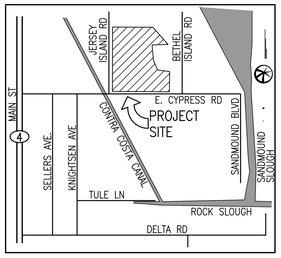


SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
COVER SHEET
A PORTION OF THE ECCSP – PLANNING AREA 1

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

OCTOBER 1, 2020 SCALE: 1"=150'



VICINITY MAP

NO SCALE

NOTES:

THE OWNER RESERVES THE RIGHTS TO FILE MULTIPLE FINAL MAPS ON THE LAND SHOWN ON THIS MAP

GENERAL NOTES

OWNER:	ACD–TI OAKLEY, LLC – A DELAWARE LIMITED LIABILITY COMPANY 11611 SAN VINCENTE BLVD., STE. 610 LOS ANGELES, CA 91149 310–594–5334
DEVELOPER:	ACD–TI OAKLEY, LLC – A DELAWARE LIMITED LIABILITY COMPANY 11611 SAN VINCENTE BLVD., STE. 610 LOS ANGELES, CA 91149 310–594–5334
CIVIL ENGINEER:	BELLECCI & ASSOCIATES, INC. 2290 DIAMOND BLVD., SUITE 100 CONCORD, CALIFORNIA 94520 925.685.4569
A.P.N.:	032–082–005–3 & 032–082–013–7
SITE AREA:	350 ACRES±
EXISTING ZONING:	SP–1 (ECCSP) DISTRICT
PROPOSED ZONING:	SP–1 (ECCSP) DISTRICT
EXISTING USE:	AGRICULTURAL
PROPOSED USE:	RESIDENTIAL

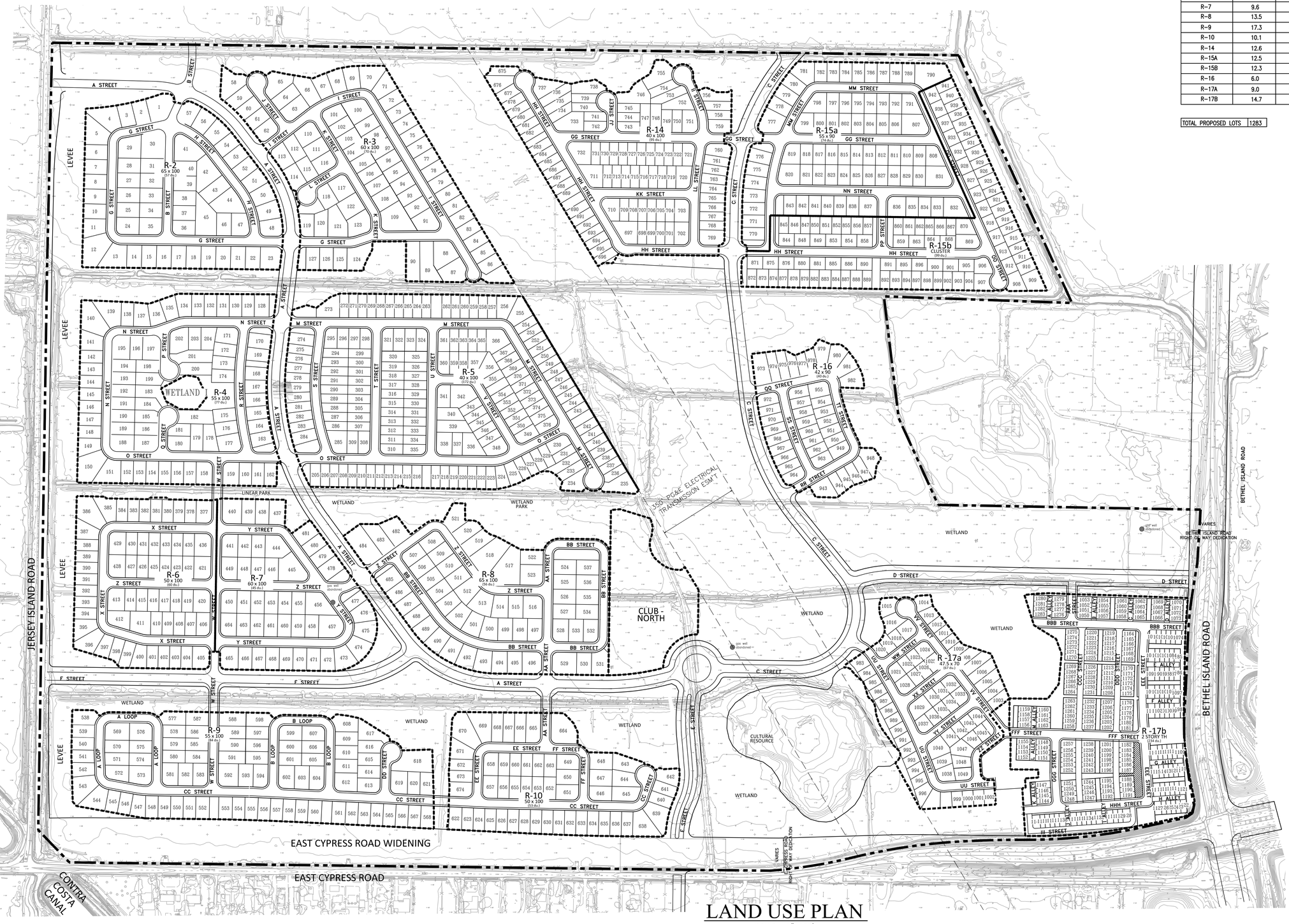
SERVICES: WATER SUPPLY– SANITARY SEWER– STORM DRAIN– GAS & ELECTRIC– FIRE– TELEPHONE– CABLE TV– LEVEE–	 DIABLO WATER DISTRICT IRONHOUSE SANITARY DISTRICT CITY OF OAKLEY PACIFIC GAS & ELECTRIC EAST CONTRA COSTA FIRE PROTECTION DISTRICT AT&T COMCAST RD 799/CITY OF OAKLEY
FLOODING:	SITE FALLS WITHIN FIRM PANEL NUMBERS 06013L 0360F, ZONE AE (EL 9, 1988NGVD) – DATED JULY 16, 2009 NOTE: THE ENTIRE SITE FALLS WITHIN THE 100 YEAR FLOOD PLAIN.
TOPOGRAPHY:	AERIAL TOPOGRAPHY PROVIDED BY KING & ASSOCIATES DATED OCTOBER 13, 2014
BASIS OF ELEVATION:	ELEVATIONS SHOWN ARE BASED 1988 NAVD
BASIS OF BEARINGS:	CALIFORNIA COORDINATE SYSTEM, ZONE III (NAD 83).

150 75 0 150 300 450
SCALE IN FEET

NEIGHBORHOOD SUMMARY TABLE

VILLAGE NAME	AREA (AC)	LOTS	DENSITY (DU/A)	PRODUCT TYPE	LOT NO.
R–2	12.9	57	4.4	65 X 100	1–57
R–3	14.2	70	4.9	60 X 100	58–127
R–4	15.6	77	4.9	55 X 100	128–204
R–5	23.9	172	7.2	40 X 100	205–376
R–6	10.4	60	5.8	50 X 100	377–436
R–7	9.6	45	4.7	60 X 100	437–481
R–8	13.5	56	4.1	65 X 100	482–537
R–9	17.3	84	4.9	55 X 100	538–621
R–10	10.1	53	5.2	50 X 100	622–674
R–14	12.6	95	7.5	40 X 100	675–769
R–15A	12.5	74	5.9	55 X 90	770–843
R–15B	12.3	99	8.0	CLUSTER	844–942
R–16	6.0	40	6.7	42 X 90	943–982
R–17A	9.0	67	7.4	47.5 X 70	983–1049
R–17B	14.7	234	15.9	2 STORY TH	1049–1283

TOTAL PROPOSED LOTS	1283



LAND USE PLAN

SCALE: 1"=150'

SHEET INDEX

1. COVER SHEET
2. EXISTING CONDITION AND CONSTRAINTS MAP
3. TYPICAL ROADWAY SECTIONS
4. PRELIMINARY SITE PLAN (R–2,R–3.R–4.R–5)
5. PRELIMINARY SITE PLAN (R–6,R–7,R–8,R–9,R–10)
6. PRELIMINARY SITE PLAN (R–14,R–15a,R–15b,R–16)
7. PRELIMINARY SITE PLAN (R–17a)
8. PRELIMINARY SITE PLAN (R–17b Part 1)
9. PRELIMINARY SITE PLAN (R–17b Part 2)
10. PRELIMINARY GRADING AND UTILITY PLAN (R–2,R–3.R–4.R–5)
11. PRELIMINARY GRADING AND UTILITY PLAN (R–6,R–7,R–8,R–9,R–10)
12. PRELIMINARY GRADING AND UTILITY PLAN (NORTHERN BASIN)
13. PRELIMINARY GRADING AND UTILITY PLAN (R–14,R–15a,R–15b,R–16)
14. PRELIMINARY GRADING AND UTILITY PLAN (R–17a)
15. PRELIMINARY GRADING AND UTILITY PLAN (R–17b Part 1)
16. PRELIMINARY GRADING AND UTILITY PLAN (R–17b Part 2)
17. PRELIMINARY GRADING SECTIONS
18. PRELIMINARY GRADING SECTIONS

PARCEL NAME	AREA (SF)	USAGE
A	77,180	OPEN SPACE
B	99,210	OPEN SPACE
C	1,108,600	OPEN SPACE / BIORETENTION BASIN
D	173,740	OPEN SPACE
E	912,120	OPEN SPACE
F	38,000	OPEN SPACE
G	17,550	OPEN SPACE
H	10,030	OPEN SPACE
I	6,000	OPEN SPACE
J	20,630	OPEN SPACE
K	105,690	OPEN SPACE
L	8,170	OPEN SPACE
M	11,890	OPEN SPACE
N	34,200	OPEN SPACE
O	216,850	OPEN SPACE
P	284,860	OPEN SPACE
Q	466,780	OPEN SPACE
R	621,640	OPEN SPACE
S	143,370	OPEN SPACE
T	201,350	CLUB HOUSE
U	247,720	OPEN SPACE
V	69,790	OPEN SPACE
W	68,760	OPEN SPACE
X	339,560	OPEN SPACE
Y	5,540	OPEN SPACE
Z	111,680	OPEN SPACE
AA	127,500	OPEN SPACE
BB	39,320	OPEN SPACE
CC	52,720	OPEN SPACE
DD	41,630	OPEN SPACE

PARCEL NAME	AREA (SF)	USAGE
EE	2,440	OPEN SPACE
FF	2,560	OPEN SPACE
GG	2,970	OPEN SPACE
HH	2,550	OPEN SPACE
II	5,010	OPEN SPACE
JJ	6,630	OPEN SPACE
KK	8,510	OPEN SPACE
LL	3,390	OPEN SPACE
MM	2,370	OPEN SPACE
NN	1,770	OPEN SPACE
OO	20,170	OPEN SPACE
PP	3,990	OPEN SPACE
QQ	4,450	OPEN SPACE
RR	2,850	OPEN SPACE
SS	2,230	OPEN SPACE
TT	5,080	OPEN SPACE
UU	2,370	OPEN SPACE
VV	3,360	OPEN SPACE
WW	1,910	OPEN SPACE
XX	2,060	OPEN SPACE
YY	7,850	OPEN SPACE

SHEET 1 OF 18

JOB NO. 18180

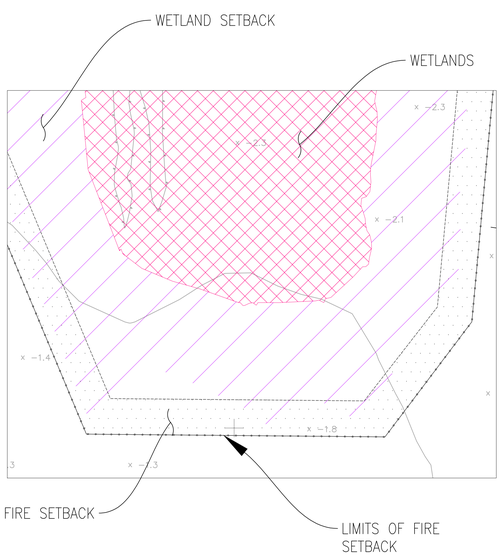
SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
EXISTING CONDITIONS AND CONSTRAINTS MAP

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA
SEPTEMBER 17, 2020 SCALE: 1"=200'

LEGEND

- WETLANDS SETBACK
- FIRE MAINTENANCE SETBACK
- SEASONAL WETLANDS
- IMPACTED SEASONAL WETLANDS
- ARCHEOLOGICAL MOUND
- CONNECTED DRAINAGE DITCHES



WETLAND SETBACK & FIRE SEBACK DETAIL
NTS

N
200 100 0 200 400 600
SCALE IN FEET

N89°12'16"W 3975.38'
N1°17'38"E 982.89'
N0°54'09"E 2470.97'
SW COR SEC 27
30' SHELL OIL PIPELINE ESM'T 107810R135
PRIVATE ROADWAY ESM'T 7340R165
200' WAPA EASEMENT
N24°56'10"W 1192.67'
50' PG&E GAS PIPELINE ESM'T SR#93-163119
EX. 42" HIGH PRESSURE GAS TRANSMISSION LINE
APPROX. LOCATION OF PG&E POLE LINE ESM'T NO WIDTH PER RECORD 5740R122
N88°07'21"W 775.27'
N85°46'34"W 50.06'
N6°55'21"W 537.52'
350' P.G.&E. EASEMENT PER 4835 OR 490
100' P.G.&E. EASEMENT
250' P.G.&E. EASEMENT
N24°25'21"W 418.46'
N88°57'22"W 1150.62'
ABANDONED GAS WELL SITE API: 01320358
N3°30'35"E 237.60'
N9°22'01"E 112.51'
N8° 07' 57"E 60.74'
N5° 50' 25"E 68.35'
L=113.87', R=2000.00' Δ=3°15'44"
N2° 34' 41"E 306.39'
L=23.80', R=500.00' Δ=2°43'40"
N0° 08' 59"W 61.11'
L=104.20', R=1000.00' Δ=5°58'13"
N11° 19' 38"E 35.03'
N55° 27' 52"E 35.62'
N77° 32' 01"E 194.36'
PG&E POLE LINE ESM'T SR#2005-0266233
RD799 DRAINAGE DITCH ESM'T SR#2005-0499230
L=39.44', R=500.00' Δ=4°31'09"
L=524.72', R=2335.00' Δ=12°52'32"
N4° 40' 08"W 52.27'
ISD SEWER LINE EASEMENT SR#2005-0499231
N10° 38' 21"W 123.03'
ABANDONED GAS WELL SITE API: 01300102
N43°53'22"W 196.63'
PG&E PIPELINE & DWD WATERLINE ESM'T SR#2005-0499232 SR#2005-0499233
L=366.76', R=2160.00' Δ=9°43'43"
N89°19'02"W 3073.44'
L=499.35', R=2500.00' Δ=11°26'39"
N87° 28' 36"E 71.65'
N89° 35' 27"W 15.70'
L=168.90', R=3300.00' Δ=2°55'57"
STATE OF CALIFORNIA APN 032-081-018-7
ENCORE OAKLEY LLC APN 032-370-033-6
ARCHEOLOGICAL CONSERVANCY APN 032-020-004

NOTE:
THE PARENT COMPANY OF ACD-TI OAKLEY LLC HAS ACQUIRED ALL SURFACE AND SUBSURFACE MINERAL RIGHTS AND ALL EASEMENTS ASSOCIATED THEREWITH. AS SUCH, THE FOLLOWING EASEMENTS AND RESERVATIONS ARE NOT DEPICTED HEREON:

1. EASEMENT FOR PIPELINES AND APPURTENANCES FOR THE TRANSPORTATION OF OIL, GAS, AND PETROLEUM PRODUCTS; DOCUMENT 4844 OR 383 AND AS AMENDED BY DOCUMENT 4894 OR 137
2. ALL EASEMENTS AND RESERVATIONS BY ANY PARTIES AS THEY RELATE TO OIL, GAS AND PETROLEUM EXPLORATION.

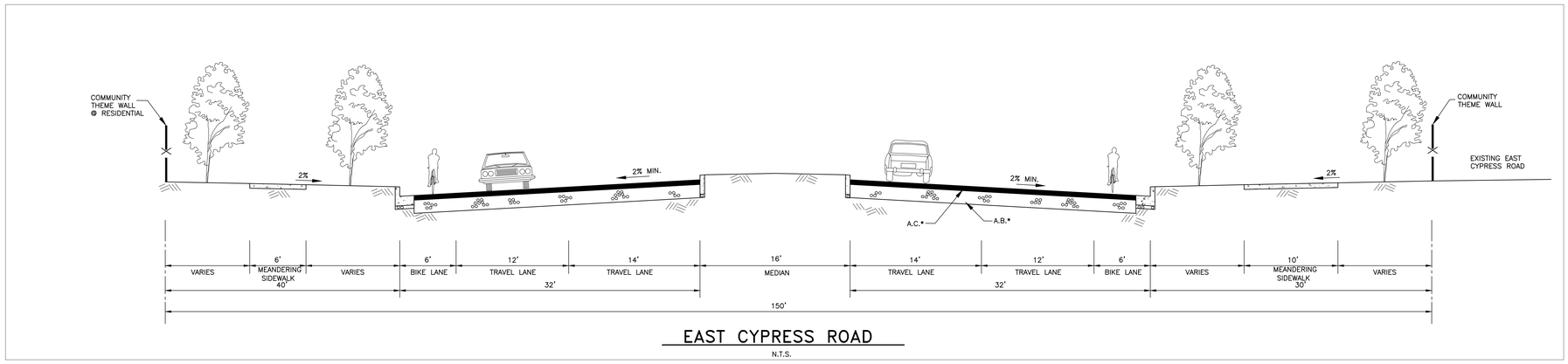
SHEET 2 OF 18
JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
TYPICAL ROADWAY SECTIONS

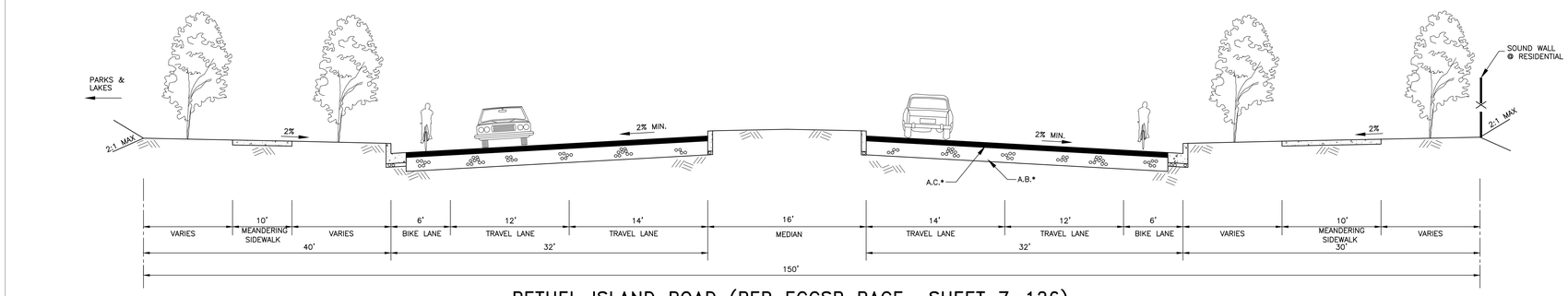
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA
OCTOBER 1, 2020

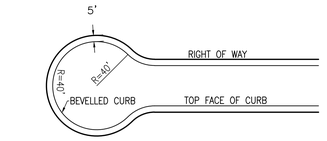
NOTES:
1. ALL ROAD WAY SECTIONS ARE PER EAST CYPRESS CORRIDOR SPECIFIC PLAN
2. ALL STREET SLOPES TO BE A MINIMUM OF 0.75% SLOPE



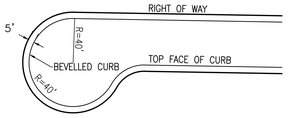
EAST CYPRESS ROAD
N.T.S.



BETHEL ISLAND ROAD (PER ECCSP PAGE SHEET 7-126)
N.T.S.

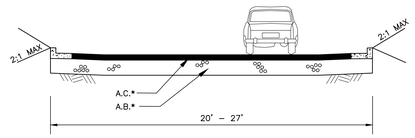


CUL-DE-SAC

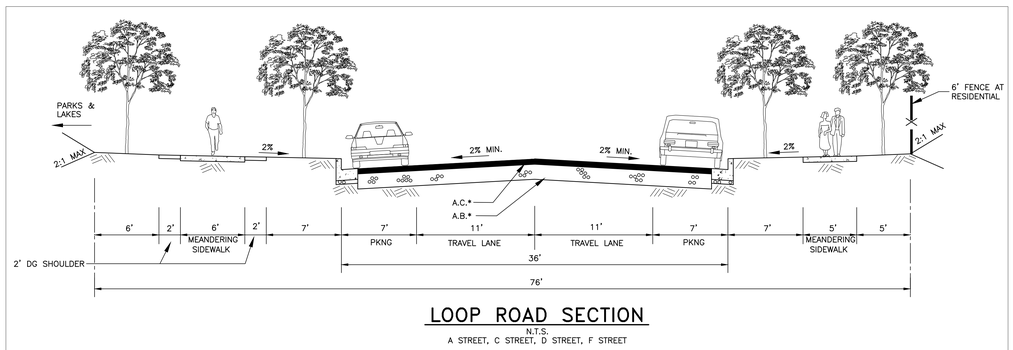


OFF SET CUL-DE-SAC

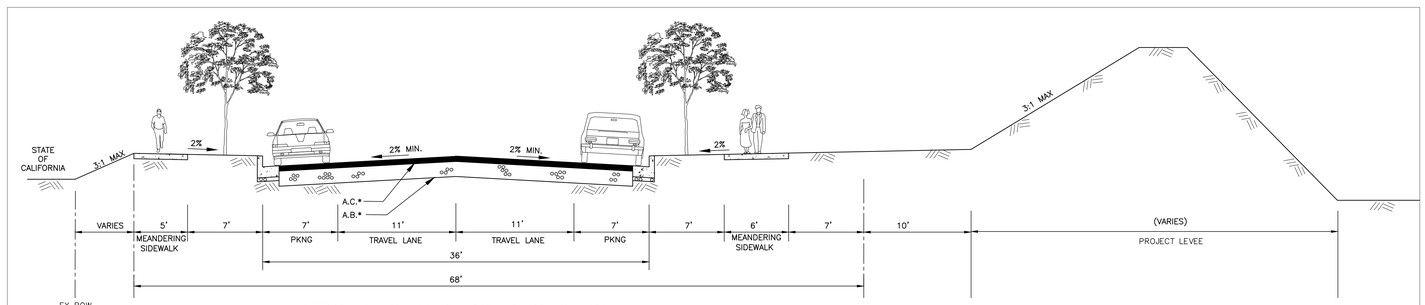
TYPICAL CUL-DE-SAC & OFF SET CUL-DE-SAC DETAIL
N.T.S.



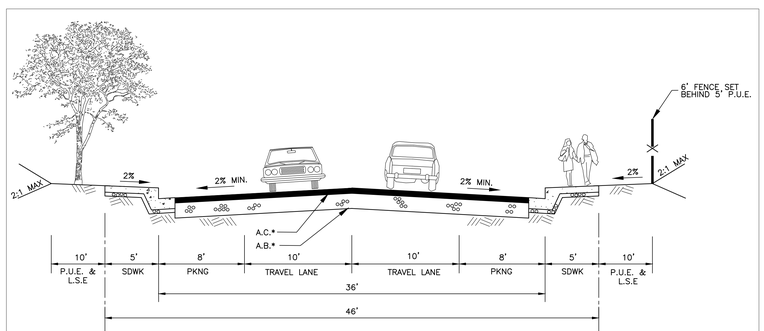
PRIVATE ALLEY SECTION
N.T.S.
A ALLEY, B ALLEY, C ALLEY, CCC STREET, D ALLEY, DDD STREET, E ALLEY, F ALLEY, G ALLEY, H ALLEY, I ALLEY, III STREET, J ALLEY, L ALLEY, M ALLEY,



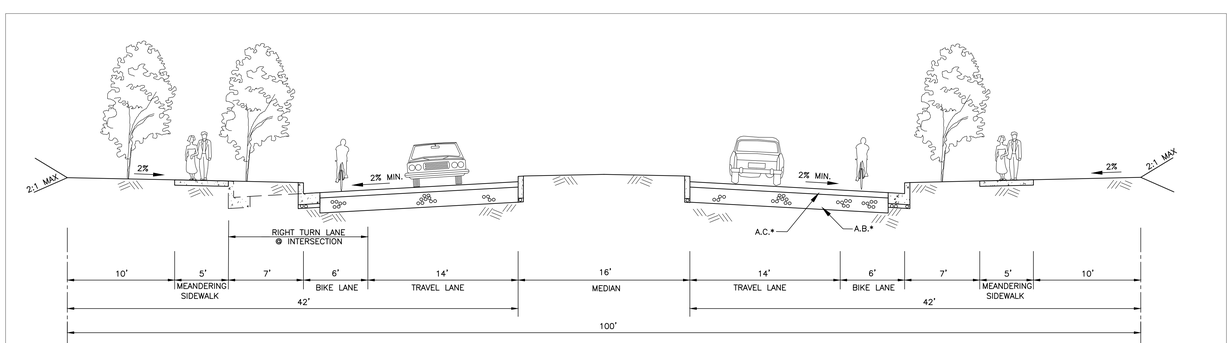
LOOP ROAD SECTION
N.T.S.
A STREET, C STREET, D STREET, F STREET



JERSEY ISLAND ROAD SECTION
N.T.S.



LOCAL STREET SECTION
N.T.S.
A LOOP, AA STREET, AAA STREET, B LOOP, B STREET, BBB STREET, CC STREET, DD STREET, EE STREET, EEE STREET, FF STREET, FFF STREET, G STREET, GG STREET, GGG STREET, H STREET, HH STREET, HHH STREET, I STREET, II STREET, J STREET, JJ STREET, K STREET, KK STREET, L STREET, LL STREET, M STREET, MM STREET, N STREET, NN STREET, O STREET, OO STREET, P STREET, PP STREET, Q STREET, QQ STREET, R STREET, RR STREET, S STREET, SS STREET, T STREET, TT STREET, U STREET, UU STREET, V STREET, VV STREET, W STREET, WW STREET, X STREET, Y STREET, YY STREET, Z STREET, ZZ STREET



E STREET (LOOKING NORTH)
N.T.S.

SHEET 3 OF 18
JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

OCTOBER 1, 2020 SCALE: 1"=60'

60 30 0 60 120 180
SCALE IN FEET

NOTE:

1. THE INTENT OF THIS SHEET IS TO SHOW LOT DIMENSIONS AND LOT SQUARE FOOTAGES. SEE SHEET 3 FOR TYPICAL STREET SECTIONS.
2. ALL STREET SECTIONS AND WIDTHS PER EAST CYPRESS CORRIDOR SPECIFIC PLAN GUIDE LINES. IF THERE IS ANY DISCREPANCIES BETWEEN THE SITE PLAN STREET DIMENSIONS, STREET SECTIONS AND WIDTHS WITH EAST CYPRESS CORRIDOR SPECIFIC PLAN, THE EAST CYPRESS CORRIDOR SPECIFIC PLAN STREET STANDARDS SHALL GOVERN.
3. ALL CUL-DE-SAC FACE OF CURB RADII TO BE 40'
4. SEE DETAIL ON SHEET 2 FOR WETLAND AND WETLAND AND WETLAND SETBACK DESIGNATION. WETLANDS AND WETLAND SETBACKS ARE SHOWN ON THE PRELIMINARY GRADING AND UTILITY PLAN SHEETS 10 THRU 16 AND ARE SHOWN IN ACCORDANCE WITH THE APPROVED 404 PERMIT NUMBER SPK-2014-01048.

SEE SHEET 6

SEE SHEET 5

R-2 R-3 R-4 R-5
SCALE: 1"=60'

SHEET 4 OF 18
JOB NO. 18180

NOTE:

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EAST CYPRESS ROAD WIDENING

EAST CYPRESS ROAD WIDENING PER "EAST CYPRESS ROAD PRECISE ALIGNMENT" PREPARED BY BELLECCI AND ASSOCIATES ON FILE WITH THE CITY OF OAKLEY ENGINEERING DEPARTMENT

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

OCTOBER 1, 2020 SCALE: 1"=60'

SEE SHEET 4

SEE SHEET 7

PARCEL BB 39,320 SF ±
PARCEL CC 32,726 SF ±
PARCEL P 284,860 SF ±
PARCEL NN 1,770 SF ±
PARCEL LL 3,390 SF ±
PARCEL MM 2,370 SF ±
PARCEL X 339,560 SF ±
PARCEL V 69,790 SF ±
PARCEL W 68,760 SF ±
PARCEL OO 20,170 SF ±
PARCEL U 247,720 SF ±
PARCEL PP 3,990 SF ±
PARCEL QQ 4,450 SF ±
PARCEL JJ 6,630 SF ±
PARCEL S 143,370 SF ±

X STREET
Y STREET
Z STREET
A STREET
W STREET
BB STREET
AA STREET
F STREET
A LOOP
B LOOP
B' LOOP
DD STREET
EE STREET
FF STREET
CC STREET

ABANDONED GAS WELL SITE

JERSEY ISLAND ROAD
STATE OF CALIFORNIA APN 032-010-017

CONTRA COSTA CANAL
REEVES APN 032-060-001

EAST CYPRESS ROAD
EAST CYPRESS ROAD WIDENING
PG&E PIPELINE & DWD WATERLINE ESM'T SR#2005-0499232, SR#2005-0499233
EAST CYPRESS FRONTAGE ROAD

R-6 R-7 R-8 R-9 R-10

SCALE: 1"=60'

60 30 0 60 120 180
SCALE IN FEET

SHEET 5 OF 18
JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA
OCTOBER 1, 2020 SCALE: 1"=60'

ACD-TI OAKLEY LLC
SUBDIVISION 9311

30' SHELL OIL PIPELINE ESM'T 10781, OR 135

PARCEL D
173740 SF ±

PRIVATE ROADWAY ESM'T
7340R165

JIN-LONG QIN
APN 032-082-004-6

200' WAPA EASEMENT

EXISTING P.G.&E. TOWERS

50' P.G.&E. GAS TRANSMISSION LINE EASEMENT

PARCEL Q
466780 SF ±

PARCEL C
1108600 SF ±

PARCEL E
912120 SF ±

DUAL PURPOSE BASIN

SEE SHEET 4

350' P.G.&E. EASEMENT PER 4635, OR 406

EXISTING 42" P.G.&E. HIGH PRESSURE GAS MAIN

APPROX. LOCATION OF PG&E POLE LINE ESM'T – NO WIDTH PER RECORD 5740R122

APPROX. LOCATION OF PG&E POLE LINE ESM'T – NO WIDTH PER RECORD 5740R122

BACA DENNIS E TRE
APN 032-082-015-2

PARCEL RR
2850 SF ±

PARCEL TT
5080 SF ±

PARCEL SS
2230 SF ±

PARCEL UU
2370 SF ±

PARCEL VV
3360 SF ±

GG STREET
HH STREET
II STREET
JJ STREET
KK STREET
LL STREET
MM STREET
NN STREET
OO STREET
PP STREET
QQ STREET
RR STREET
SS STREET
TT STREET
C STREET

NOTE:

1. THE INTENT OF THIS SHEET IS TO SHOW LOT DIMENSIONS AND LOT SQUARE FOOTAGES. SEE SHEET 3 FOR TYPICAL STREET SECTIONS.
2. ALL STREET SECTIONS AND WIDTHS PER EAST CYPRESS CORRIDOR SPECIFIC PLAN GUIDE LINES. IF THERE IS ANY DISCREPANCIES BETWEEN THE SITE PLAN STREET DIMENSIONS, STREET SECTIONS AND WIDTHS WITH EAST CYPRESS CORRIDOR SPECIFIC PLAN, THE EAST CYPRESS CORRIDOR SPECIFIC PLAN STREET STANDARDS SHALL GOVERN.
3. ALL CUL–DE–SAC FACE OF CURB RADII TO BE 40'
4. SEE DETAIL ON SHEET 2 FOR WETLAND AND WETLAND AND WETLAND SETBACK DESIGNATION. WETLANDS AND WETLAND SETBACKS ARE SHOWN ON THE PRELIMINARY GRADING AND UTILITY PLAN SHEETS 10 THRU 16 AND ARE SHOWN IN ACCORDANCE WITH THE APPROVED 404 PERMIT NUMBER SPK–2014–01048.

N

60 30 0 60 120 180
SCALE IN FEET

R-14 R-15a R-16

SCALE: 1"=60'

SEE SHEET 7

SHEET 6 OF 18

JOB NO. 18180

NOTE:

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EAST CYPRESS ROAD WIDENING

EAST CYPRESS ROAD WIDENING PER "EAST CYPRESS ROAD PRECISE ALIGNMENT" PREPARED BY BELLECCI AND ASSOCIATES ON FILE WITH THE CITY OF OAKLEY ENGINEERING DEPARTMENT

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA
OCTOBER 1, 2020 SCALE: 1"=60'

SEE SHEET 5
SEE SHEET 6
SEE SHEET 8
SEE SHEET 9

BACA, DENNIS E TRE
APN 032-082-015-2

PARCEL E
912,120 SF ±

PARCEL Q
466,780 SF ±

PARCEL O
216,850 SF ±

PARCEL T (CLUB-NORTH)
201,350 SF ±

PARCEL C
1,108,600 SF ±

PARCEL K
105,690 SF ±

PARCEL WW
1,910 SF

C STREET
D STREET
E STREET
CC STREET
UU STREET
VV STREET
WW STREET
XX STREET
YY STREET
ZZ STREET
EAST CYPRESS ROAD
EAST CYPRESS FRONTAGE ROAD
BETHEL ISLAND ROAD

50' P.G.&E. GAS TRANSMISSION LINE EASEMENT

ABANDONED GAS WELL
gas well abandoned

DUAL PURPOSE BASIN

EXISTING P.G.&E. TOWERS
EXISTING 42" P.G.&E. HIGH PRESSURE GAS MAIN
350' P.G.&E. - EASEMENT PER 4535 OR 490

EAST CYPRESS ROAD WIDENING

ISD SEWER LINE ESM'T
SR#2005-0499231

PG&E PIPELINE & DWL WATERLINE ESM'T SR#2005-0499232, SR#2005-0499233

PG&E POLE LINE ESM'T
SR#2005-0266253

RD799 DRAINAGE DITCH ESM'T
SR#2005-0499230

1001 3,336 SF	1002 3,350 SF	1003 4,519 SF	1004 5,123 SF
1005 5,726 SF	1006 6,330 SF	1007 6,439 SF	1008 5,028 SF
1009 3,619 SF	1010 3,325 SF	1011 3,325 SF	1012 3,325 SF
1013 4,226 SF	1014 4,437 SF	1015 5,582 SF	1016 5,720 SF
1017 4,913 SF	1018 3,325 SF	1019 3,780 SF	1020 4,649 SF
1021 4,174 SF	1022 3,325 SF	1023 3,325 SF	1024 4,244 SF
1025 4,244 SF	1026 3,325 SF	1027 3,325 SF	1028 4,755 SF
1029 6,465 SF	1030 3,325 SF	1031 3,325 SF	1032 4,067 SF
1033 4,067 SF	1034 3,325 SF	1035 3,325 SF	1036 3,325 SF
1037 4,053 SF	1038 5,017 SF	1039 4,111 SF	1040 6,758 SF
1041 3,996 SF	1042 3,325 SF	1043 3,325 SF	1044 3,541 SF
1045 3,325 SF	1046 3,864 SF	1047 5,558 SF	1048 4,273 SF
1049 3,998 SF	983 4,258 SF	984 3,326 SF	985 3,325 SF
986 3,326 SF	987 3,327 SF	988 3,330 SF	989 3,335 SF
990 3,340 SF	991 3,348 SF	992 3,356 SF	993 3,366 SF
994 3,377 SF	995 3,390 SF	996 4,600 SF ±	997 4,914 SF
998 3,510 SF	999 3,307 SF	1000 3,321 SF	
636 5,434 SF	637 5,411 SF	638 10,251 SF	639 9,644 SF
640 5,190 SF	641 5,271 SF	642 6,745 SF	643 7,863 SF
644 7,241 SF	645 7,593 SF		

R-17a
SCALE: 1"= 60'

60 30 0 60 120 180
SCALE IN FEET

SHEET 7 OF 18
JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

OCTOBER 1, 2020 SCALE: 1"=20'

SEE SHEET 8

SEE SHEET 7

SEE SHEET 9

PARCEL E
38000 SF ±

AAA STREET

BBB STREET

A ALLEY

B ALLEY

C ALLEY

D ALLEY

E ALLEY

F ALLEY

CCC STREET

DDD STREET

EEE STREET

FFF STREET

M ALLEY

PARCEL M
11890 SF ±

PARCEL N
34200 SF ±

PARCEL L
8170 SF ±

PARCEL G
17550 SF ±

BETHEL ISLAND ROAD WIDENING

BETHEL ISLAND ROAD

PG&E POLE LINE ESM'T
SR#2005-0266233

RD799 DRAINAGE DITCH ESM'T
SR#2005-0499230

NOTE:

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2. ALL STREET SECTIONS AND WIDTHS PER EAST CYPRESS CORRIDOR SPECIFIC PLAN GUIDE LINES. IF THERE IS ANY DISCREPANCIES BETWEEN THE SITE PLAN STREET DIMENSIONS, STREET SECTIONS AND WIDTHS WITH EAST CYPRESS CORRIDOR SPECIFIC PLAN, THE EAST CYPRESS CORRIDOR SPECIFIC PLAN STREET STANDARDS SHALL GOVERN.
3. ALL CUL-DE-SAC FACE OF CURB RADII TO BE 40'
4. SEE DETAIL ON SHEET 2 FOR WETLAND AND WETLAND AND WETLAND SETBACK DESIGNATION. WETLANDS AND WETLAND SETBACKS ARE SHOWN ON THE PRELIMINARY GRADING AND UTILITY PLAN SHEETS 10 THRU 16 AND ARE SHOWN IN ACCORDANCE WITH THE APPROVED 404 PERMIT NUMBER SPK-2014-01048.

R-17b (Part 1)
SCALE: 1"=20'

20 10 0 20 40 60
SCALE IN FEET

SHEET 8 OF 18

JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY SITE PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA
OCTOBER 1, 2020 SCALE: 1"=20'

EAST CYPRESS ROAD WIDENING

EAST CYPRESS ROAD WIDENING PER "EAST CYPRESS ROAD PRECISE ALIGNMENT" PREPARED BY BELLECCI AND ASSOCIATES ON FILE WITH THE CITY OF OAKLEY ENGINEERING DEPARTMENT

NOTE:

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SEE SHEET 8

SEE SHEET 6

FFF STREET
GGG STREET
HHH STREET
III STREET
EEE STREET
L ALLEY
K ALLEY
J ALLEY
I ALLEY
G ALLEY
H ALLEY
PARCEL XX 2060 SF ±
PARCEL YY 7850 SF ±
PARCEL KK 8510 SF ±
PARCEL K 105690 SF ±
PARCEL J 20630 SF ±
PARCEL I 6000 SF ±
PARCEL G 17550 SF ±
PARCEL H 10030 SF ±
BETHEL ISLAND ROAD
EAST CYPRESS ROAD
EAST CYPRESS ROAD WIDENING
ISD SEWER LINE ESM'T SR#2005-0499231
RD799 DRAINAGE DITCH ESM'T SR#2005-0499230
PG&E POLE LINE ESM'T 39405-0268 SR#2005-0268233

1155 1,591 SF
1154 1,242 SF
1153 1,247 SF
1152 1,591 SF
1148 1,649 SF
1149 1,326 SF
1150 1,341 SF
1151 1,725 SF
1147 1,970 SF
1146 1,374 SF
1145 1,369 SF
1144 1,717 SF
1257 2,281 SF
1256 1,398 SF
1255 1,397 SF
1254 1,401 SF
1253 1,405 SF
1252 1,805 SF
1251 1,783 SF
1250 1,385 SF
1249 1,399 SF
1248 1,737 SF
1238 1,914 SF
1239 1,247 SF
1240 1,242 SF
1241 1,242 SF
1242 1,242 SF
1243 1,591 SF
1244 1,592 SF
1245 1,242 SF
1246 1,247 SF
1247 1,591 SF
1201 1,768 SF
1200 1,247 SF
1199 1,242 SF
1198 1,242 SF
1197 1,242 SF
1196 1,591 SF
1195 1,592 SF
1194 1,242 SF
1193 1,247 SF
1192 1,591 SF
1182 1,769 SF
1183 1,374 SF
1184 1,368 SF
1185 1,369 SF
1186 1,368 SF
1187 1,752 SF
1188 1,742 SF
1189 1,368 SF
1190 1,374 SF
1191 1,753 SF
1143 1,979 SF
1142 1,241 SF
1141 1,241 SF
1140 1,241 SF
1139 1,246 SF
1138 1,589 SF
1137 1,590 SF
1136 1,241 SF
1135 1,242 SF
1134 1,241 SF
1133 1,246 SF
1132 1,590 SF
1131 1,591 SF
1130 1,247 SF
1129 1,242 SF
1128 1,922 SF
1104 1,988 SF
1105 1,368 SF
1106 1,368 SF
1107 1,368 SF
1108 1,373 SF
1109 1,793 SF
1110 1,633 SF
1115 1,802 SF
1114 1,242 SF
1113 1,242 SF
1112 1,241 SF
1111 1,246 SF
1116 1,802 SF
1117 1,242 SF
1118 1,242 SF
1119 1,241 SF
1120 1,246 SF
1121 1,633 SF
1127 1,802 SF
1126 1,240 SF
1125 1,241 SF
1124 1,241 SF
1123 1,246 SF
1122 1,632 SF

20 10 0 20 40 60
SCALE IN FEET

SHEET 9 OF 18
JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

LEGEND

PROPOSED	DESCRIPTION
	SUBDIVISION BOUNDARY
	CENTERLINE
SS SS	SANITARY SEWER PIPE
●	SANITARY SEWER MANHOLE
SD SD	STORM DRAIN PIPE
●	STORM DRAIN MANHOLE
⊕	STORM DRAIN CATCH BASIN
W W	WATER MAIN
⋈	WATER VALVE
▲	FIRE HYDRANT
P 3.1	PAD ELEVATION

60 30 0 60 120 180
SCALE IN FEET

ABBREVIATIONS

P	PAD ELEVATION
TSL	TOP OF SOIL
BGL	BOTTOM OF GRAVEL
WSE_{100}	100 YEAR WATER SURFACE ELEVATION

NOTES

1. ALL STREET GRADES TO BE 0.75% MINIMUM
2. EXISTING TOPOGRAPHIC INFORMATION SHOWN IS BASED ON AN AERIAL SURVEY IN 2013
3. ALL ELEVATIONS ARE BASED ON 1988 NAVD
4. THE PRELIMINARY GRADING DESIGN SHOWN HEREON IS IN COMPLIANCE WITH THE WETLAND PRESERVATION AND WETLAND DISTURBANCE REQUIRED AND ALLOWED FOR UNDER THE PROJECT'S CURRENT 404 PERMIT.

ACP-TI OAKLEY LLC
SUBDIVISION 9311

30' SHELL OIL PIPELINE ESM'T 10781 OR 135

EXIST. 42-INCH HIGH PRESSURE PG&E GAS TRANSMISSION LINE

50' PG&E GAS TRANSMISSION LINE EASEMENT

350' PG&E ELECTRICAL TRANSMISSION ESM'T

EXISTING PG&E TOWERS (TYP.)

DUAL PURPOSE BASIN
TSL = -5.0
BGL = -8.5
WSE_{100} = -2.4

APPROX. LOCATION OF PG&E POLE LINE ESM'T – NO WIDTH PER RECORD 5740R122

SEE SHEET 13

SEE SHEET 11

JERSEY ISLAND ROAD

STATE OF CALIFORNIA
APN 032-081-018-7

APN 032-081-016-1

PARCEL A
PARCEL B
PARCEL C
PARCEL X
PARCEL Y
PARCEL Z
PARCEL AA
PARCEL BB
PARCEL DD
PARCEL EE
PARCEL FF
PARCEL GG
PARCEL HH
PARCEL II

A STREET
B STREET
G STREET
H STREET
I STREET
J STREET
K STREET
L STREET
M STREET
N STREET
O STREET
P STREET
Q STREET
R STREET
S STREET
T STREET
U STREET
V STREET
W STREET

SHEET 10 OF 18

JOB NO. 18180

ABBREVIATIONS

P	PAD ELEVATION
TSL	TOP OF SOIL
BGL	BOTTOM OF GRAVEL
WSE_{100}	100 YEAR WATER SURFACE ELEVATION

NOTES

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LEGEND

PROPOSED	DESCRIPTION
	SUBDIVISION BOUNDARY
	CENTERLINE
SS	SANITARY SEWER PIPE
	SANITARY SEWER MANHOLE
SD	STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W	WATER MAIN
	WATER VALVE
	FIRE HYDRANT
P 3.1	PAD ELEVATION

60 30 0 60 120 180
SCALE IN FEET

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA
SEPTEMBER 17, 2020 SCALE: 1"=60'

SEE SHEET 10

SEE SHEET 14

PARCEL BB
PARCEL CC
PARCEL P
PARCEL X
PARCEL LL
PARCEL NN
PARCEL MM
PARCEL OO
PARCEL T
PARCEL V
PARCEL U
PARCEL W
PARCEL S
PARCEL PP
PARCEL QQ
PARCEL JJ

A STREET
B LOOP
AA STREET
BB STREET
CC STREET
DD STREET
EE STREET
FF STREET
F STREET
JERSEY ISLAND ROAD
W STREET
X STREET
Y STREET
Z STREET

ABANDONED GAS WELL

EAST CYPRESS ROAD WIDENING
(FUTURE 4 LANE DIVIDED ROADWAY)

PG&E PIPELINE & DWD WATERLINE ESM'T SR#2005-0499232, SR#2005-0499233

EAST CYPRESS ROAD

CONTRA COSTA CANAL

STATE OF CALIFORNIA
APN 032-081-018-7

SHEET	
11	
OF	18
JOB NO.	
18180	

ABBREVIATIONS

P	PAD ELEVATION
TSL	TOP OF SOIL
BGL	BOTTOM OF GRAVEL
WSE_{100}	100 YEAR WATER SURFACE ELEVATION

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LEGEND

PROPOSED	DESCRIPTION
	SUBDIVISION BOUNDARY
	CENTERLINE
SS SS SS	SANITARY SEWER PIPE
●	SANITARY SEWER MANHOLE
SD	STORM DRAIN PIPE
●	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W W	WATER MAIN
⋈	WATER VALVE
▲	FIRE HYDRANT
P 3.1	PAD ELEVATION

60 30 0 60 120 180
SCALE IN FEET

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

DUAL PURPOSE BASIN
TSL = −7.0
BSL = −8.5
WSE_{100} = −4.5

ROADWAY ALIGNMENT PER SUBDIVISION 9311

ACD-TI OAKLEY LLC
SUBDIVISION 9311

200' WAPA EASEMENT

30" SHELL OIL PIPELINE ESM'T 10781 OR 135

50' PG&E GAS TRANSMISSION LINE EASEMENT

350' PG&E ELECTRICAL TRANSMISSION ESM'T

EXIST. 42-INCH HIGH PRESSURE PG&E GAS TRANSMISSION LINE

PARCEL D

PRIVATE ROADWAY ESM'T 7340R165

SEE SHEET 13

NORTHERN BASIN

SCALE: 1"=60'

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

60 30 0 60 120 180
SCALE IN FEET

ACD TI OAKLEY LLC
SUBDIVISION 9511

30' SHELL OIL PIPELINE ESM'T 10781 OR 135

PARCEL D

PARCEL RR

PARCEL TT

PARCEL UU

PARCEL VV

PARCEL SS

PARCEL Q

PARCEL E

PARCEL C

PRIVATE ROADWAY ESM'T 7340R165

200' WAPA EASEMENT

50' PG&E GAS TRANSMISSION LINE EASEMENT

350' PG&E EASEMENT

EXIST. 42-INCH HIGH PRESSURE PG&E GAS TRANSMISSION LINE

EXISTING P.G.&E. TOWERS

APPROX. LOCATION OF PG&E POLE LINE ESM'T – NO WIDTH PER RECORD 574OR122

APPROX. LOCATION OF PG&E POLE LINE ESM'T – NO WIDTH PER RECORD 574OR122

DUAL PURPOSE BASIN
TSL = −5.0
BGL = −8.5
WSE_{100} = −2.4

DUAL PURPOSE BASIN
TSL = −4.0
BGL = −7.5
WSE_{100} = −1.4

JIN-LONG QIN
APN 032-082-004-6

BACA DENNIS E TRE
APN 032-082-015-2

SEE SHEET 10

SEE SHEET 13

SEE SHEET 14

LEGEND

PROPOSED	DESCRIPTION
	PROPERTY LINE
	CENTERLINE
SS	SANITARY SEWER PIPE
●	SANITARY SEWER MANHOLE
SD	STORM DRAIN PIPE
●	STORM DRAIN MANHOLE
⌓	STORM DRAIN CATCH BASIN
W	WATER MAIN
⋈	WATER VALVE
▲	FIRE HYDRANT
P 3.1	PAD ELEVATION

ABBREVIATIONS

P	PAD ELEVATION
TSL	TOP OF SOIL
BGL	BOTTOM OF GRAVEL
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SHEET 13 OF 18

JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=60'

LEGEND

PROPOSED	DESCRIPTION
———	PROPERTY LINE
— — —	CENTERLINE
SS SS SS	SANITARY SEWER PIPE
●	SANITARY SEWER MANHOLE
SD SD	STORM DRAIN PIPE
●	STORM DRAIN MANHOLE
⊕	STORM DRAIN CATCH BASIN
W W W	WATER MAIN
⋈	WATER VALVE
▲	FIRE HYDRANT
P 3.1	PAD ELEVATION

ABBREVIATIONS

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N

60 30 0 60 120 180
SCALE IN FEET

SEE SHEET 13

SEE SHEET 11

SEE SHEET 15

SEE SHEET 16

OUTFALL TO EXISTING RD799 DITCH

PARCEL E

gas well abandoned
ABANDONED GAS WELL

PARCEL C

EXIST. 42-INCH HIGH PRESSURE PG&E GAS TRANSMISSION LINE

D STREET

PARCEL T (CLUB-NORTH)

DUAL PURPOSE BASIN
TSL = -4.0
BGL = -7.5
WSE_{100} = -1.4

ABANDONED GAS WELL

gas well abandoned

SS PUMP STATION

C STREET

E STREET

CC STREET

EXISTING PG&E TOWERS

50' PG&E GAS TRANSMISSION LINE EASEMENT

350' PG&E ELECTRICAL TRANSMISSION ESM'T

PARCEL R

PARCEL K

PARCEL O

PARCEL W

VV STREET
WW STREET
XX STREET
YY STREET
ZZ STREET
UU STREET

1001 P 2.6
1002 P 3.0
1003 P 1.9
1004 P 1.5
1005 P 1.9
1006 P 1.5
1007 P 1.5
1008 P 1.4
1009 P 1.4
1010 P 1.4
1011 P 1.6
1012 P 1.6
1013 P 1.4
1014 P 1.4
1015 P 1.6
1016 P 1.2
1017 P 1.6
1018 P 1.6
1019 P 1.2
1020 P 1.0
1021 P 1.0
1022 P 1.2
1023 P 1.6
1024 P 1.6
1025 P 1.4
1026 P 1.6
1027 P 1.2
1028 P 1.2
1029 P 1.3
1030 P 1.2
1031 P 1.6
1032 P 1.4
1033 P 1.6
1034 P 1.8
1035 P 1.8
1036 P 1.4
1037 P 1.4
1038 P 2.2
1039 P 2.3
1040 P 1.5
1041 P 1.4
1042 P 1.8
1043 P 1.8
1044 P 1.6
1045 P 3.0
1046 P 3.4
1047 P 3.4
1048 P 3.0
1049 P 2.6
983 P 1.5
984 P 1.1
985 P 1.1
986 P 1.5
987 P 1.4
988 P 1.2
989 P 1.6
990 P 1.6
991 P 1.3
992 P 1.3
993 P 1.7
994 P 2.1
995 P 2.4
996 P 2.1
997 P 1.7
998 P 1.4
999 P 1.8
1000 P 2.2
636 P 2.2
637 P 2.5
638 P 2.7
639 P 2.8
640 P 3.0
641 P 3.1
642 P 3.2
643 P 3.2
644 P 2.8
645 P 2.2

PG&E POLE LINE ESM'T SR#2005-0266233

RD799 DRAINAGE DITCH ESM'T SR#2005-0499230

BETHEL ISLAND ROAD

TO REGIONAL SEWER PUMP STATION

EAST CYPRESS ROAD WIDENING
(FUTURE 4 LANE DIVIDED ROADWAY)

EAST CYPRESS ROAD

ISD SEWER LINE ESM'T SR#2005-0499231

PG&E PIPELINE & DWD WATERLINE ESM'T SR#2005-0499232, SR#2005-0499233

SHEET 14 OF 18

JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=20'

SEE SHEET 14

SEE SHEET 16

PARCEL F

PARCEL M

PARCEL N

PARCEL L

AAA STREET

BBB STREET

CCC STREET

DDD STREET

EEE STREET

FFF STREET

A ALLEY

B ALLEY

C ALLEY

D ALLEY

E ALLEY

F ALLEY

M ALLEY

BETHEL ISLAND ROAD WIDENING

BETHEL ISLAND ROAD

PG&E POLE LINE ESM'T SR#2005-0062513

RD799 DRAINAGE DITCH ESM'T SR#2005-0499230

ABBREVIATIONS

P	PAD ELEVATION
TSL	TOP OF SOIL
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LEGEND

PROPOSED	DESCRIPTION
	PROPERTY LINE
	CENTERLINE
SS	SANITARY SEWER PIPE
●	SANITARY SEWER MANHOLE
SD	STORM DRAIN PIPE
●	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W	WATER MAIN
⋈	WATER VALVE
▲	FIRE HYDRANT
P 3.1	PAD ELEVATION

R-17b (Part 1)
SCALE: 1"=20'

20 10 0 20 40 60
SCALE IN FEET

SHEET 15 OF 18

JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING AND UTILITY PLAN

CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

SEPTEMBER 17, 2020 SCALE: 1"=20'

ABBREVIATIONS

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LEGEND

PROPOSED	DESCRIPTION
	PROPERTY LINE
	CENTERLINE
SS	SANITARY SEWER PIPE
	SANITARY SEWER MANHOLE
SD	STORM DRAIN PIPE
	STORM DRAIN MANHOLE
	STORM DRAIN CATCH BASIN
W	WATER MAIN
	WATER VALVE
	FIRE HYDRANT
P 3.1	PAD ELEVATION

20 10 0 20 40 60
SCALE IN FEET



SHEET 16 OF 18

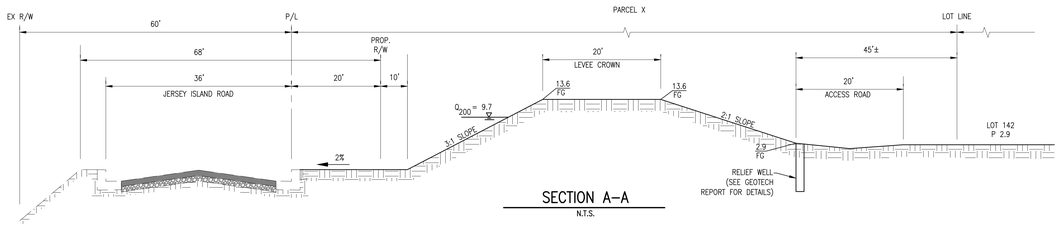
JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING SECTIONS

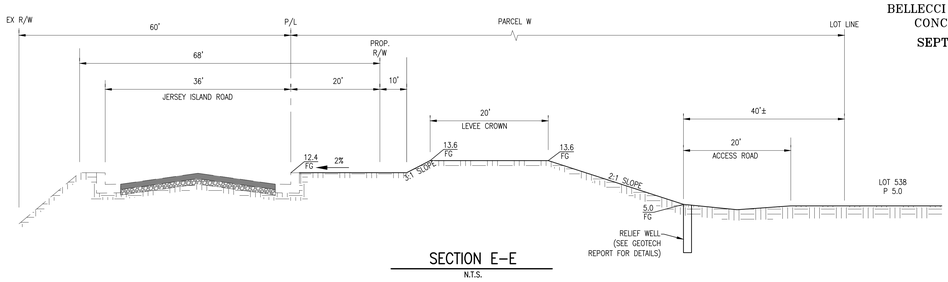
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

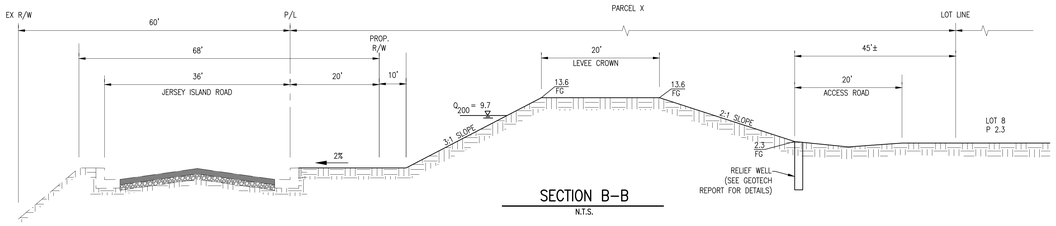
SEPTEMBER 17, 2020



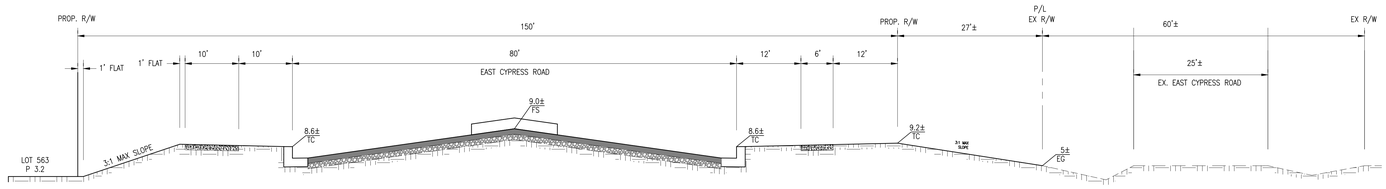
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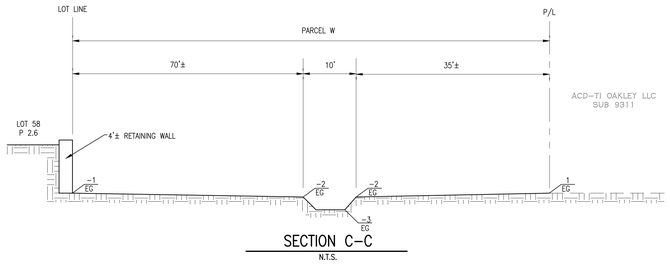
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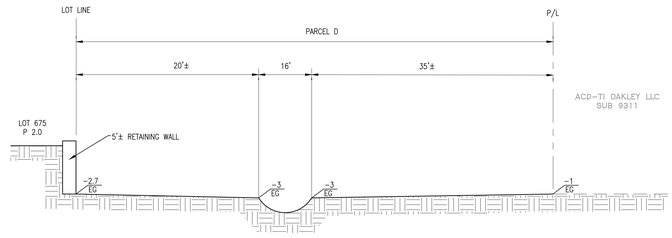
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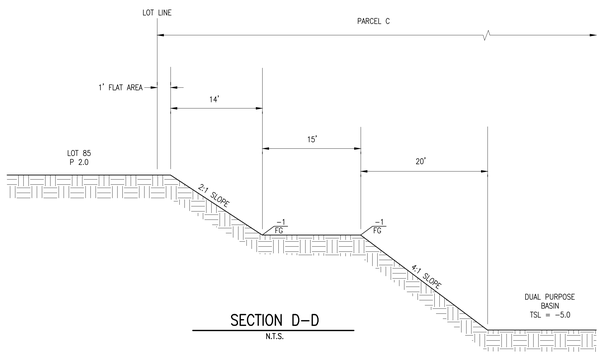
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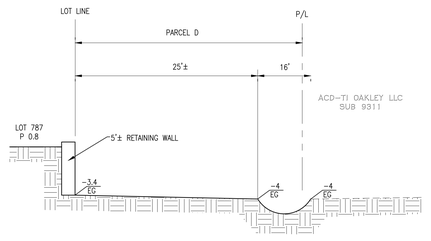
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SECTION G–G
N.T.S.



SECTION D–D
N.T.S.



SECTION H–H
N.T.S.

SHEET 17 OF 18

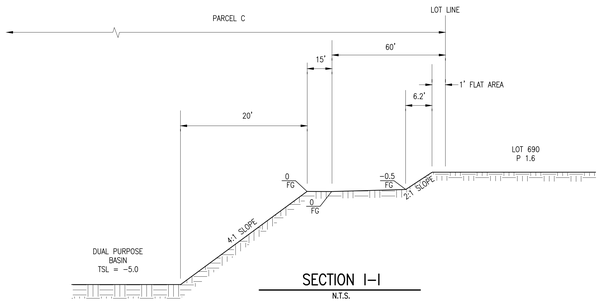
JOB NO. 18180

SUBDIVISION 9404
AMENDED VESTING TENTATIVE MAP
PRELIMINARY GRADING SECTIONS

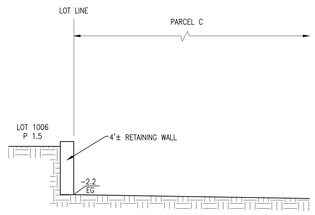
CITY OF OAKLEY
CONTRA COSTA COUNTY, CALIFORNIA

BELLECCI & ASSOCIATES, INC.
CONCORD, CALIFORNIA

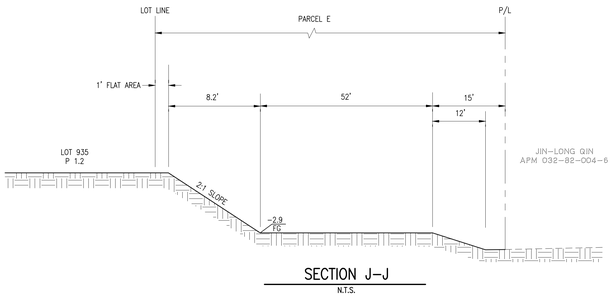
SEPTEMBER 17, 2020



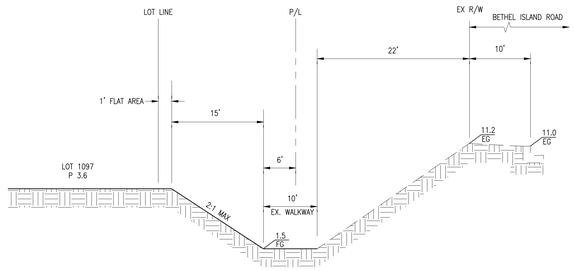
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N.T.S.



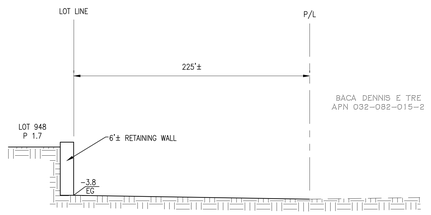
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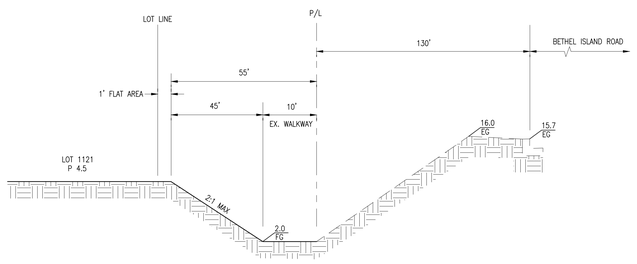
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N.T.S.



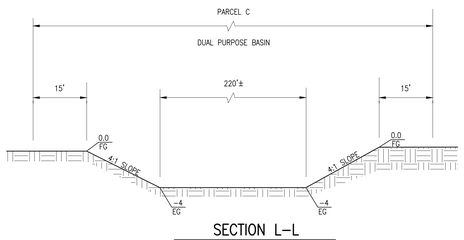
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N.T.S.



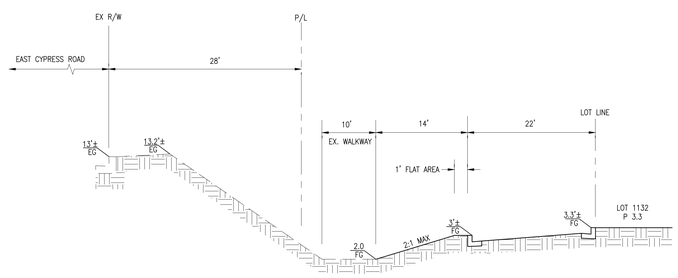
SECTION K-K
N.T.S.



SECTION O-O
N.T.S.



SECTION L-L
N.T.S.



SECTION P-P
N.T.S.

SHEET 18 OF 18

JOB NO. 18180

Planning Area 1 (Lesher) Vesting Tentative Map 9404
Planning Area 4 (Bethel Island LLC) Vesting Tentative Map 9156

East Cypress Corridor Specific Plan Environmental Impact Report Addendum

I. Introduction

The City of Oakley is the lead agency for this Addendum to the Revised East Cypress Corridor Specific Plan Environmental Impact Report (State Clearinghouse #2004092011) ("East Cypress Corridor Specific Plan EIR") certified on March 13, 2006 and the East Cypress Corridor Specific Plan Supplemental EIR (State Clearinghouse #2004092011) ("Supplemental East Cypress Corridor Specific Plan EIR" or "Supplemental EIR") certified on March 10, 2009 pursuant to City of Oakley City Council Resolution No. 46-09 (the East Cypress Corridor Specific Plan EIR and the Supplemental EIR are collectively referred to herein as the "Specific Plan EIR."). The Specific Plan EIR was prepared to support the adoption of the East Cypress Corridor Specific Plan ("Specific Plan"), adopted March 13, 2006, and to evaluate the environmental effects of developing the Specific Plan's 6 discrete Planning Areas in accordance with Specific Plan's development standards, policies, goals and objectives. In addition to certifying the Specific Plan EIR, Resolution No. 46-09 adopted a Mitigation Monitoring and Reporting Program applicable to development activities associated with build-out of the Specific Plan in accordance with Public Resource Code Section 21081.6 (the "MMRP").

This Addendum is prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 12000 *et seq.* (CEQA), to assist the City in its consideration of an application to amend Vesting Tentative Subdivision Map 9404 for an approximately 350.5-acre portion of the Specific Plan's Planning Area 1 commonly known as the Lesher Property and amend Vesting Tentative Subdivision Map 9156 for approximately 351-acres of the Specific Plan's Planning Area 4 commonly known as the Bethel Island LLC. Together both amendments are called the "Amendments". The Amendments implement a portion of the larger Specific Plan development project analyzed in the Specific Plan EIR. Specifically, the Amendments implement the City's policies, goals and objectives established for Planning Areas 1 and 4, as described in the Specific Plan and analyzed in the Specific Plan EIR.

Pursuant to Government Code Section 65457(a), CEQA does not apply to a residential development project (including any subdivision) that is consistent with, and undertaken to implement, a specific plan for which an EIR was certified after January 1, 1980, such as the Specific Plan, unless a subsequent EIR is required by Public Resources Code Section 21166 ("Section 21166"). Pursuant to Section 21166, as further clarified by CEQA Guideline Section 15162, when an EIR has been certified, the lead agency may not require a subsequent EIR unless it determines, on the basis of substantial evidence in light of the whole administrative record that one or more of the following subsequent EIR triggers have occurred:

- Substantial project changes are proposed which will require major revisions of the Specific Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the Specific Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, shows any of the following:

    - The project will have one or more significant effects not discussed in the Specific Plan EIR;
    - Significant effects previously examined will be substantially more severe than shown in the Specific Plan EIR;
    - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of the Section 21166 subsequent EIR triggers have occurred with respect to the Project, per Government Code Section 65457(a), the City's consideration and potential approval of the Project are exempt from CEQA.

As discussed below, this Addendum concludes that approval of the Amendments does not trigger need for a subsequent EIR under Section 21166 because development of the Amendments will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Specific Plan EIR. Moreover, as discussed below, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, environmental impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant environmental effects of the project. Accordingly, per Section 21166, the City may not require a subsequent EIR for the Amendments.

This Addendum incorporates, by reference, the analysis contained in the certified Specific Plan EIR. In accordance with CEQA Guidelines Section 15164(c), this Addendum does not need to be circulated for public review, but will be attached to the Specific Plan EIR.

Background

The Specific Plan site is located in eastern Contra Costa County on the eastern side of the City of Oakley. The Specific Plan applies to approximately 2,546 acres and includes vacant

land, agricultural land, proposed and existing single-family homes, commercial use, existing overhead power lines, existing natural gas wells, existing natural gas pipelines, existing irrigation canals, and the Summer Lake North and South Projects (formerly known as the Cypress Lakes and Country Club). The Specific Plan is divided into six Planning Areas. Planning Area 1 includes approximately 704 acres proposed for development of up to 1,700 residential dwelling units. Planning Area 2, also known as Summer Lake North, includes approximately 409 acres that is approved for development with 824 residential units. Planning Area 3 includes approximately 183 acres proposed for development with up to 400 residential units. Planning Area 4 includes approximately 351 acres proposed for development with up to 1,120 residential units. Planning Area 5 includes approximately 269 acres, also known as Summer Lake South, and, prior to City's adoption of the Specific Plan, had already been approved for development of up to 628 residential units. Planning Area 6 is a 631 - acre area consisting of existing residential, commercial, and agricultural land uses located throughout the Specific Plan. The Specific Plan allows new development within Planning Area 6, and provides that a total of 1,095 residential units may be developed within Planning Area 6, but the Specific Plan does not set forth a conceptual development plan for Planning Area 6, as it does for Planning Areas 1 through 5. In addition, portions of Planning Area 6 located along Dutch Slough Road and Sandmound Boulevard have not been annexed into the City of Oakley and remain under the jurisdiction of unincorporated Contra Costa County. The Specific Plan's land use plan is conceptual and expressly permits variations in the total number of residential units that are actually approved and constructed within each of its six Planning Areas, provided that the total number of residential units approved within the Specific Plan area does not exceed 5,759 residential units.

The City has taken the following actions to implement the adopted Specific Plan:

- On September 12, 2005, the City Council of the City of Oakley adopted Ordinance No. 25-05 approving a development agreement between the City and the Lesher Trust for the development of the Lesher Property (the "Lesher Development Agreement").
- On February 13, 2006, the City Council of the City of Oakley adopted Ordinance No. 02-06 approving a development agreement between the City and Shea Homes for the development of Planning Area 2 (the "PA2 Development Agreement").
- On October 25, 2011, the City Council of the City of Oakley adopted Resolution 116-11 approving a vesting tentative subdivision map to subdivide Planning Area 2 into 824 single-family residential lots, a 70-acre man-made lake, open space, parks, a commercial area and the construction of approximately 14,000 linear feet of new 300-eary storm event levee.
- On November 8, 2011, the City Council of the City of Oakley adopted Ordinance No. 24-11 approving an amendment to the PA2 Development Agreement that would extend that agreement for an additional 13 years (to 2025).
- On November 8, 2011, the City Council of the City of Oakley adopted Resolution No. 122-11 approving a vesting tentative subdivision map to subdivide Planning Area 4 into 933 single-family residential lots and one multi-family lot consisting of 195 apartment units for a total of 1,128 residential units. Concurrent therewith, the City Council adopted an ordinance approving a development agreement covering

Planning Area 4, vesting the landowner's right to develop Planning Area 4 in accordance with the Specific Plan.

- On January 10, 2012, the City Council of the City of Oakley adopted Ordinance No. 25-11 approving an amendment of the Lesher Development Agreement to vest the landowner's right to develop the Lesher Property in accordance with the Specific Plan.
- On January 12, 2012, the City Council of the City of Oakley adopted Ordinance No. 27-11 approving a development agreement for the development of Planning Area 6-H.
- On January 24, 2012, the City Council of the City of Oakley adopted Resolution 11-12 approving Tentative Parcel Map MS 11-976 subdividing two parcels totaling approximately 16.44 acres into four parcels in Planning Area 6-H2.
- On May 15, 2012, the City Council of the City of Oakley adopted Resolution No. 42-12 approving a vesting tentative subdivision map to subdivide the northern 334 acres of the 704-acre Planning Area 1 (commonly known as the Dal Porto North property) into 276 single-family residential lots, 227 acres of wetland/open space, an elementary school site, parks, and other non-urban uses. Concurrent therewith, the City Council adopted an ordinance approving development agreements covering the Dal Porto North property, vesting the landowner's right to develop such properties consistent with the Specific Plan.
- On July 14, 2015, the City Council of the City of Oakley adopted Resolution No. 98-15 approving a vesting tentative subdivision map to subdivide 355-acres of the 704-acre Planning Area 1 (commonly known as the Lesher property) into 1,056 single-family residential lots, approximately 45-acre future commercial village center, neighborhood parks, open space, lake, and other non-urban uses. Concurrent therewith, the City Council adopted an ordinance approving a development agreement covering the Lesher property, vesting the landowner's right to develop such properties consistent with the Specific Plan.
- On July 14, 2015, the City Council of the City of Oakley adopted Resolution No. 96-15 approving a vesting tentative subdivision map to subdivide 183-acres of the 183-acre Planning Area 3 (commonly known as the Dal Porto South property) into 403 single-family residential lots, a neighborhood park, community park, lake and other non-urban uses. Concurrent therewith, the City Council adopted an ordinance approving development agreements covering the Dal Porto South property, vesting the landowner's right to develop such properties consistent with the Specific Plan.

II. Vesting Tentative Map 9404

The applicant has submitted to the City an application to amend Vesting Tentative Map 9404 ("Map Amendment Application") for the development of the Lesher Property portion of Planning Area 1 in a manner consistent with the Specific Plan. The Amendment Application proposes to add 227 residential units to the 1,056 residential units that are approved for the Lesher Property for a total of 1,283 residential units. A review of the Map Amendment Application by the City confirms that the tentative map generally mirrors the Specific Plan's conceptual land use exhibit for the Lesher Property with regard to the proposed uses, internal roadways, parks, lake and other infrastructure. The proposed vesting tentative map is shown in Exhibit A. The project proposes 1,283 dwelling units in a variety of housing types and includes the same land uses on approximately the same

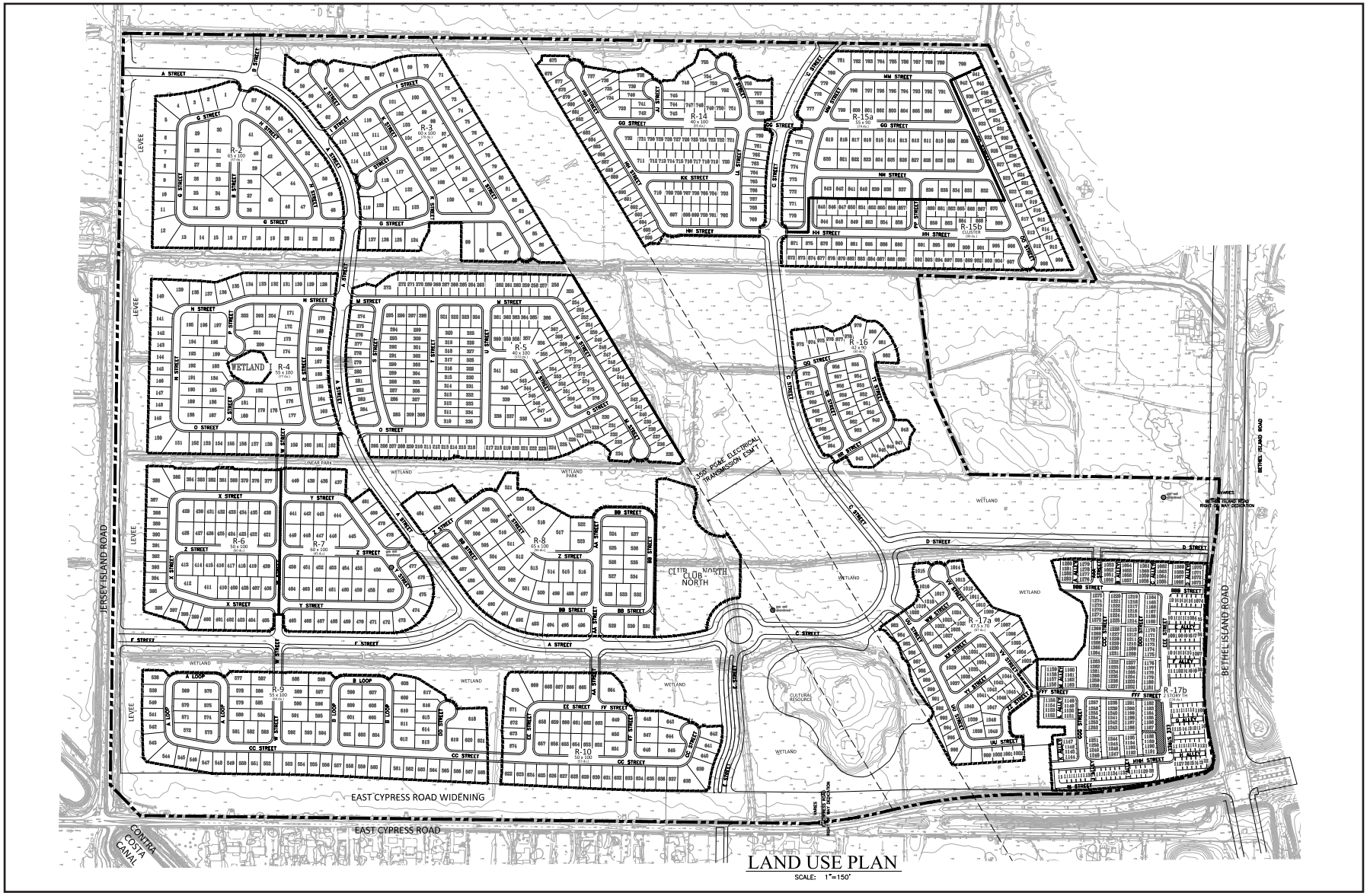


Exhibit A

Vesting Tentative Map 9404

acreage as the Specific Plan's conceptual land use plan for the Lesher Property portion of Planning Area 1.

III. Vesting Tentative Map 9156

The applicant has submitted to the City an application to amend Vesting Tentative Map 9156 ("Map Amendment Application") for the development of the Bethel Island LLC of Planning Area 4 in a manner consistent with the Specific Plan. The Amendment Application proposes to add 77 residential units to the 1,128 residential units that are approved for the Bethel Island LLC property for a total of 1,205 residential units. A review of the Map Amendment Application by the City confirms that the tentative map generally mirrors the Specific Plan's conceptual land use exhibit for the Bethel Island LLC Property with regard to the proposed uses, internal roadways, parks, lake and other infrastructure and is less than the overall dwelling unit count approved for the Specific Plan. The proposed vesting tentative map is shown in Exhibit B. The project proposes 1,205 dwelling units in a variety of housing types and includes the same land uses on approximately the same acreage as the Specific Plan's conceptual land use plan for the Bethel Island LLC Property of Planning Area 4.

IV. Summary

The Specific Plan allows the development of 3,220 dwelling units for Planning Areas 1, 3, and 4. The proposed Amendments are for Vesting Tentative Map 9404 and Vesting Tentative Map 9156 only and would result in the total development of 2,488 dwelling units for these two maps. The development of Vesting Tentative Map 9156 (Bethel Island LLC), Vesting Tentative Map 9404 (Lesher), Vesting Tentative Map 9311 (Dal Porto North), Vesting Tentative Map 9401 (Dal Porto South) would result in the total development of 3,167 dwelling units for Planning Areas 1, 3 and 4.

V. Environmental Topics

The following discussion considers the environmental effects of the Amendments to determine whether they will result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Specific Plan EIR that would trigger need for a subsequent EIR under Section 21166. The following discussion also considers whether any new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, shows any new, or substantially more adverse, environmental impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant environmental effects of the project. As discussed above, this analysis relies on, and incorporates by reference, the Specific Plan EIR.

As documented below, this Addendum concludes that approval and development of the Amendments would not result in any new, or substantially more severe, impacts to the environment than those disclosed in the Specific Plan EIR. Further, a review of available records and literature identified no new information of substantial importance that was not

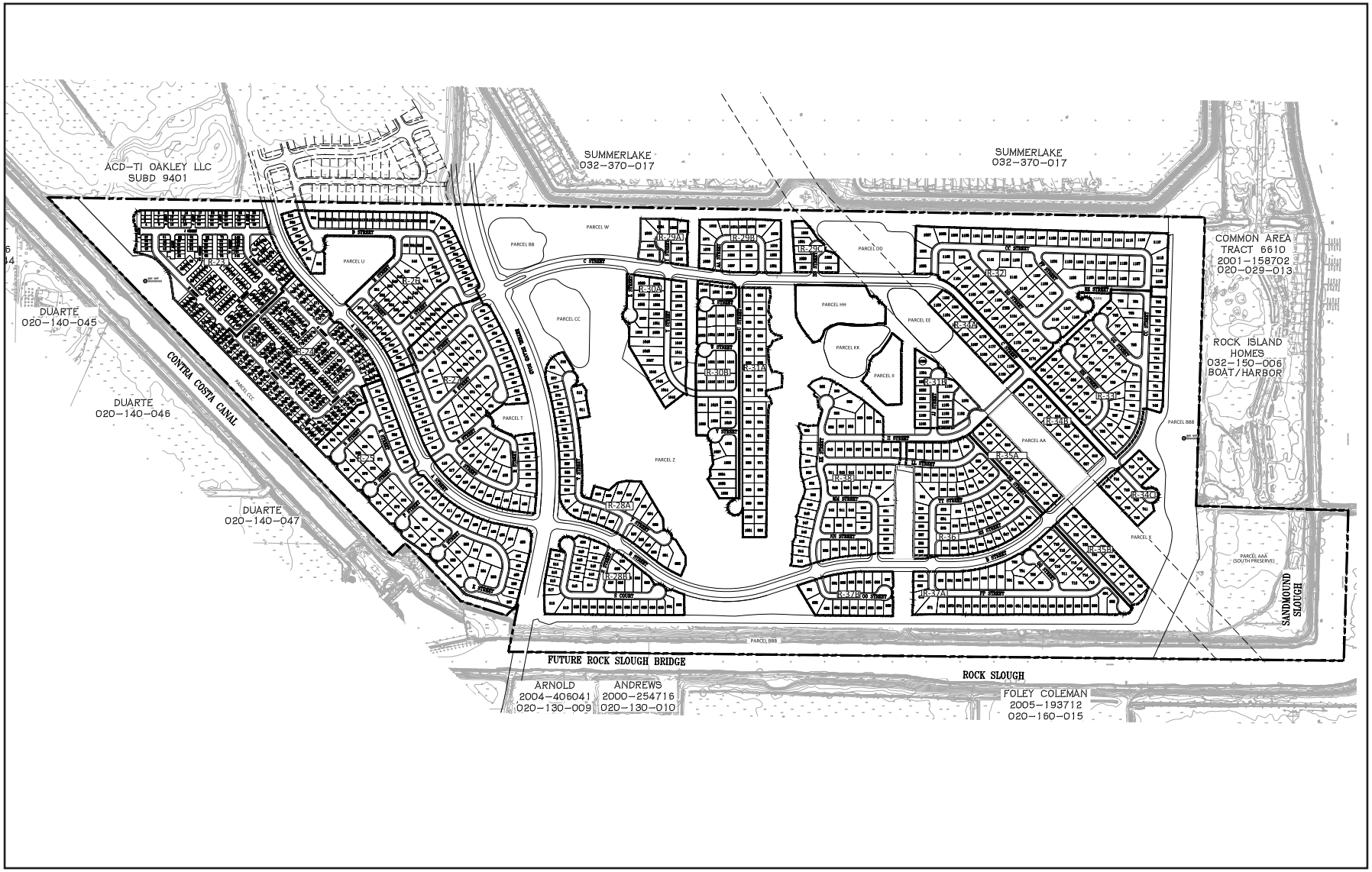


Exhibit B

Vesting Tentative Map 9156

known, or could not have been known, at the time of the certification of the Specific Plan EIR that would trigger the need for a subsequent EIR under Section 21166.

a. Aesthetics

The Amendments proposes the development of the Lesher Property and the Bethel Island LLC areas of Planning Areas 1 and 4, respectively, in a manner consistent with the Specific Plan, as analyzed and discussed in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR, including new or additional impacts to a scenic vista, a scenic highway, visual character or quality of the project site or its surroundings, new sources of substantial light or glare or project design. Accordingly, the potential aesthetic impacts associated with the Amendments would be the same as described in the Specific Plan EIR with respect to the Lesher Property and the Bethel Island LLC Property. If approved, the Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential aesthetic impacts of the development of the Lesher Property and the Bethel Island LLC Property.

There are four closed gas wells within the Lesher Property and two closed gas wells within the Bethel Island LLC Property. The Amendments do not propose, and would not be approved to reactivate any of the closed gas wells for any purpose or drilling new wells on either the Lesher or Bethel Island LLC properties. Because all of the on-site gas wells for both the Lesher and Bethel Island LLC properties have been closed, clearly marked and are not proposed to be reactivated, Mitigation Measures 3.2-1 through 3.2-4 are not applicable to the proposed Amendments.

The only mitigation measures set forth in the MMRP related to aesthetics concern the proposed school construction activities within the Specific Plan area. Under the Specific Plan, there is an elementary school site planned within Planning Area 4, but there are no school sites proposed within the Lesher Property portion of Planning Area 1. An elementary school is proposed for the Bethel Island Property. The following mitigation measures applicable to the elementary school site are carried forward from the Specific Plan EIR for the Bethel Island LLC Amendment to ensure that its aesthetic impacts with the development of an elementary school are reduced to less than significant.

Mitigation Measure 3.2-5 A lighting plan shall be submitted to the City prior to the approval of a school site plan to identify the intensity (foot candles) of light that is projected to extend off-site onto adjacent land uses. The light that extends off-site onto adjacent property shall not exceed one-foot candle.

Mitigation Measure 3.2-6 All exterior lights of the school shall have hoods and/or shielded to avoid excessive light spillage onto adjacent properties.

Mitigation Measure 3.2-7 Flood lighting shall not be allowed on the school campus.

The implementation of these mitigation measures would reduce the aesthetic, including light and glare, impacts of the Bethel Island LLC Amendment to less than significant, as established by the Specific Plan EIR and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant aesthetic impacts than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant aesthetic impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant aesthetic effects of the project. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its aesthetic effects.

b. Agricultural Resources

The certified Specific Plan Supplemental EIR disclosed that development of Planning Area 1 and Planning Area 4 in accordance with the Specific Plan would result in a significant impact to important farmland.[1] Planning Area 1 includes approximately 704 acres, currently used for cattle grazing. A total of 387 acres are mapped as prime farmland (located mainly on Sacramento clay and Egbert mucky clay loam soils), another 42 acres of Planning Area 1 are identified as farmland of statewide importance, 259 acres of Planning Area 1 are identified as farmland of local importance with the balance composed of "other" and urban or built-up, as disclosed in the Specific Plan EIR.[2] Of these, prime farmland, farmland of statewide importance and farmland of local importance are present on the Lesher Property. Planning Area 4 is currently in agricultural use (cattle). Planning Area 4 is approximately 341 acres and a total of 58 acres are mapped as prime farmland, located on Egbert mucky clay loam. Another 218 acres are identified as farmland of statewide importance, 2 acres are identified as unique farmland, and 63 acres as farmland of local importance. The remaining 10 acres are variously described as "water" or grazing land by the Farmland Monitoring and Mapping Program (FMMP).[3]

Per the Specific Plan Supplemental EIR, the adoption of the Specific Plan will advance the long-term Countywide strategy for protection of agricultural resources in two ways: First, by allowing development in a designated development area -- the East Cypress Corridor area -- it will help to reduce pressures for growth and development in identified non-urban preservation areas, including important agricultural land within those preservation areas. Second, through the requirement that development within the Specific Plan Area fund acquisition of land to be protected under the HCP/NCCP, including important farmlands, the Amendments will help preserve the agricultural resources and agricultural character of Eastern Contra Costa County consistent with the provisions of the County's 65/35 Land

[1] East Cypress Corridor Specific Plan Draft Supplemental EIR, August 21, 2008, page 3.1-13.
[2] East Cypress Corridor Specific Plan Draft Supplemental EIR, August 21, 2008, page 3.1-3.
[3] 1 Important Farmland Maps for California are compiled by the State Department of Conservation using these criteria together with land use information. The Important Farmland Maps use seven categories for classifying land: prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, grazing land, urban and built-up land and other land. The first three categories (prime, statewide, and unique farmlands) are considered "important farmland" and also meet the definition of agricultural land under CEQA (Section 21060.1).

Preservation Plan. For these reasons, implementation of the Specific Plan could help to reduce the long-term cumulative loss of important agricultural land in Contra Costa County. However, no mitigation measures are available that would compensate directly for, or otherwise mitigate, the loss of agricultural land due to conversion of the Specific Plan area to developed uses, as disclosed in the Specific Plan EIR[4].

None of the property within the Specific Plan area is in a Williamson Act contract, and there are no Williamson Act parcels located within ¼ mile of the project area[5]. The certified Specific Plan Supplemental EIR discloses that development of the Lesher Property and Bethel Island LLC Property would result in direct and cumulative significant impacts to agricultural resources. Approval and development of the proposed Amendments would proceed in a manner contemplated by the Specific Plan and analyzed in the certified Specific Plan Supplemental EIR and would not change or cause any further impacts to any existing agricultural resources within the Lesher Property or Bethel Island LLC Property to a greater extent than identified in the Specific Plan Supplemental EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan Supplemental EIR was certified, that shows any new, or substantially more adverse, significant impacts to agricultural resources than those disclosed in the Specific Plan Supplemental EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant agricultural impacts of the Project. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects to agricultural resources.

c. Air Quality

The Amendments propose development of the Lesher Property and Bethel Island LLC Property in a manner consistent with the Specific Plan and with the air quality analysis discussed in the Specific Plan EIR and the Specific Plan Supplemental EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR and Specific Plan Supplemental EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR and Specific Plan Supplemental EIR. Accordingly, the potential construction, operational and area source emission impacts associated with the Amendments are the same as described in the Specific Plan EIR and Specific Plan Supplemental EIR.

The actual construction, operational and area source emissions of the Amendments would, in all likelihood, be less than the calculated emission levels presented in the Specific Plan EIR and Specific Plan Supplemental EIR due to new regulatory requirements mandating use of cleaner engine fuels and use of more fuel- and emission-efficient engines for today's automobiles and construction equipment. In addition, the proposed Amendments to Vesting Tentative Map 9404 and Vesting Tentative Map 9156 in conjunction with the other approved vesting tentative maps for Planning Areas 1, 3, and 4 would result in the total development of 3,164 dwelling units and less than the 3,220 dwelling units allowed by the East Cypress

[4] East Cypress Corridor Specific Plan Draft Supplemental EIR, August 21, 2008, page 3.1-14.
[5] East Cypress Corridor Specific Plan Draft Supplemental EIR, August 21, 2008, page 3.1-5.

Corridor Specific Plan. As a result, the development allowed by the proposed Amendments to Vesting Tentative Map 9404 and Vesting Tentative Map 9156 will result in fewer project-related air emissions compared to the emissions generated at the time the air quality analyses were conducted for the Specific Plan EIR and Specific Plan Supplemental EIR.

Greenhouse Gas Emissions

In 2010, after the Specific Plan EIR and Specific Plan Supplemental EIR were certified, CEQA Guideline Section 15064.4 was adopted pursuant to SB 97 to provide guidance to lead agencies for determining the significance of project impacts related to greenhouse gas emissions. Such analysis was not required by CEQA at the time the Specific Plan EIR and Specific Plan Supplemental EIR were certified and the Specific Plan EIR and the Specific Plan Supplemental EIR do not evaluate the greenhouse gas impacts associated with development of the Specific Plan, including Planning Area 1 and Planning Area 4. However, as determined by the Court of Appeal in *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1319-1320 ("*Concerned Dublin*"), the potential environmental effects of greenhouse gas emissions were known or could have been known well before 2010, when the Specific Plan EIR and Specific Plan Supplemental EIR were adopted. According to the *Concerned Dublin* court, since this information was known before Specific Plan EIR and Specific Plan Supplemental EIR were adopted, the adoption of new regulations, policies, and guidelines related to the analysis of a project's potential effects related greenhouse gas emission does not constitute "new information" requiring additional environmental review under Section 21166.[6] In any case, the Amendments propose development of the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan. Accordingly, the greenhouse gas emissions associated with the development of the Amendments are at worst the same as, and no significantly greater than, the greenhouse house gas emission impacts associated with development of the Lesher Property and the Bethel Island LLC Property under the previously approved Specific Plan.

It is also noted for informational purposes that in 2014, after the Specific Plan EIR and the Specific Plan Supplemental EIR were certified, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted "Plan Bay Area," a sustainable communities strategy prepared pursuant to SB 375 (Public Resources Code Sections 21155.1, 21155.2, and 21159.28). SB 375 directs the California Air Resources Board (CARB) to set regional targets for greenhouse gas reductions from passenger vehicle use. CARB set the Bay Area's regional greenhouse gas reduction target in 2010 to require a 7% reduction below 2005 levels by 2020 and a 15% reduction below 2005 levels by 2035. Working with this emission reduction target, ABAG and MTC prepared the required SB 375 sustainable communities strategy - *i.e*., Plan Bay Area. Plan Bay Area establishes a land use and transportation development strategy to accommodate Bay Area population growth through 2040, without expanding existing city boundaries, by focusing 80% of the region's future housing needs in so-called "Priority Development Areas" located near public transit and employment hubs, thus reducing regional passenger vehicle use. Plan Bay Area's assumed distribution of housing growth through 2040 is based on ABAG's Plan Bay Area Forecast of Jobs, Population, and Housing, which includes a locally-based assessment of

[6] *See Concerned Dublin* at 1320.

housing development potential based on general plans, specific plans and zoning ordinances adopted by local governments through July 2013[7]. Plan Bay Area thus assumes the development provided for under the Specific Plan, including the development proposed by the Amendments. As determined by the Plan Bay Area Environmental Impact Report (SCH# 2012062029), regional development in a manner consistent with Plan Bay Area will achieve the 2020 and 2035 regional greenhouse gas reduction targets established by CARB.[8] Since Plan Bay Area assumes development permitted under the Specific Plan, and since the Amendments will be developed consistent with the Specific Plan, development of the Amendments is consistent with, and will advance the policy objectives of, the regional greenhouse gas reduction strategy established by Plan Bay Area.

The Plan Bay Area 2040 Final Supplemental Report[9] presents a technical overview of the Bay Area UrbanSim Land Use Model application, performed in support of the Association of Bay Area Government (ABAG) and the Metropolitan Transportation Commission's (MTC's) Plan Bay Area 2040 Draft Environmental Impact Report (DEIR). The document provides a brief overview of the technical methods used in the analysis, a description of the key assumptions made in the modeling process, and a presentation of relevant results for each EIR alternative. Based on the Plan Bay Area 2040 Final Supplemental Report, the City of Oakley is estimated to have 16,400 households by 2040, an increase in 5,700 households from 2010.[10] The City is also estimated to have an increase in 5,130 households from 2010 to 2040 in the Priority Development Areas, which the project is not a part.[11] The Plan Bay Area 2040 Final Supplemental Report housing estimate for Oakley to the year 2040 took into account the 5,759 dwelling units approved for development in the Specific Plan.

On April 20, 2015 Governor Brown signed Executive Order B-30-15 to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. This Executive Order reduction target of 40 percent below 1990 levels by 2030 provides an interim reduction goal that will help the State to reduce GHG emissions by 80 percent under the 1990 levels by 2050. The goals of Executive Order B-30-15 have been legislated through Senate Bill 32.

In addition to improved motor vehicle emission technology to reduce future GHG emissions, improved energy efficiency measures are also available to improve and maximize energy efficiency for buildings and appliances. New technologies, policies, programs, green building programs (CALGreen), etc. are available to reduce current and future GHG emissions.

The California Building Energy Efficiency Standards (Standards) were first adopted in 1976 and have since been updated periodically as directed by statute. The Standards contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. The 2019 update to the Building Energy Efficiency Standards focuses on several key areas

[7] *See* Plan Bay Area Environmental Impact Report, SCH# 2012062029 (July 2013) at ES-8; *see*, *also*, Plan Bay Area, Final Forecast of Jobs, Population and Housing (July 2013) at 33.
[8] See Plan Bay Area Environmental Impact Report at 1.2-53.
[9] Land Use Modeling Report, July 2017
[10] Ibid, Appendix 1, page 33.
[11] Ibid, Figure 10.

to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings. The most significant efficiency improvements to the residential Standards include the introduction of photovoltaic into the prescriptive package, improvements for attics, walls, water heating, and lighting. The Standards are conceptually divided into three basic sets. First, there is a basic set of mandatory requirements that apply to all buildings. Second, there is a set of performance standards the energy budgets - that vary by climate zone (of which there are 16 in California) and building type; thus the Standards are tailored to local conditions, and provide flexibility in how energy efficiency in buildings can be achieved. The third set of requirements constitutes an alternative to the performance standards, which is a set of prescriptive packages that provide a recipe or a checklist compliance approach. Project compliance with all applicable energy requirements of the Standards would further reduce GHG emissions related to energy consumption.

Per the 2019 Building Energy Efficiency Standards, as of January 1, 2020 all new residential home construction shall include a photovoltaic (PV) system, battery storage system, and solar ready for single-family and low-rise (three or fewer habitable floors) multi-family buildings. Therefore, all residential dwelling units that are constructed within VTM 9404 and VTM 9156 will be required to provide solar ready buildings.

Improved water conservation measures to treat and transport water have been developed since the approval of the Specific Plan. These improved water conservation measures would further reduce GHG emissions associated with the treatment and transportation of water compared to the emissions at the time of the approval of the Specific Plan. Increasing the efficiency of the treatment and transportation of potable water in conjunction with a reduction water consumption by the dwelling units of Vesting Tentative Maps 9404 and 9156 due to new water conservation measures and water saving devices would reduce GHG emissions compared to the GHG emissions at the time the Specific Plan was approved.

In conjunction with reducing GHG emissions associated with the treat, transportation and consumer consumption of water, the developers of Vesting Tentative Maps 9404 and 9156 would be required to comply with all applicable California Building Codes to improve water use efficiency, including compliance with Title 4, Chapter 31, Water-Efficient Landscape Requirements, of the City of Oakley's Municipal Code. Therefore, the proposed Amendments would not conflict with any of the water conservation and efficiency measures.

The developers of Vesting Tentative Maps 9404 and 9156 propose to install the electrical wiring so that project residents have the option to install Electric Vehicle Charging (EVC) equipment within their dwelling unit in compliance with and as required by Section 4.106.4 of the 2019 California Green Building Standards Code, Title 24, Part 11. Charging stations will be installed by the homeowner associations for the multi-family developments and in some common open space areas in the tracts for use by residents for a fee. The installation of EVC equipment and charging stations would encourage residents to use electric vehicles and reduce mobile-source air emissions, including GHG emissions.

Commercial land use is proposed in Planning Area 1. Project residents of Vesting Tentative Maps 9404 and 9156 would be in close proximity to an on-site commercial use that would allow residents to walk, bike or use alternative modes of transportation to access the

commercial area and reduce the use of and reliance of motor vehicles and reduce air and GHG emissions.

The existing public transportation system within the Specific Plan would be expanded to serve the residents of Vesting Tentative Maps 9404 and 9156. The expanded public transportation system would allow and encourage residents to use the public transportation and reduce air and GHG emissions.

The SEP provides five goals towards meeting the State's mandates for energy use and reduce GHG emissions. The five goals are: 1) Energy Use Reduction; 2) Green Building; 3) Economics; 4) Greenhouse Gas Reduction; and 5) Community Awareness & Engagement. The developers of Vesting Tentative Tracts 9404 and 9156 would meet and comply with all applicable energy plan goals, policies and programs, including meeting Title 24 energy requirements and when feasible exceeding Title 24 requirements, meet all applicable energy conservation and green building standards and install energy efficient streetlights and traffic signals.

The developers of Vesting Tentative Maps 9404 and 9156 would be required to meet and comply with all applicable existing State regulations that have been adopted to reduce GHG emissions, including SB 375, Executive Order B-30-15, 2019 Building Energy Efficiency Standards, 2019 California Green Building Standards Code, Title 24, Part 11CALGreen, etc. As discussed, these requirements include the installation of efficient photovoltaics, energy improvements for attics, walls, water heating, and lighting and the installation of electrical wiring so project residents have the option to install EVC equipment within their dwelling unit. As a result, the GHG emissions associated with the development of the dwelling units allowed by Vesting Tentative Maps 9404 and 9156 would be comply with all applicable state plans and programs designed to reduce GHG emissions.

The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP for potential air quality impacts associated with the development of the Lesher Property and the Bethel Island LLC Property. The following applicable mitigation measures are carried forward from the MMRP to reduce the Project's air quality impacts to less than significant.

Mitigation Measure 3.4-1 All development shall be required to implement feasible BAAQMD mitigation measures for reducing vehicle emissions from suburban residential projects. The site is suburban in nature with only limited transit service available; feasible mitigation measures to reduce vehicle emissions for a suburban project include:

- Provide bicycle lanes, sidewalks and/or paths, connecting project residences to adjacent schools, parks, nearest transit stop and nearby commercial areas;
- Provide secure and conveniently placed bicycle parking and storage facilities at parks and other facilities;
- Implement feasible travel demand management (TDM) measures. This would include a ride-matching program, coordination with regional ride-sharing organizations,

provision of transit information, and provision of shuttle service to major destinations such as the Pittsburg BART station;
- Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves in single-family houses. Conventional open-hearth fireplaces should not be permitted. EPA-Certified fireplaces and fireplace inserts are 75 percent effective in reducing emissions from this source;
- Construct transit amenities such as bus turnouts/bus bulbs, benches, shelters, etc.;
- Provide direct, safe, attractive pedestrian access from project land uses to transit stops and adjacent development;

Mitigation Measure 3.4-2 All commercial uses shall apply Transportation System Management measures as feasible to reduce trips. Appropriate strategies include:

- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.
- Connect site with regional bikeway/pedestrian trail system.
- Provide transit information kiosks.
- Implement feasible travel demand management (TDM) measures. This would include a ride matching program, guaranteed ride home programs, coordination with regional ridesharing organizations and transit incentives program.
- Provide showers and lockers for employees bicycling or walking to work.
- Provide secure and conveniently located bicycle parking and storage for workers and patrons.
- Provide electric vehicle charging facilities.
- Provide preferential parking for Low Emission Vehicles (LEVs).
- Specialty equipment (utility carts, forklifts, etc.) shall be electrically, CNG or propane powered.
- Further development shall utilize reflective (or high albedo) and emissive roofs, light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and will include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.

Mitigation Measure 3.4-2a In addition to Mitigation Measures 3.4-1 and 3.4-2 in the East Cypress Corridor Specific Plan EIR, all development shall be required to implement the following measures for reducing area source emissions:

- Eliminate wood burning fireplaces or devices. Install a gas outlet in proposed outdoor recreational fireplaces or pits. Offer as an option on homes to install a gas outlet for use with outdoor cooking appliances, such as a gas barbeque;
- Use efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces, and boiler units that meet or exceed Title 24 requirements (Title 24, Part 6, Energy Efficiency Standards for Residential and Nonresidential Buildings). Use window glazing and insulation, wall insulation, and efficient ventilation methods;
- Install electrical outlets on the exterior walls of both the front and back of all commercial buildings and residences to promote the use of electric landscape maintenance equipment;
- Landscape with drought resistant and low maintenance species of plants, trees, and shrubs to reduce the demand for gas powered landscape maintenance equipment;
- Use low VOC and low formaldehyde architectural coatings and insulation. Provide educational materials to homebuyers about the environmental benefits of using low VOC architectural coatings to help promote consumer use;
- Provide a 220-volt utility drop or other dedicated outlet that is adaptable for use by electric or rechargeable hybrid vehicles that are generally available to consumers.

Mitigation Measure 3.4-4 The project developer of Planning Areas 1, 3 and 4 shall submit lake management plans to the City for approval prior to the issuance of a grading permit for the lake. The lake management plan shall include lake design criteria, pollutant control, operations, mosquito control program, a list and description of all chemicals that would be used, and a lake maintenance program to control and minimize lake odors.

Mitigation Measure 3.4-5 The City of Oakley shall maintain all man-made lakes in PAs 1, 3 and 4 in compliance with an approved lake management plan.

Mitigation Measure 3.4-10 The following measures shall be implemented for PA's 1, 3, 4, and 6:

- All active construction areas shall be watered at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all

times, or shall be treated with non-toxic stabilizers or dust palliatives;

- All trucks hauling soil, sand, and other loose materials shall be covered or required to maintain at least 2 feet of freeboard;
- All unpaved access roads, parking areas, and staging areas at construction sites shall be paved or water applied three times daily, or a non-toxic soil stabilizer applied until the areas are developed or landscaped per final construction plans;
- All paved access roads, parking areas, and staging areas at construction sites shall be swept daily (preferably with water sweepers). Water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;
- All adjacent public streets shall be swept daily (preferably with water sweepers) if visible soil material is carried onto the street;
- A non-toxic soil stabilizer shall be applied to all inactive construction areas and maintained until the construction area is developed based on construction plans;
- All exposed stockpiles of dirt, sand, etc. shall be enclosed, covered, watered twice daily, or a non-toxic soil binder applied to minimize dust;
- The traffic speeds on all unpaved roads shall be limited to a maximum of 15 mph;
- Sandbags or other erosion control measures shall be installed and maintained to prevent silt runoff to public roadways;
- All disturbed areas shall be planted with vegetation as quickly as possible and the vegetation maintained in good condition until such area is developed;
- Wheel washers shall be installed for all exiting trucks, or the tires or tracks of all trucks and equipment leaving the site shall be washed;
- Excavation and grading activity shall be suspended when winds (instantaneous gusts) exceed 25 mph.

As disclosed in the Specific Plan EIR and the Specific Plan Supplemental EIR, even with the implementation of mitigation measures, the development of the Lesher Property and Bethel Island LLC Property would result in significant and unavoidable adverse air quality impacts related to PM_{10} emissions. Because the Amendments would be required to implement all applicable mitigation measures set forth in the Specific Plan EIR for the development of the Lesher Property and Bethel Island LLC Property, the development of the Amendments consistent with the Specific Plan, as is proposed, would not create new or substantially more adverse significant air quality impacts than those disclosed in the certified Specific Plan EIR and Specific Plan Supplemental EIR. Accordingly, the approval

and development of the Amendments will not result in any new, or substantially more adverse, significant air quality impacts than were otherwise disclosed in the Specific Plan EIR and Specific Plan Supplemental EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR and Specific Plan Supplemental EIR were certified, that shows any new, or substantially more adverse, significant air quality impacts than those disclosed in the Specific Plan EIR and Specific Plan Supplemental EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant air quality effects of the project. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its potential air quality impacts.

d. Biological Resources

The development type and density proposed by the Amendments is consistent with the Lesher Property and Bethel Island LLC development type and density permitted under the approved Specific Plan and evaluated in the Specific Plan EIR.

The Specific Plan, including permits,[12] agreements,[13] biological opinion,[14] consultation,[15] order,[16] cultural resource management plans,[17] and the U.S. Department of the Interior, Bureau of Reclamation Finding of No Significant Impact (FONSI)[18] is required to preserve and set-aside approximately 431.11acres[19] of land for protection and mitigation compared to 105.2 acres for Planning Area 1 by the Specific Plan. Through the public resource agency permitting and approval process the Specific Plan will provide approximately 325.91acres of additional land compared to the original Specific Plan. As a result, through the approval process to obtain permits, agreements, etc., the Amendments will mitigate and further reduce biological and wetland impacts compared to the approved Specific Plan. Therefore, even with the Amendments there would be less biological impacts than identified in the Specific Plan EIR.

[12] U.S. Army Corps of Engineers, Sacramento District, Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, December 12, 2018.
[13] California Department of Fish and Wildlife Streambed Alteration Agreement, August 4, 2016; East Contra Costa County Habitat Conservancy Extension of Take Authority for the Cypress Preserve Project, June 13, 2018; Bureau of Reclamation, Mid-Pacific Region, Resolution of Adverse Effects to the East Cypress Preserve Development Project, Contra Costa County, California.
[14] United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, West Coast Region, Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response to the Cypress Preserve Project.
[15] U.S. Department of the Interior Fish & Wildlife Service, Section 7 Consultation on the Proposed Cypress Preserve Development Project Inclusion, June 29, 2018.
[16] Central Valley Regional Water Quality Control Board, Order Amending Clean Water Act Section 401 Technically Conditioned Water Quality Certification: ACD-TI Oakley, LLC, Cypress Preserve – City of Oakley Project (WDID#5B07CR00176A1, Contra Costa, County.
[17] U.S. Army Corps of Engineers, Bureau of Reclamation, Cultural Resources Management Plan for the East Cypress Preserve Development Project, Eastern Contra Costa, California, March 2018; U.S. Army Corps of Engineers, Bureau of Reclamation, Historic Properties Treatment Plan and Research Design for the East Cypress Preserve Development Project, Eastern Contra Costa County, California, March 2018.
[18] Contra Costa Water District Cypress Preserve Property Inclusion, FONSI, September 2018.
[19] The 431.11 acres is comprised of 255.9 acres for the North Preserve, 13.15 acres for the South Preserve and 162.06 acres for In-Tract preservation.

The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential direct, indirect, and cumulative biological resource impacts associated with approval and development of the Amendments are less than the described and evaluated biological impacts in the Specific Plan EIR with respect to development of the Lesher Property and Bethel Island LLC in accordance with the Specific Plan. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential biological resource impacts associated with development of the Lesher Property and Bethel Island LLC Property in accordance with the Specific Plan along with and in addition to approved permits, agreements, biological opinions, consultation, and orders. The following applicable mitigation measures are carried forward from the MMRP to reduce the Amendments biological impacts to less than significant.

Mitigation Measure 3.5-1 To the extent feasible, implementation of the project shall be designed and constructed to avoid and minimize adverse effects to waters of the United States or jurisdictional waters of the State of California within the project.

Mitigation Measure 3.5-2 A Section 404 permit for fill of jurisdictional wetlands and a Section 10 permit for fill of tidal waters shall be sought and mitigation for impacts to jurisdictional waters that cannot be avoided shall conform with the USACE “no-net-loss” policy and the USACE Regulatory Guidance Letter No. 02-2 establishing policies and guidance on appropriate mitigation for impacts to jurisdictional waters. Mitigation for impacts to both federal and state jurisdictional waters shall be addressed using these guidelines. Mitigation shall be implemented at a watershed scale and shall be compatible with adjacent land uses. This may include the preservation of vegetated buffers that clearly benefit functions of the aquatic ecosystem to be preserved, enhanced and/or avoided. The Mitigation and Monitoring Plan would take a watershed approach and account for the regional requirements of sensitive species and habitats. Mitigation will be reviewed by USACE on a case-by-case basis and take into account the use of vegetated buffers as well as the functions of the preserved/avoided/created and enhanced habitat. A functional assessment of the existing wetlands, waters, and habitats shall be compared with a functional assessment of the proposed mitigation to ensure no overall net loss to habitat functions.

Mitigation Measure 3.5-3 Mitigation shall include creation of wetlands at a minimum 1:1 ratio. If a greater mitigation ratio is necessary, preservation/enhancement would count towards mitigation. For purposes of this document “on-site mitigation” refers to the

entire project site. Creation opportunities within the avoided wetland and dune habitat area on the northern portion of PA 1, designated for preservation and mitigation for project impacts, shall be evaluated for hydrology and topography suitable to support creation of wetlands. Preservation/enhancement of wetland habitat shall also be evaluated within the designated wetland and dune habitat area. Public access to this area shall be limited and it shall be managed for the purpose of habitat mitigation according to the Mitigation and Monitoring Plan (MMP) described below. Accomplishment of the wetland creation, preservation, and enhancement on site shall be given first priority. If the total wetland creation, preservation, and enhancement acreage cannot be accomplished within the designated open space area, second priority shall be given to creation and preservation at an off-site location within the City of Oakley that will be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside the City of Oakley. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP). Off-site mitigation habitat shall be presented for approval to the City of Oakley, USACE, RWQCB and CDFG.

Mitigation Measure 3.5-4 If, in accordance with the above mitigation measure, the applicant implements onsite or offsite mitigation, a Mitigation and Monitoring Plan (MMP) shall be prepared that provides guidance on managing and monitoring the mitigation habitat to ensure its long-term viability. The MMP shall include elements and standards deemed appropriate and acceptable by the applicable approving agency or agencies (e.g., City of Oakley, USACE, RWQCB, and/or CDFG). Such MMP shall be prepared prior to development plan or tentative map approval.

Mitigation Measure 3.5-6 Implementation of Mitigation Measures 3.5-3 and 3.5-4 above shall include riparian habitat compensation at a minimum of a 1:1 ratio.

Mitigation Measure 3.5-9 Implementation of Mitigation Measures 3.5-3 and 3.5-4 above shall include alkali meadow and grassland habitat compensation at a 1:1 ratio.

Mitigation Measure 3.5-12 Avoidance of heritage or protected trees as defined by the Contra Costa County Ordinances shall be exercised to the greatest extent practicable.

Mitigation Measure 3.5-13 Where heritage or protected tree removal is determined to be necessary, tree removal shall be mitigated at a minimum 3:1 ratio or other ratio acceptable to the City of Oakley. The City of Oakley is currently developing a Heritage Tree Protection Ordinance. If this ordinance is adopted prior to tree removal approval, the City of Oakley may require mitigation for loss of trees as stipulated in the adopted ordinance. The mitigation trees shall be established with appropriate maintenance to ensure long-term self-sustaining survivorship. A performance standard of 80% of the established mitigation trees shall be met after 5 years. The mitigation trees shall not be dependent upon significant maintenance measures within the last 2 years of monitoring, including supplemental irrigation and staking.

Mitigation Measure 3.5-15 If protected or heritage trees are found on site, mitigation measures 3.5-12 and 3.5-13 shall be implemented as outlined.

Mitigation Measure 3.5-16 Areas supporting the special-status plant species shall be avoided; or

Mitigation Measure 3.5-17 If an area containing a special-status plant species cannot be avoided, mitigation shall occur as follows:

1. Permanently preserve, through use of a conservation easement or other similar method, an equal amount of acreage, either within the project area or off-site, that contains the plant; or

2. Harvest the plants to be lost, and relocate them to another suitable and equal sized area either within the project site or off-site that will be permanently preserved through a conservation easement or other similar method; or

3. Harvest seeds from the plants to be lost, or use seeds from another appropriate source, and seed an equal amount of area suitable for growing the plant either within the project site or off-site that will be permanently preserved through a conservation easement or other similar method.

4. These mitigation measures shall be completed by a qualified biologist with experience working with the species included in the mitigation.

5. A Mitigation and Monitoring Plan describing the mitigation and monitoring requirements and performance standards shall be prepared if habitat is preserved or acquired for special-status plant species. This mitigation measure shall

be coordinated with the Mitigation Monitoring Plan in Mitigation Measure 3.5-4.

Mitigation Measure 3.5-22 Focused surveys shall be conducted for a sufficient duration of time, to be determined by the entomologist, to determine presence or demonstrate absence of the species. If special-status insect species are not found, no further mitigation is required.

Mitigation Measure 3.5-23 If endemic dune inhabiting special-status insects are documented, occupied habitat as well as other highly suitable habitat that is part of dune complexes in the vicinity of where the species is found shall be avoided to the extent feasible. If avoidance is not feasible, suitable habitat shall be preserved at a 1:1 ratio at a location approved by the City and CDFG. The habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of suitable sand dune and mound habitat on PAs 1, 3, and 4. A Mitigation and Monitoring Plan describing the mitigation and monitoring requirements and performance standards shall be prepared if habitat is preserved or acquired for special-status insect species. This mitigation measure shall be coordinated with the Mitigation and Monitoring Plan in Mitigation Measure 3.5-4. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).

Mitigation Measure 3.5-31 A qualified entomologist shall conduct a focused survey for curved foot hygrotus diving beetle at the appropriate time of year. If curved foot hygrotus diving beetle is not found after completion of seasonal surveys, then no further mitigation is required.

Mitigation Measure 3.5-32 If the curved foot hygrotus diving beetle is found on PAs 1, 3, or 4, occupied aquatic habitat shall be avoided to the extent feasible. If avoidance is not feasible, it shall be replaced at a 1:1 ratio at a location approved by the City. The habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of suitable aquatic habitat on the PAs 1, 3, and 4. This mitigation measure shall be coordinated with the Mitigation and Monitoring Plan in Mitigation Measure 3.5-4. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved

mitigation bank, or an approved Habitat Conservation Plan (HCP).

Mitigation Measure 3.5-35 All water intake features or systems from Dutch Slough, Sandmound Slough or Rock Slough including siphons, flood gates, or pumps shall have USFWS and NOAA Fisheries approved fish screens installed. Any stormwater outfalls shall employ water pumping best management practices.

Mitigation Measure 3.5-36 Consultation with the CDFW, NOAA Fisheries, and USFWS shall be requested in conjunction with USACE Section 404 and CDFW Streambed Alteration Agreement permitting to determine appropriate measures to avoid and mitigate impacts to special-status fish species. As part of the consultation process, a Biological Assessment and Essential Fish Habitat Assessment shall be prepared by a fisheries biologist that evaluates: proposed construction plans (including any vegetation removal); design details for pumps, siphons, outfalls, and/or flood gates; rip-rap or other bank protection measures; and stormwater flow regime (including flow rates, timing and temperature).

Mitigation Measure 3.5-37 A Mitigation Plan shall be prepared that includes measures to avoid take of special-status fish during construction activities (which may include, if necessary, placement of coffer dams and preparation of a Fish Rescue Plan for in-water work) and post construction water withdrawal activities. To ensure compliance and implementation of the Mitigation Plan, a qualified biologist shall be present during construction and pumping activities associated with construction.

Mitigation Measure 3.5-39 A pre-construction survey for silvery legless lizards shall be conducted within interior dune and Sand mound habitat and submitted to the City of Oakley for their review and approval prior to the issuance of grading permits. If silvery legless lizards are not found, no further mitigation is required. If they are found Mitigation Measure 3.5-40 shall be implemented.

Mitigation Measure 3.5-40 If silvery legless lizards are found, occupied habitat as well as other highly suitable habitat shall be avoided to the maximum extent feasible. If avoidance is not feasible, it shall be replaced at a 1:1 ratio at a location approved by the City and CDFG. The habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of suitable sand dune and mound habitat on the PAs 1, 3 and 4. For purposes of this document “on-site mitigation” refers to the entire project site. First priority for habitat preservation shall be accomplished on site. If the required

acreage cannot be preserved within the designated wetland and dune habitat area, designated for preservation and mitigation for project impacts on PA 1, second priority shall be given to habitat preservation at an off-site location within the Oakley city limits that shall be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside of the Oakley city limits. Public access to this area shall be limited and it shall be managed for the purpose of habitat mitigation. A Mitigation and Monitoring Plan describing the mitigation and monitoring requirements and performance standards shall be prepared if habitat is preserved or acquired for this species. This mitigation measure shall be coordinated with the Mitigation and Monitoring Plan in Mitigation Measure 3.5-4. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).

Mitigation Measure 3.5-43 A habitat assessment shall be conducted by a qualified biologist to develop focused survey methods and a trap array design that will result in the highest probability of detection of giant garter snakes. Focused trapping and visual surveys approved by the USFWS shall then be conducted for the giant garter snake. A qualified biologist shall conduct these surveys during the spring for optimal detection. If giant garter snake is not found during spring protocol surveys, fall surveys are not required. If the giant garter snake is not found during protocol surveys, no habitat mitigation shall be required.

Mitigation Measure 3.5-44 If the giant garter snake is found to occur during protocol surveys within the boundary of the project site mitigation shall be required for PAs 1, 2, 3, 4, and 6. If the giant garter snake is found within the boundary of the site, impacts (as defined above) to aquatic habitats plus a 200-foot buffer of such habitat shall be avoided to the extent feasible.

If avoidance is not feasible, aquatic habitat and upland habitat within 200 feet of aquatic habitat shall be replaced at a 1:1 ratio at a location approved by the City, USFWS, and CDFG. The habitat in the amount specified above shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of aquatic and upland habitat. For purposes of this document “on-site mitigation” refers to the entire project site. First priority for habitat preservation shall be accomplished on site. If the required acreage cannot be preserved within the designated open space area located on the northwest portion of PA 1,

second priority shall be given to habitat preservation at an off-site location within the Oakley city limits that shall be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside of the Oakley city limits. A Mitigation and Monitoring Plan describing the mitigation and monitoring requirements and performance standards shall be prepared if habitat is preserved or acquired for this species. This mitigation measure shall be coordinated with the Mitigation and Monitoring Plan in Mitigation Measure 3.5-4. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).

Mitigation Measure 3.5-45 Regardless of the results of focused surveys, the Applicant shall request that the USACE initiate consultation with the Service as part of 404 impacts, and the following measures shall be implemented to avoid potential take of individual garter snakes during construction:

A qualified biologist shall provide project contractors and construction crews with a worker-awareness program before initiating any work within aquatic habitats or adjacent upland habitats that are appropriate for giant garter snakes. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, all applicable mitigation measures, and conditions of any state or federal permits as they relate to giant garter snake. Proof of this instruction shall be submitted to the City within 24 hours of completion of the initial worker-awareness program.

1. 24-hours prior to construction activities, the project area shall be surveyed for giant garter snake. Survey of the project area shall be repeated at the start of each construction season and/or if a lapse in construction activity of two weeks or greater has occurred. If a giant garter snake is encountered during construction, activities shall not begin until the USFWS has been consulted and the corrective measures required by the USFWS have been completed or the USFWS has determined that the snake will not be harmed.

2. After pre-construction surveys are completed, animal exclusion fencing shall be installed around all construction sites adjacent to aquatic habitats.

Mitigation Measure 3.5-47 A qualified biologist shall conduct pre-construction surveys for western pond turtles in all construction areas identified as

potential nesting or dispersal habitat located within 1000 feet of potential aquatic habitat 48 hours prior to initiation of construction activities. If a western pond turtle is found during pre-construction surveys, it shall be relocated by a qualified biologist with permission from CDFG as necessary to a location deemed suitable by the biologist and CDFG (i.e., at a location which is a sufficient distance from construction activities). This survey shall include looking for turtle nests within the construction area. If a nest is found within the construction area, construction shall not take place within 100 feet of the nest until the turtles have hatched and have left the nest or can be safely relocated with assistance from CDFG.

Mitigation Measure 3.5-48 Because attempting to locate pond turtle nests would not necessarily result in detection, after completion of pre-construction surveys, and relocation as necessary, exclusion fencing shall be placed around all construction sites adjacent to aquatic habitats to eliminate the possibility of nest establishment in uplands adjacent to aquatic areas.

Mitigation Measure 3.5-49 If construction activities occur in aquatic areas where turtles have been identified during pre-construction or other surveys, a biological monitor shall be present during disturbance of those aquatic habitats. If a turtle is found, it shall be relocated as necessary to a location deemed suitable by the biologist and CDFG (i.e., at a location which is a sufficient distance from construction activities).

Mitigation Measure 3.5-50 A qualified biologist shall provide project contractors and construction crews with a worker-awareness program prior to the start of any work within aquatic habitats or adjacent upland habitats that are appropriate for western pond turtles. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.

Mitigation Measure 3.5-51 If not already completed, breeding season and focused winter surveys shall be conducted according to CDFG and California Burrowing Owl Consortium guidelines between April 15 and July 15 and December 1 and January 31, respectively, to determine the number of owls utilizing each of the properties. The survey protocol calls for 4 separate survey dates during each season, at the time of day owls are most likely to be detected.

Mitigation Measure 3.5-52 Prior to issuance of a grading permit, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area and within 250 feet of

the project boundary. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to CDFG and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected, by either sign or direct observation, construction may proceed. Pre-construction surveys must be reinitiated if more than 30 days lapse between surveys dates and construction activities.

Mitigation Measure 3.5-53 If potentially nesting burrowing owl are present during pre-construction surveys conducted between February 1 and August 31 grading shall not be allowed within 250 feet of any nest burrow during the nesting season (February-August), unless approved by the CDFG.

Mitigation Measure 3.5-54 If burrowing owls are detected during pre-construction surveys outside the nesting season (September 1 - January 31), passive relocation and monitoring may be undertaken by a qualified biologist following CDFG and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 160-foot buffer zone of the impact area. A minimum of one (1) week shall be allowed to accomplish this task and allow for owls to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1- August 31) and a qualified biologist shall monitor the site weekly until construction begins to ensure that burrowing owls do not re-inhabit the site.

Mitigation Measure 3.5-55 If burrowing owls or signs of burrowing owls are detected at any time on the project site a minimum of 6.5 acres of foraging habitat per pair or individual resident bird, shall be acquired and permanently protected to compensate for the loss of burrowing owl habitat. The acreage shall be based on the maximum number of owls observed inhabiting the property for any given observation period, pre-construction survey, or other field visit. The protected lands shall be occupied burrowing owl habitat at a location acceptable to CDFG and the City of Oakley. For purposes of this document “on-site mitigation” refers to the entire project site. First priority for habitat preservation shall be accomplished on site. If the required acreage cannot be preserved within the designated open space area, second priority shall be given to habitat preservation at an off-site location within the Oakley city limits that shall be acquired and preserved in perpetuity. Third priority shall be given to another off-site location outside of the Oakley city limits. The habitat in the amount specified above

shall be acquired, permanently protected, and enhanced through management for the benefit of the species, to compensate for the loss of burrowing owl habitat on PAs 1, 3, and 4. A Mitigation and Monitoring Plan describing the mitigation and monitoring requirements and performance standards shall be prepared if habitat is preserved or acquired for this species. This mitigation measure shall be coordinated with the Mitigation and Monitoring Plan in Mitigation Measure 3.5-4. Alternatively, the applicant can provide the required mitigation either through an in-lieu fee program, purchase of the required acreage in an approved mitigation bank, or an approved Habitat Conservation Plan (HCP).

Mitigation Measure 3.5-56 Before construction activities begin all construction personnel shall receive training that includes photos of burrowing owl for identification purposes, habitat description, limits of construction activities in the project area, and guidance regarding general measures being implemented to conserve burrowing owl as they relate to the project.

Mitigation Measure 3.5-57 A monitoring report of all activities associated with pre-construction surveys, avoidance measures, and passive relocation of burrowing owls shall be submitted to the City and CDFG no later than two weeks before initiation of grading.

Mitigation Measure 3.5-59 The removal of any buildings, trees, emergent aquatic vegetation, or shrubs shall occur from September 1 through December 15, outside of the avian nesting season. If removal of buildings, trees, emergent aquatic vegetation, or shrubs occurs, or construction begins between February 1 and August 31 (nesting season for passerine or non-passerine land birds) or December 15 and August 31 (nesting season for raptors), a nesting bird survey shall be performed by a qualified ornithologist within 14 days prior to the removal or disturbance of a potential nesting structure, trees, emergent aquatic vegetation, or shrubs, or the initiation of other construction activities during the early part of the breeding season (late December through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, a qualified biologist shall inspect all potential nesting habitat (trees, shrubs, structures, grasslands, pastures, emergent aquatic vegetation, etc.) in and immediately adjacent to the impact areas for nests.

Mitigation Measure 3.5-60 All vegetation and structures with active nests shall be flagged and an appropriate non-disturbance buffer zone shall be established around the nest site. The size of the buffer zone

shall be determined by the project biologist in consultation with CDFG and will depend on the species involved, site conditions, and type of work to be conducted in the area.

Mitigation Measure 3.5-61 A qualified biologist shall monitor active nests to determine when the young have fledged and are feeding on their own. The project biologist and CDFG shall be consulted for clearance before construction activities resume in the vicinity. Mitigation Measure 3.5-66 shall be enforced for all raptors.

Mitigation Measure 3.5-62 In order to ensure that nesting Swanson's hawks would not be affected by construction of the project, a qualified biologist shall conduct pre-construction surveys according to CDFG and Swanson's Hawk Technical Advisory Committee guidelines (2000). Survey Period I occurs from January 1 – March 20, Period II from March 20 – April 5, Period III from April 5 – April 20, Period IV from April 21 – June 10, and Period V is from June 10 – July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project's initiation and encompass the area within ½ mile of the project site. If a nest site is found, then, either of the following measures shall be followed:

Mitigation Measure 3.5-63 Trees containing known or potential raptor nest sites may be removed during the non-breeding season to discourage future nesting attempts on the condition that no Swanson's hawk pair is currently utilizing the nest site. Monitoring evidence that any nests in trees planned for early removal are unattended by reproductive-aged birds must be provided.

Mitigation Measure 3.5-64 If an active Swanson's hawk nest is found sufficiently close (as determined by the qualified biologist and CDFG) to the construction area to be affected by construction activities, a qualified biologist shall determine the extent of a construction-free buffer zone to be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1 until it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are feeding on their own.

Mitigation Measure 3.5-65 If nesting white-tailed kites are observed on site during the pre-construction raptor surveys, CDFG shall be consulted regarding appropriate avoidance and mitigation measures to meet the specific needs of the nesting birds. Avoidance of impacts shall be accomplished through the implementation of a CDFG-approved buffer zone to protect the nest from

disturbance until the young birds have fledged and are feeding on their own.

Mitigation Measure 3.5-66 If, after the young are determined to have fledged by a qualified biologist, avoidance of the nesting tree is infeasible, it shall be removed under supervision of qualified biologist.

Mitigation Measure 3.5-67 A pre-construction survey for roosting bats shall be performed by a qualified biologist within 30 days prior to any removal of trees or structures on the site. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, the following mitigation measures shall be implemented.

Mitigation Measure 3.5-68. If active maternity roosts or hibernacula are found in trees or structures which would be removed as part of project construction, the project shall be redesigned to avoid the loss of the tree or structure occupied by the roost to the extent feasible as determined by the City. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied tree or structure, demolition can commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones as determined by a qualified biologist in coordination with CDFG shall be observed during the maternity roost season (March 1 - July 31).

Mitigation Measure 3.5-69 If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with CDFG), by opening the roosting area to allow airflow through the cavity. Demolition can then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.

Mitigation Measure 3.5-70 If active bat roosts are found in trees or structures that will be removed as part of project construction, the applicant will develop a bat box plan for the project area. State-of-the-art bat box technology will be employed. Lindsey Wildlife Museum wildlife biology specialists will be asked to review the design and placement of bat boxes.

The implementation of the above mitigation measures would reduce the direct, indirect, and cumulative biological resource impacts of the Amendments to less than significant, as established by the Specific Plan EIR[20] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant biological impacts than were otherwise disclosed in the Specific Plan EIR.

Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant biological impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant biological effects of the project. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects on biological resources.

e) Cultural Resources

The development type and density proposed by the Amendments is consistent with the Lesher Property and Bethel Island LLC development type and density permitted under the approved Specific Plan and evaluated in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential cultural resource impacts associated with the development of the Amendments are the same as described and analyzed in the East Cypress Corridor Specific Plan EIR.

As identified in the Specific Plan and Specific Plan EIR, there is one cultural resource mound within the Lesher Property (i.e., CA-CCO 368), which would be preserved and maintained in accordance with the Specific Plan and Specific Plan EIR as part of the Project. As also identified in the Specific Plan and Specific Plan EIR, there is one cultural resource mound within the Bethel Island LLC Property (i.e., CA-CCO 767), which would be preserved and maintained in accordance with the Specific Plan and Specific Plan EIR as part of the Amendments.

There is no indication the Amendments will have an impact on known cultural resources within the Lesher Property or the Bethel Island LLC Property that is different or more significant than those identified in the Specific Plan EIR. The development proposed FOR VTM 9404 and VTM 9156 by the Amendments is proposed within the same development footprint analyzed in the East Cypress Corridor Specific plan EIR and would not occur in any areas with known cultural resources.

Accordingly, the potential cultural resource impacts associated with the development proposed by the Amendments are the same as the potential cultural resource impacts and issues described and analyzed in the East Cypress Corridor Specific Plan EIR with respect to the Lesher Property and the Bethel Island LLC Property. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential unknown cultural resource impacts associated with development of the Lesher

[20] East Cypress Corridor Specific Plan Draft EIR, pages 3.5-45 –3.5- 71.

Property and Bethel Island LLC Property. The following applicable mitigation measures are carried forward from the MMRP to reduce the Amendments cultural resource impacts to less than significant.

Mitigation Measure 3.6-4 Site CA-CCO-368 shall be protected from damage through the following mitigation measures:

a. Plan construction to avoid the sites and record a conservation easement over the site.

b. If avoidance is not feasible, incorporate the archeological site within a park, green space, or open space, record a conservation easement over the site, and, in consultation with a professional archeologist certified by the Register of Professional Archeologists (RPA), cap the site by installing a water permeable protective barrier that is covered with a layer of chemically stable soil as follows:
   1) The thickness of the cap shall be determined by a registered archeologist to ensure protection of the site from disturbance, but the cap shall be at least 18 inches thick;
   2) Minimal or no surface preparation shall be allowed prior to the placement of the cap unless required by a qualified soils engineer;
   3) To minimize ground disturbance to and compaction of previously undisturbed areas within the site boundaries, all equipment used in the installation of the site cap shall be equipped with inflatable rubber tires (i.e., no tracked equipment);
   4) The cap shall be in place before constructing non-intrusive facilities on the site; and
   5) If facilities or excavation are to occur below the cap, a registered archeologist shall be present to monitor the activities so as to avoid disturbance of the site.

c. If disturbance of the archeological site cannot be avoided, data recovery within the affected area shall be conducted by a certified archeologist in accordance with CEQA Guideline § 15064.5 so as to record and preserve the significant characteristics of the site.

Mitigation Measure 3.6-5 Site CA-CCO-767 shall be protected from damage through the following mitigation measures:

a. Plan construction to avoid archaeological sites and record a conservation easement over the site.

b. If avoidance is not feasible, incorporate the archeological site within a park, green space, or open space, record a conservation easement over the site, and, in consultation with a professional archeologist certified by the Register of Professional Archeologists (RPA), cap the site by installing a water permeable protective barrier that is covered with a layer of chemically stable soil as follows:
   1) The thickness of the cap shall be determined by a registered archeologist to ensure protection of the site from disturbance, but the cap shall be at least 18" thick;
   2) Minimal or no surface preparation shall be allowed prior to the placement of the cap unless required by a qualified soils engineer;
   3) To minimize ground disturbance to and compaction of previously undisturbed areas within the site boundaries, all equipment used in the installation of the site cap shall be equipped with inflatable rubber tires (i.e., no tracked equipment);
   4) The cap shall be in place before constructing non-intrusive facilities on the site; and
   5) If facilities or excavation are to occur below the cap, a registered archeologist shall be present to monitor the activities so as to avoid disturbance of the site.

c. If disturbance of the archeological site cannot be avoided, data recovery within the affected area shall be conducted by a certified archeologist in accordance with CEQA Guideline § 15064.5 so as to record and preserve the significant characteristics of the site.

Mitigation Measure 3.6-6 In accordance with CEQA Guideline §15064.5 (f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching, or other on-site excavation(s), earthwork within 100 feet of these materials shall be stopped. A professional archaeologist certified by the Register of Professional Archaeologists (RPA) shall evaluate the significance of the find and suggest appropriate mitigation measure(s), as determined necessary to protect the resource and be approved by the City.

Mitigation Measure 3.6-7 In accordance with CEQA Guideline §15064.5 and 15126.4, any archaeological resources over 45 years shall be recorded on appropriate Department of Parks and Recreation Primary Record (DPR 523) and associated (e.g., Building –Structure-Object) forms. Such structures shall be evaluated for

significance (California Register of Historic Resources eligibility) in accordance with the criteria in CEQA Section 15064.5. Appropriate mitigation measures shall be developed for those structure determined to be potentially significant so that project-related impacts to the structures are reduced to less-than-significant.

Mitigation Measure 3.6-10 In the event that Native American human remains or funerary objects are discovered, the provisions of the California Health and Safety Code shall be followed. Section 7050.5(b) of the California Health and Safety Code states:

a) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

b) The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission within twenty-four hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for “protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction.” A combination of preconstruction worker training and intermittent construction monitoring by a qualified archaeologist will serve to achieve compliance with this requirement for protection of human remains. Worker training typically instructs workers as to the potential for discovery of cultural or human remains, and both the need for proper and timely reporting of such finds, and the consequences of failure thereof. Once the find has been identified, the

archaeologist will make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be significant according to CEQA.

The implementation of the above mitigation measures would reduce the cultural resource impacts associated with development of the Amendments to less than significant, as established by the Specific Plan[21] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant impacts to cultural resources than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant cultural resource impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project to cultural resources. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects on cultural resources.

f) Geology and Soils

The Amendments propose to develop the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan and as discussed and evaluated in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential geology and soil impacts associated with the Amendments are the same as the geology and soil impacts described and analyzed in the East Cypress Corridor Specific Plan EIR. The Amendments do not propose development for any areas in either VTM 9404 or VTM 9156 that were not evaluated in the geotechnical report that was prepared for the East Cypress Corridor Specific Plan EIR. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential geology and soil impacts associated with the Lesher Property and Bethel Island LLC Property. The following applicable mitigation measures are carried forward from the MMRP to reduce geology and soils impacts to less than significant.

Mitigation Measure 3.7-1 The proposed developments shall comply with the seismic design provisions of the Uniform Building Code (UBC). Because of the relatively close presence of the CRCV fault system, it is conceivable that the site may experience ground shaking higher than the UBC-specified ground shaking (produced by the more distant Greenville Fault), but the probability of occurrence is lower. For this reason, structures shall be designed for a horizontal ground acceleration of at least 0.32g.

[21] East Cypress Corridor Specific Plan Draft EIR, p. 3.6-14 – 3.6-19.

Mitigation Measure 3.7-2 A design-level geotechnical report shall be completed for each project development (e.g., housing subdivisions, schools, commercial/retail centers, new levees) and submitted to the City Engineer for approval prior to issuance of a grading permit or building permit, whichever is issued first. Geologic hazards that shall be included in the study are lateral spreading, or other types of ground failure that could affect the project. Development design recommendations to correct geologic hazards that would impact development shall be included in each study and implemented during project construction. Acceptable corrective measures by the City Engineer shall be implemented as appropriate, based on the specific soil conditions and the type of facility being constructed.

Mitigation Measure 3.7-3 Developers shall prepare for City review and approval an Earthquake Response Plan for all proposed pipelines and facilities outlining post-earthquake inspection and repair plans to evaluate any damage that may have occurred. Inspection procedures shall ensure the integrity of the mechanical systems, and, if service is disrupted, determine what is necessary to make facilities operational as soon as possible.

Mitigation Measure 3.7-4 A design-level geotechnical report shall be completed by the project developers for the new master interior levee and submitted to the City Engineer, Reclamation District 799, and FEMA for approval prior to issuance of a grading permit for levee construction. In addition to the City Engineer, Reclamation District 799 and FEMA, CCWD shall review and approve the levee plan adjacent to the Canal.

Mitigation Measure 3.7-5 A Storm Water Pollution Prevention Plan (SWPPP) shall be completed for each project and submitted to the City of Oakley Public Works and Engineering Division for approval prior to the issuance of a grading permit. The SWPPP shall include BMPs acceptable to the City to reduce and minimize soil erosion and siltation. BMPs shall be installed prior to the start of grading and maintained throughout the duration of the project as determined by the City.

Mitigation Measure 3.7-6 A design-level geotechnical report shall be completed for each project development (e.g., housing subdivisions, schools, commercial/retail centers, new levees) and submitted to the City Engineer for approval prior to issuance of a grading permit or building permit, whichever is issued first. Geologic hazards that shall be included in the study include expansive soil and subsidence. Development design recommendations to correct expansive soil and subsidence, if present, shall be included in

each study and implemented during project construction. Acceptable corrective measures by the City Engineer shall be implemented as appropriate, based on the specific expansive soil and subsidence conditions and the type of facility being constructed.

Mitigation Measure 3.7-7 A soil corrosion report shall be completed for each project development and submitted to the City Engineer for approval prior to issuance of a grading permit or building permit, whichever is issued first. The report shall include measures to address corrosive soils and identify measures to be incorporated into the project to minimize and control corrosive soils where damage to underground facilities may occur.

The implementation of the above mitigation measures would reduce any geology and soils impacts of the Amendments to less than significant, as established by the Specific Plan EIR[22] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant impacts to geological and soil resources than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant geology or soil impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project to geological or soil resources. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects on geological or soil resources.

g) Hazards and Hazardous Materials

The Amendments propose to develop the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan and as discussed and evaluated in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential hazards and hazardous materials impacts associated with approval and development of the Amendments are the same as the potential hazards and hazardous materials impacts described and analyzed in the Specific Plan EIR.

As discussed in the Specific Plan EIR, the Specific Plan is located on the Dutch Slough Gas Field and part of the Hotchkiss Oil and Gas Tract. There are four gas well sites on the Lesher Property of Planning Area 1 and two gas well sites on the Bethel Island LLC Property of Planning Area 4. All of the gas well sites on both the Lesher Property and the Bethel Island LLC Property have been plugged and abandoned in accordance with the requirements of state law, as certified by the Department of Conservation Division of Oil,

[22] East Cypress Corridor Specific Plan Draft EIR, pages 3.7-11 – 3.7-15.

Gas & Geothermic Resources (http://owr.conservation.ca.gov/WellSearch/WellSearch.aspx). The Amendments do not propose, and would not be approved to reactivate any of the closed gas wells for any purpose or drilling new wells on either the Lesher Property or the Bethel Island LLC Property. Because all of the on-site gas wells for both VTM 9404 (Lesher) and VTM 9156 (Bethel Island LLC) properties have been closed and clearly marked and are not proposed to be reactivated, Mitigation Measure 3.8-3 is not applicable to the proposed Amendments. In conjunction with closing all on-site gas wells, the well owners were responsible to remove any soils of concern in compliance with all applicable state and local laws and regulations. Therefore, Mitigation Measure 3.8-6 is not applicable to the proposed Amendments. Although all gas wells were closed, some abandoned natural gas gathering lines remain and would require removal prior to project construction.

The Amendments would be required to implement all other applicable mitigation measures set forth in the MMRP with regard to potential hazards and hazardous materials impacts of the development of the Lesher Property and the Bethel Island LLC Property. The following mitigation measures are carried forward from the MMRP to reduce Amendment impacts related to hazards and hazardous materials to less than significant:

Mitigation Measure 3.8-1 All chemicals transported, used and stored for lake maintenance shall comply with all applicable laws and regulations.

Mitigation Measure 3.8-3a The relocation of any natural gas lines shall require approval from the owner of the gas line and comply with all laws and regulations applicable to its relocation. All abandoned gathering lines, whose ownership cannot be determined, that are encountered during construction shall be removed in compliance with all state and local laws and regulations governing their removal.

Mitigation Measure 3.8-5 Prior to issuance of a demolition permit for any structures, the project developer shall provide a building survey to determine whether any structures to be demolished contain asbestos, mercury, or lead paint. An asbestos and lead paint survey shall be conducted by a Cal-OSHA Certified Asbestos Consultant prior to the demolition of a structure. If lead paint and or asbestos is found, all lead containing paint and or asbestos shall be removed and disposed of by a licensed and certified lead paint and or asbestos removal contractor, as applicable in accordance with local, state, and federal regulations. The demolition contractor shall be informed that onsite buildings shall be considered as potentially containing lead and asbestos. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint and/or asbestos in accordance with local, state, and federal regulations subject to the City Building Official

approval. If mercury is present it shall be removed and properly disposed in compliance with all applicable laws and regulations.

Mitigation Measure 3.8-6 An assessment of all buildings to be demolished shall be completed to evaluate if lead, mercury, CFCs, or universal waste are present. The assessment shall be submitted to the Oakley Building Department prior to the issuance of a demolition permit. If any are present, the assessment shall identify the measures that would be implemented to safely remove them from the building in compliance with all applicable laws and regulations.

Mitigation Measure 3.8-7 Prior to the issuance of a grading permit the project developer shall submit a shallow soil sampling assessment to the City to evaluate if environmentally persistent pesticides are present. If present, the pesticide concentrations shall be compared to EPA Residential Preliminary Remedial Goals (PRGs) to evaluate if pesticide concentrations are appropriate for residential use. If Residential PRGs are exceeded, a site-specific health risk assessment shall be prepared to further evaluate risk. Potential remedial measures based on a risk assessment shall include that the soil be treated, removed, or other mitigation methods employed to limit exposure/risk and to comply with applicable local, county, state and federal regulations. A health risk assessment and or confirmation soil samples, and supporting data shall be provided, if remedial activities are deemed necessary. This data shall be provided, as needed, to the City for said purposes prior to the issuance of a grading permit.

Mitigation Measure 3.8-8 A school site constraint analyses shall be prepared by each respective school district for each school based on standards for school site selection and procedures for site acquisition set forth in California Code of Regulations (CCR), Title 5 at the time individual schools are proposed for either of the elementary school sites. The school site constraint analysis shall meet California Department of Education and Department of Toxic Substance Control requirements and include a Phase I report and or a Preliminary Endangerment Assessment or remedial actions, as required by the regulatory agencies to address existing gas line, electrical transmission lines, the potential for residual soil contamination and any other identified potential hazard.

Mitigation Measure 3.8-10 The developers of PAs 3 and 4 shall install a CCWD approved fence along the east Canal property line from East Cypress Road to its intersection with Rock Slough.

Mitigation Measure 3.8-11 All property shall be investigated to determine if it is a hazardous material site pursuant to Government Code Section 65962.5 and that evidence provided to the City prior to the issuance of a demolition or grading permit, whichever is issued first. If a property is listed as a hazardous materials site pursuant to Government Code Section 65962.5, remedial measures to remove the hazardous materials in compliance with all local, county, state and federal laws and regulations shall be provided to and approved by the City prior to the issuance of a grading or building permit.

Mitigation Measure 3.8-12 Bethel Island Road, including the construction of either a two or four-lane bridge, as determined by the City Engineer, shall be constructed to Byron Highway for emergency access before 20% of the project is occupied. The construction cost of the bridge shall be paid by the project developers on a fair-share basis to be determined by the City Engineer.

Mitigation Measure 3.8-13 The project developer of PA 1 shall construct the east-west road through the middle of PA 1 connecting Bethel Island Road with Jersey Island Road prior to the occupancy of 5% of the residential units of PA 1. This roadway at a minimum shall be constructed to allow two-way travel in addition to supporting the weight of a fire truck and meeting fire department emergency roadway standards.

Mitigation Measure 3.8-14 The bridge over Rock Slough shall be designed to minimize the discharge and release of liquids and material into the Contra Costa Canal from motorist and pedestrians on the bridge. The bridge shall also be designed to prevent easy access to the Canal from the bridge. The bridge plans shall be reviewed and approved by CCWD before a building permit is issued by the City of Oakley.

Mitigation Measure 3.8-15 A geotechnical engineer shall survey the property within a proposed development for the presence of peat soil prior to the issuance of a grading permit. If present, peat soil shall be removed or protected from potential fire hazard as recommended by the geotechnical engineer.

Mitigation Measure 3.8-16 Prior to the issuance of a lake grading permit by the City of Oakley, the project developers shall submit their lake plans for PA 1 and 4 to Pacific Gas and Electric for review and approval. The City approved lake management plan shall include information that specifically and categorically identifies the types of recreational and maintenance watercraft that are allowed on the lakes within the electrical power line

easements.

Mitigation Measure 3.8-17 All multi-use trails and open space landscape plans within the WAPA and PG&E electrical easements shall be approved by the respective public utility prior to the issuance of a grading or building permit, whichever is issued first, by the City of Oakley for any development within the easements.

Mitigation Measure 3.8-18 All levee plans within the PG&E and WAPA utility easements shall be submitted to the respective public utility for review and approval for adequate vertical height separation prior to the issuance of a grading permit. The implementation of the above mitigation measures would reduce hazards and hazardous materials impacts of the Amendments to less than significant, as established by the Specific Plan EIR[23] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant impacts related to hazards and hazardous materials than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant hazard or hazardous materials impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to hazards or hazardous materials. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects related to hazards or hazardous materials.

h) Hydrology and Water Quality

The Amendments propose to develop the Lesher Property and the Bethel Island LLC in a manner consistent with the Specific Plan and as discussed and evaluated in the East Cypress Corridor Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential hydrology and water quality impacts associated with the Amendments are the same as the potential hydrology and water quality impacts described and analyzed in the Specific Plan EIR. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential hydrology and water quality impacts of the development of Planning Areas 1 and 4. The following applicable mitigation measures are carried forward from the MMRP for this project to reduce hydrology and water quality

[23] East Cypress Corridor Specific Plan Draft EIR, pages 3.8-11 – 3.8-21.

impacts.

Mitigation Measure 3.9-1 The City of Oakley shall require comprehensive Stormwater Management Plans (SWMPs) for all new developments within the Amendment before final map approval. Each SWMP shall clearly identify the storm water management strategy related to water quality such that the regulations and standards of the City, County of Contra Costa and Central Valley Regional Water Quality Control Board are met. At a minimum, each SWMP document shall provide treatment for storm water runoff consistent with the requirements in the C3 Guidebook prepared by the CCCWP.

Mitigation Measure 3.9-2 To maintain long-term water-quality objectives for the lakes, the City shall require a comprehensive Lake Management Plan (LMP) for all individual projects that will construct lake features. The plan shall clearly identify the management activities that are needed, the anticipated costs of conducting the required activities and the funding source to implement the LMP. Wherever practical, the City of Oakley shall own the lakes and associated infrastructure and shall be the entity responsible for implementing the LMP. The Lake Management Plan shall be approved by the Building Department prior to the issuance of a final grading permit for the lake.

Mitigation Measure 3.9-3 Prior to issuance of a grading permit, individual project proponents shall conduct design-level geotechnical study. Measures recommended in that study shall be incorporated into the design of roadway and infrastructure improvements, building foundations, and building designs.

Mitigation Measure 3.9-4 The developers shall obtain NPDES Construction General Permits prior to the start of grading. The applications for such permits shall include, in the required SWPPP, appropriate BMPs and mitigation measures to control erosion during construction. If dewatering is not allowed by the NPDES Construction General Permit, a separate Waste Discharge Requirement permit shall be obtained before dewatering is commenced. Evidence of the issuance of a dewatering permit shall be provided to RD 799 prior to the start of any dewatering activities.

Mitigation Measure 3.9-5 All project drainage infrastructure shall be designed such that it is not necessary to increase peak discharge rates at the existing RD 799 pump station outfalls into Dutch Slough and Sand Mound Slough. Any installation or replacement of pumps and/or outfalls shall be completed with approval and

any necessary permits from the appropriate agencies (including (U.S. Army Corps of Engineers, Regional Water Quality Control Board, City of Oakley, RD 799, etc.) and in consultation with federal and state fish and wildlife agencies.

Mitigation Measure 3.9-6 The City of Oakley shall require consideration of surface water supplies as an irrigation water source in the approval of all development in the project area. In cases where on-site lakes would be constructed, details of surface water use for irrigation shall be a component of the required Lake Management Plan. Where continued surface water withdrawals are needed they would be made in a manner that most closely approximates the rate and timing of customary surface water withdrawals. All surface water withdrawal infrastructure shall be updated to the prevailing standards for protection of fisheries resources where applicable.

Mitigation Measure 3.9-7 The City of Oakley shall confirm whether continued access to irrigation water from the Jersey Island Road Canal is needed as part of the interior levee design review. Delivery of surface water to existing users shall be maintained as needed and any required new or updated irrigation infrastructure shall be constructed on a schedule that precludes interruption of customary deliveries. Replacement of irrigation waters, if any, would be small and could be provided by pumping the small amount of water from Little Dutch Slough or the east end of the truncated Jersey Island Road Canal to the affected properties along the alignment. All surface water withdrawals shall be based on design requirements of NOAA Fisheries and other resource agencies to protect fishery resources from adverse impacts.

Mitigation Measure 3.9-8 The Mitigation and Monitoring Plan prepared for Mitigation Measure 3.5-4 shall include the interior levee design. The plan shall recognize the sources of water supporting any preserved wetland habitats between the interior levee and the existing perimeter levee as well as maintain the DSWRP. Adequate provisions for maintaining the quantity and quality of flow shall be included in the mitigation plan and implemented on a schedule that does not impair the functions and values of the wetland habitats. An appropriate monitoring program shall be implemented to assess the effectiveness of any flow augmentation solutions that are used.

Mitigation Measure 3.9-9 Amendment proponents shall prepare a drainage master plan and detailed design level drainage study as part of the flood control levee design review. The final drainage design shall present detailed calculations and modeling that demonstrate

that peak discharge rates would not be increased to those portions of the existing drainage system that will remain in place. This includes existing drainage ditches and channels, as well as the pump stations operated by RD 799. The City shall work closely with RD 799 as part of this study to assure that all improvements are consistent with mutually agreed long-term drainage management goals.

Mitigation Measure 3.9-10 All required outfalls for drainage improvements for the project shall be located at existing RD 799 pump station outfalls. Detailed engineering studies shall be carried out with RD 799 during the interior levee design process. The resulting designs shall coordinate the construction of any new outfalls with other improvements at the pump stations. Construction best management practices shall be strictly implemented and detailed in the SWPPP for control of erosion or degradation of water quality in the receiving waters.

Mitigation Measure 3.9-12 A geotechnical report shall be submitted along with levee design plans to the City of Oakley, RD 799, FEMA, and CCWD for approval and any necessary permits. The geotechnical report shall identify all geotechnical and soils constraints with levee construction and recommend measures accordingly to correct all identified soil and/or geotechnical constraints. All measures to correct soil and geotechnical constraints shall be incorporated into the design and construction of the levee.

Mitigation Measure 3.9-13 A soil erosion control plan to reduce and minimize soil erosion during and after levee construction shall be submitted to the City for approval. The soil erosion control plan for both construction and post-construction shall be approved by the City prior to the start of construction.

Mitigation Measure 3.9-14 Hydrology mitigation measure 3.9-5 shall be incorporated into the levee construction.

Mitigation Measure 3.9-15 All levee construction activity shall comply with the City of Oakley Noise Element with regards to hours and days of construction.

Mitigation Measure 3.9-16 Traffic mitigation measure 3.13-18 shall be incorporated into the construction of the levee.

Mitigation Measure 3.9-17 The following Biology mitigation measures shall be required: 3.5-42, 44, 45, 47- 50, 58, 59-69. The Hollywood junipers may be considered protected or heritage trees according to the Contra Costa County Tree Ordinance. Biology mitigation

measures 3.5-14-15 shall be followed to reduce impacts to heritage and protected trees.

Mitigation Measure 3.9-18 All new levees shall be constructed to the latest FEMA standards such that all interior areas can be removed from the one-percent chance floodplain. Compliance with FEMA regulations and standards shall be documented through the filing, and FEMA approval of a Letter of Map Revision. All new habitable structures located in a designated floodplain shall be protected by adequate levees, elevated above the base flood elevation or otherwise flood-proofed to FEMA standards

Mitigation Measure 3.9-19 The City of Oakley shall require a detailed design level drainage study as part of the interior levee design review that supplements the analyses presented in the Hydrology and Water Quality report appended to this document. The final design analysis shall include a thorough assessment of existing drainage facilities that may be impacted by construction of the levee. Detailed calculations shall be provided of the peak flow and volume of runoff from any areas that will be impacted, consistent with the analytical methodologies used by the City of Oakley and CCCFCWCD, and must be reviewed and approved by RD 799. Adequate alternative drainage facilities shall be required as identified in the study, and shall be constructed on a schedule that precludes any impairment of existing drainage routes. In the case of the drainage that originates south of Cypress Road, the ultimate solution may involve a small pump at the intersection of Cypress Road and Jersey Island Road to direct the flow toward Little Dutch Slough at the existing RD 799 outfall for PS-1a or to the truncated end of the irrigation canal on the DWR property, along an alignment outside of the internal levees.

Mitigation Measure 3.9-20 The City of Oakley shall cooperate with RD 799, the County of Contra Costa and other pertinent agencies to update the emergency response plan for a perimeter levee failure. The updated emergency response plan shall include consideration of the changes in land use and public facilities proposed by the project. The emergency response plan shall include a detailed levee failure analysis study to identify all areas of high risk, and select appropriate evacuation routes and staging areas accordingly. The emergency response plan shall be approved by the City, RD 799 and the County of Contra Costa before the extension of the interior levees beyond the southern phase of the Summer Lake project.

Mitigation Measure 3.9-21 All levees shall be constructed using design criteria identified in the NFIP regulations. Levees shall be constructed in a manner that takes into account the potential for future increase in sea level. The City of Oakley and RD 799 shall prohibit any structures or encroachments that would compromise future remedial actions to raise levee crest heights to maintain levee safety factors to FEMA standards.

Mitigation Measure 3.9-22 All man-made lakes shall be designed and constructed to contain wind- and seismically-generated (seiche) waves within the boundary of the lake. All structures and buildings, surrounding and within 20 feet of a lake shall be placed at a minimum of two feet above the maximum lake.

The implementation of the above mitigation measures would reduce hydrology and water quality impacts of the Amendments to less than significant, as established by the Specific Plan[24] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant impacts to hydrology and water quality than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant hydrology or water quality impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to hydrology or water quality. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its effects on hydrology or water quality.

i) Land Use

Vesting Tentative Map 9404

The approved Lesher Property Vesting Tentative Map 9404 allows the development of 1,056 dwelling units on the Lesher Property portion of Planning Area 1. The Amendment proposes to amend Vesting Tentative Map 9404 to add 227 dwelling units for a total of 1,283 dwelling units for the Lesher Property for a total of 1,559 dwelling units for PA 1. A review of the Map Amendment Application by the City confirms that the vesting tentative map generally mirrors and is consistent with the Specific Plan's conceptual land use exhibit for the Lesher Property with regard to the proposed uses, internal roadways, parks, lake and other infrastructure.

Vesting Tentative Map 9156

The approved Bethel Island LLC Property Vesting Tentative Map 9156 allows the development of 1,128 dwelling units for Planning Area 4. The Amendment proposes to amend Vesting Tentative Map 9156 to add 77 dwelling units for a total of 1,205 dwelling

[24] East Cypress Corridor Specific Plan Draft EIR, pages 3.9-26 – 3.9-58.

units for the Bethel Island LLC Property. A review of the Map Amendment Application by the City confirms that the vesting tentative map generally mirrors and is consistent with the Specific Plan's conceptual land use exhibit for the Bethel Island LLC Property of Planning Area 4 with regard to the proposed uses, internal roadways, parks, lake and other infrastructure.

The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR for the Lesher Property within Planning Area 1 and Planning Area 4, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential land use impacts of the Amendments are the same as the potential land use impacts described and analyzed in the Specific Plan EIR. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential land use impacts of the development of the Lesher Property and the Bethel Island LLC Property. The following applicable mitigation measure is carried forward from the MMRP for this project to reduce land use impacts.

Mitigation Measure 3.10-1 All perspective residents shall be notified prior to the purchase of a residence that existing agricultural activities exist on the site and the agricultural activities may continue into the future. In addition, future project residents shall acknowledge during and prior to the close of escrow they have been properly notified and are aware that agricultural activities exist and may continue to exist.

The implementation of the above mitigation measure would reduce land use impacts of the Amendments to less than significant, as established by the Specific Plan[25] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant land use impacts than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant land use impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to land use. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its potential land use impacts.

j) Noise and Vibration

The Amendments propose to develop the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan and as discussed and evaluated in the East Cypress Corridor Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the East Cypress Corridor Specific Plan EIR.

[25] East Cypress Corridor Specific Plan Draft EIR, pages 3.10-17.

Accordingly, the potential noise impacts associated with the Amendments would be less than the noise impacts described and analyzed in the East Cypress Corridor Specific Plan EIR because the Amendments result in the entitlement of 56 fewer dwelling units for Planning Area 1 and Planning Area 4 than allowed by the East Cypress Corridor Specific Plan. As a result, the development of Planning Area 1 and Planning Area 4 would, based on the trip generation in the East Cypress Corridor Specific Plan EIR, generate approximately 537 fewer daily vehicle trips than estimated by the East Cypress Corridor Specific Plan EIR and incrementally reduce traffic noise impacts due directly to the estimated reduction of 537 daily vehicle trips associated with the development of the East Cypress Corridor Specific Plan and analyzed in the East Cypress Corridor Specific Plan EIR. Therefore, the potential noise and vibration impacts associated with Amendments are less than the noise and vibration impacts described and analyzed in the East Cypress Corridor Specific Plan EIR. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to potential noise and vibration impacts of the development of the Lesher Property and Bethel Island LLC Property. Since all of the on-site gas wells for both the Lesher and Bethel Island LLC properties have been closed and are not proposed to be re-opened, Mitigation Measures 3.11-9 through 3.11-12 are not applicable to the proposed Amendments. The following applicable mitigation measures are carried forward from the MMRP for this project to reduce noise and vibration impacts.

Mitigation Measure 3.11-1 A 6-foot noise barrier shall be constructed along the rear yards of those residences located adjacent to Bethel Island Road. If the building pad elevations of the residences are more than 2 feet below the roadway elevation, a revised barrier calculation shall be conducted to confirm the 6-foot noise barrier is adequate to reduce noise levels to meet City noise criteria.

Mitigation Measure 3.11-2 An 8-foot noise barrier shall be constructed along the rear yards of residences that are located adjacent to the north side of East Cypress Road between Jersey Island Road and Bethel Island Road. A 6-foot noise barrier shall be constructed along the south side of the pedestrian trail and the north side of the existing East Cypress Road, between Jersey Island Road and Bethel Island Road. If the building pad elevations of those residences are more than 2 feet below the roadway elevation, a revised barrier calculation shall be conducted to confirm the 8-foot and 6-foot noise barriers are adequate to reduce noise levels to meet City noise criteria.

Mitigation Measure 3.11-3 A noise analysis shall be submitted to the City along with development plans for the Village Center. The noise analysis shall identify all on-site noise sources, including mechanical equipment, and determine the noise levels that could extend to adjacent residences. Measures to reduce exterior and interior noise levels of the residential use to City standards shall be identified.

Mitigation Measure 3.11-4 All loading docks shall be located a minimum of 150 feet from the closest residence.

Mitigation Measure 3.11-5 Sound walls shall be constructed along property lines or adjacent to loading docks between commercial unloading areas or commercial truck routes, and adjacent residential uses. The final locations and heights of walls shall be determined at the time a site plan is submitted to the City for approval.

Mitigation Measure 3.11-6 Loading dock activities and on-site truck traffic shall be limited to the daytime hours between 7:00 a.m. and 10:00 p.m.

Mitigation Measure 3.11-7 Roof-top HVAC equipment shall generate no more than 50 dBA and a distance of 25-feet from the equipment. In addition, sound controls such as roof-top parapets or acoustical enclosures shall be considered when designing the commercial uses.

Mitigation Measure 3.11-8 A noise study shall be submitted prior to issuance of a building permit for a commercial use to confirm the noise from the operation of the mechanical equipment will not exceed the City's noise criteria.

Mitigation Measure 3.11-13 All heavy construction equipment and all stationary noise sources (such as diesel generators) shall have manufacturer installed mufflers. In addition, construction activities shall be restricted between the hours of 7 a.m. and 7 p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences as feasible.

The implementation of the above mitigation measures would reduce the Amendments noise and vibration impacts to less than significant, as established by the Specific Plan EIR[26] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant noise or vibration impacts than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant noise or vibration impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to noise or vibration. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its potential noise or vibration impacts.

[26] East Cypress Corridor Specific Plan Draft EIR, pages 3.11-19 – 3.11-20.

k) Public Services and Utilities

The Amendments propose to develop the Lesher Property and Bethel Island LLC Property in a manner consistent with the Specific Plan and as discussed and evaluated in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential public service and utility impacts associated with the development of the Amendments are the same as the potential public service and utility impacts described and analyzed in the Specific Plan EIR. A Water Supply Assessment (WSA) was prepared for the Specific Plan EIR by Diablo Water District (DWD) per SB 610 that evaluated DWD's ability to serve the Specific Plan's water demand in normal years, drought years, and multiple drought years, as required by law. The WSA and Specific Plan EIR determined that DWD's water supply is sufficient to meet the yearly water demand associated with the development allowed by the Specific Plan under all climate conditions, which includes the Lesher Property and the Bethel Island LLC Property. The Amendments do not propose any changes that would result in greater water demand than otherwise disclosed in the Specific Plan EIR and assumed by the WSA. Moreover, there have been no significant changes to DWD's water supply or circumstances that substantially affect DWD's ability to provide a sufficient supply of water to the project; and there is no significant information available today that was not known and could not have been known at the time the water supply assessment was prepared. The Amendments would be required to implement all applicable mitigation measures set forth in the MMRP with regard to public service and utility impacts of the development of the Lesher Property and the Bethel Island LLC Property. The following applicable mitigation measures are carried forward from the MMRP for this project to reduce public services and utilities impacts.

Mitigation Measure 3.12-1 To address potential impacts on DWD water service infrastructure and provide the necessary looping in the southern part of the DWD service area, the developments within the Specific Plan area shall implement one or more of the following options as applicable:

- Install 18" water main in Neroly Road, and extend the 16" water main in Laurel Road to Sellers Avenue. Install 24" main in Sellers Avenue from Laurel Road to East Cypress Road;
- Install 24" main in Carpenter Road west of O'Hara Avenue, and extend the 16" water main in Laurel Road to Sellers Avenue. Install 24" main in Sellers Avenue from Laurel Road to East Cypress Road;
- Install 18" water main in Neroly Road, and install 24" main in Neroly and Delta Roads from O'Hara Avenue to Sellers Avenue. Install 24" main in Sellers Avenue from Delta Road to East Cypress Road;

- Install 24” main in Carpenter Road west of O’Hara Avenue, and install 24” main in Neroly and Delta Roads from O’Hara Avenue to Sellers Avenue.
- Install 24” main in Sellers Avenue from Delta Road to East Cypress Road.

Mitigation Measure 3.12-2 Implement water conservation measures approved by USBR under Section 3406 of the CVPIA that shall include, but are not limited to:

- Installation of water measuring devices (i.e., water meters);
- Adoption of California Urban Water Agencies (CUWA) BMPs for residential/commercial water usage, including, but not limited to the following:
  - Irrigating large turf/landscape areas with local groundwater wells;
  - Landscape road medians and other similar areas with xeriscape and low water use plants;
  - Install low water use fixtures in residential and non-residential buildings; and
  - Use high efficiency irrigation equipment in public and common areas.

Mitigation Measure 3.12-3 Consistent with SB 221, each final subdivision map approval shall be conditioned on DWD's issuance of a "Written Verification" that its water supplies are sufficient to serve the subdivision.

Mitigation Measure 3.12-4 The developers shall furnish all plans regarding FEMA levees proposed along the Canal (between the Rock Slough Headworks and East Cypress Road) to CCWD, RD 799, and the USBR. Plans shall include proposed levees within or adjacent to USBR property. All final plans shall be subject to approval by these three cooperating agencies in accordance with NEPA and other applicable state and federal regulations.

Mitigation Measure 3.12-5 To ensure proper coordination of the roadway improvements and replacement of the Canal siphon underlying East Cypress Road, design specifications and construction of roadway improvements and siphon replacement are subject to CCWD and Bureau of Reclamation direction and approval and must comply with NEPA, the Endangered Species Act, and other applicable federal and state regulations. Performance bonds for design and construction of the roadway improvements and siphon replacement shall be advanced prior to construction consistent with CCWD and Bureau of Reclamation requirements.

Mitigation Measure 3.12-6 CCWD and the Bureau of Reclamation may require proposed residential developments within the Specific Plan Area to provide reimbursement for a fair share of the administrative costs necessary for CCWD and the Bureau of Reclamation to review and approve the roadway and siphon designs and construction. Such administrative costs may include, for example, administration, design review, and inspection.

Mitigation Measure 3.12-7 Any modifications to the Canal itself shall follow and be consistent with CCWD and Bureau of Reclamation design and construction management approaches. The siphon may be designed and constructed either by CCWD, the City of Oakley, or a private party (as specifically approved by CCWD and the Bureau of Reclamation). In any event, the design of the siphon, including the designer used, shall be reviewed and approved by CCWD and/or the Bureau of Reclamation. Any private party design and/or construction of the siphon shall be subject to a design and construction agreement between the developer, CCWD and/or the Bureau of Reclamation.

Mitigation Measure 3.12-8 According to CCWD, during the early winter (typically October through December) the Canal can be taken offline without impacting the water supply system. If possible, the modifications to the Canal should occur during this down time. In the event that construction must proceed outside this period, the East Cypress Road widening shall require that a portion of the Canal flows be diverted around the construction area to maintain ongoing service to customers in the area. The timing of the construction of the facilities shall only occur at a time approved by CCWD and the Bureau of Reclamation.

Mitigation Measure 3.12-8.1 Prior to construction of homes within PA's 1, 3, 4 or 6, the project applicant shall consult with ISD to determine whether the existing emergency storage ponds and 14" gravity main are adequate to address the cumulative build-out of the ECCSPA. If existing planned facilities are adequate, no further mitigation is required. If existing facilities are not adequate, each project will pay its proportionate share for necessary upgrades to these wastewater storage and conveyance facilities.

Mitigation Measure 3.12-9 Prior to the start of construction of the homes in PAs 1, 3, 4 or 6, the project site shall be in a Community Facilities District that is authorized to collect a special tax that is used by the East Contra Costa Fire Protection District to fund on-going operations to provide fire protection service for the project and meet the Districts' response goal of 6 minutes for 90% of incidents.

The implementation of the above mitigation measures would reduce public services and utilities impacts of the Amendments to less than significant, as established by the Specific Plan EIR[27] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant public services or utilities impacts than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant public services or utilities impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to public services and utilities. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its potential public services and utilities impacts.

l) Transportation and Circulation

The Amendments propose to develop the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan and as discussed and evaluated in the Specific Plan EIR. The Amendments do not propose any substantial changes to the project analyzed in the Specific Plan EIR, and there have been no substantial changes with respect to the circumstances under which the project is undertaken that require major revisions of the Specific Plan EIR. Accordingly, the potential traffic impacts associated with the Amendments would be less than the traffic impacts described and analyzed in the Specific Plan EIR because the Amendments result in the entitlement of 56 fewer dwelling units for Planning Area 1 and Planning Area 4 than allowed by the Specific Plan. As a result, the development of Planning Area 1 and Planning Area 4 would, based on the trip generation in the Specific Plan, generate approximately 537 fewer daily vehicle trips than estimated by the Specific Plan EIR and incrementally reduce traffic impacts due to the estimated reduction of 537 daily vehicle trips associated with the Specific Plan analyzed in the Specific Plan EIR.

The Amendments would be required to implement all the applicable mitigation measures set forth in the MMRP with regard to potential land use impacts of the development of the Lesher Property and the Bethel Island LLC. The following applicable mitigation measures are carried forward from the MMRP for the Amendments to reduce transportation and circulation impacts.

Mitigation Measure 3.13-1 Mitigation of the unacceptable traffic conditions along Main Street can partially be achieved through the construction of Segment 1 of the SR 4 Bypass, the Laurel Road Interchange and the extension of Laurel Road to the SR 4 Bypass. This mitigation would provide an alternative route to Main Street and alleviate some of its congestion. The SR 4 Bypass Authority is responsible for the construction of this mitigation. The project would contribute to this mitigation by paying its fair share of the cost through the payment of regional traffic fees

[27] East Cypress Corridor Specific Plan Draft EIR, pages 3.12-6 – 3.12-8.

to the East Contra Costa Regional Fee and Finance Authority (ECCRFFA).

Mitigation Measure 3.13-2 Mitigation of the unacceptable conditions along East Cypress Road between Sellers Avenue and Jersey Island Road can partially be achieved through widening the roadway to three lanes in each direction to provide more capacity on this portion of East Cypress Avenue and alleviate some of the congestion along the roadway. This roadway improvement has been identified in the City's General Plan and is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation constructing the improvement or by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-3 Mitigation of the unacceptable conditions along East Cypress Road and Main Street can partially be achieved through extending Laurel Road from its current eastern terminus just west of the Union Pacific Railroad to Sellers Avenue as a four-lane arterial and upgrading Sellers Avenue between East Cypress Road and Laurel Road to a four-lane arterial. This mitigation measure in conjunction with the construction of Segment 1 of the SR 4 Bypass and extension of Laurel Road west to SR 4 Bypass (Mitigation 1) would provide an alternative route to and from the SR 4 freeway, and alleviate some of the congestion along East Cypress Road and Main Street. This roadway improvement project has been identified in the City's General Plan and is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-4 Mitigation of the unacceptable conditions along East Cypress Road can partially be achieved with the construction of a bridge over Rock Slough to connect Bethel Island Road with Byron Highway and Delta Road that are south of the project site. This connection would provide an alternative access to the south. Two lanes of the roadway and a bridge, with the exact width and configuration of the bridge to be determined through further engineering analysis, shall be constructed before 20% of the project (800 residential units) has been completed and the ultimate four-lane roadway should be constructed before 80% of the project (3,100 units) has been completed. This improvement project has been identified in the Contra Costa County General Plan. However, no funding sources have yet been identified. The project would contribute to this mitigation by constructing the improvement.

Mitigation Measure 3.13-5 Mitigation of the unacceptable conditions along Laurel Road can partially be achieved through widening Laurel Road to a four-lane arterial between Empire Avenue and Main Street. This mitigation measure would alleviate some of the congestion along Laurel Road. This roadway improvement project has been identified in the City's General Plan and is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-6 Mitigation of the unacceptable conditions at Main Street/O'Hara Avenue intersection can be achieved through the construction of the Main Street Downtown Bypass. This project would realign Main Street north of its current alignment as a new four-lane arterial between west of Vintage Parkway and 2nd Street to provide an alternative to Main Street through Downtown Oakley. The Main Street Downtown Bypass was included in the *Old Town Oakley Specific Plan* in 1999 and is also included in the City's General Plan and the City's Transportation Impact Fee Program. Developers of the East Cypress Corridor Specific Plan would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-7 Mitigation of the unacceptable conditions at West Cypress Road/O'Hara Avenue intersection can be achieved through the installation of traffic signals at the intersection. The forecasted AM peak hour and PM peak hour intersection volumes would satisfy the MUTCD peak hour traffic signal warrants.[28] This signal installation is included in the City's Transportation Impact Fee Program. The proposed project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-8 Mitigation of the unacceptable conditions at West Cypress Road/Main Street intersection can be achieved through the

[28] This analysis is intended to examine the general correlation between the planned level of future development and the need to install new traffic signals. It estimates future development-generated traffic compared against a sub-set of the standard traffic signal warrants recommended in the Federal Highway Administration *Manual on Uniform Traffic Control Devices* and associated State guidelines. This analysis should not serve as the only basis for deciding whether and when to install a signal. To reach such a decision, the full set of warrants should be investigated based on field-measured, rather than forecast, traffic data and a thorough study of traffic and roadway conditions by an experienced engineer. Furthermore, the decision to install a signal should not be based solely upon the warrants, since the installation of signals can lead to certain types of collisions. The City of Oakley should undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of warrants in order to prioritize and program intersections for signalization.

addition of a second southbound left-turn lane, the reconfiguration of the eastbound right-turn lane to a shared through/right-turn lane, and the reconfiguration of the westbound through lane to a shared through/right-turn lane. The reconfiguration of the West Cypress Road/Main Street intersection is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-9 Mitigation of the unacceptable conditions at East Cypress Road/Sellers Avenue intersection can be achieved through the reconfiguration of the intersection to provide a right-turn, a shared through/right-turn, a through, and a left-turn lane on the southbound approach; a shared through/right-turn, a through, and two left-turn lanes on the westbound approach; two left, two through, and a free right-turn lane on the northbound approach; and a right, two through, and one left-turn lane on the eastbound approach. The reconfiguration of the East Cypress Road/Sellers Avenue intersection is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-10 Mitigation of the unacceptable conditions at East Cypress Road/Jersey Island Road intersection can be achieved through the installation of a traffic signal at this intersection. The forecasted AM peak hour and PM peak hour intersection volumes would satisfy the MUTCD peak hour traffic signal warrant. The installation of a signal is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-11 Mitigation of the unacceptable conditions at the Laurel Road/Empire Avenue intersection can be achieved through installing traffic signals at the intersection and providing a right-turn, two through, and a left-turn lane on the northbound approach and a shared through/right-turn lane, a through lane, and a left-turn lane on the other approaches. The signalization of the Laurel Road/Empire Avenue intersection is included in the City's Transportation Impact Fee Program. The project would contribute to this mitigation by paying its fair share of the cost through the payment of the City's Transportation Impact Fee.

Mitigation Measure 3.13-12 Mitigation of the unacceptable conditions at the Laurel Road/Main Street intersection can be achieved by providing an additional eastbound right-turn lane on Laurel Road. This improvement project is not included in any funding document. The proposed project would contribute to this mitigation by paying its fair share of the cost.

Mitigation Measure 3.13-13 Mitigation of the unacceptable conditions at the Balfour Road/Byron Highway intersection can be achieved through installing a traffic signal at the intersection. The forecasted PM peak hour intersection volumes would satisfy the MUTCD peak hour traffic signal warrant for rural areas.[29] The Balfour Road/Byron Highway intersection signalization is not identified in any funding documents, but this mitigation measure is consistent with the findings of previous environmental documents.[30] If an agreement regarding cooperative funding of this improvement exists between Contra Costa County and the City of Oakley at the time of vesting map, the proposed project would contribute to this mitigation by paying its fair share of the cost to Contra Costa County.

Mitigation Measure 3.14-14 Mitigation of the unacceptable conditions at Sandmound Boulevard/Bethel Island Road intersection can be achieved through widening the Bethel Island Road to two lanes in each direction and the installation of traffic signals at the intersection. The forecasted AM peak hour and PM peak hour intersection volumes would satisfy the MUTCD peak hour traffic signal warrant.[31] No funding sources have been identified for this project. The proposed project would construct this improvement.

Mitigation Measure 3.13-15 Mitigation of the unacceptable conditions on SR 4 freeway can be achieved through widening the freeway to provide three mixed-flow travel lanes and one high-occupancy vehicle (HOV) lane in each direction between Loveridge

[29] This analysis is intended to examine the general correlation between the planned level of future development and the need to install new traffic signals. It estimates future development-generated traffic compared against a sub-set of the standard traffic signal warrants recommended in the Federal Highway Administration *Manual on Uniform Traffic Control Devices* and associated State guidelines. This analysis should not serve as the only basis for deciding whether and when to install a signal. To reach such a decision, the full set of warrants should be investigated based on field-measured, rather than forecast, traffic data and a thorough study of traffic and roadway conditions by an experienced engineer. Furthermore, the decision to install a signal should not be based solely upon the warrants, since the installation of signals can lead to certain types of collisions. The County of Contra Costa should undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of warrants in order to prioritize and program intersections for signalization.

[30] Discovery Bay West General Plan Amendment Environmental Impact Report (Contra Costa County, 1994).

[31] Please see footnote 5.

Road and Hillcrest Avenue. This improvement project is currently in the planning stages and a variety of funding sources, including ECCRFFA and Measure C, have been identified. The proposed project would contribute by paying its fair share of the cost through the payment of the regional fees.

Mitigation Measure 3.13-16 Mitigation of the potential insufficient emergency access can be achieved by providing an additional access point to the site with the construction of a bridge over Rock Slough to connect Bethel Island Road south to Byron Highway and Delta Road. Two lanes of the roadway and a bridge, with the exact width and configuration of the bridge to be determined through further engineering analysis, shall be constructed before 20% of the project (800 residential units) has been completed and the ultimate four-lane roadway should be constructed before 80% of the project (3,100 units) has been completed. The project would construct this improvement.

Mitigation Measure 3.13-17 Mitigation of the potential impacts can be achieved through a review of the tentative map for each neighborhood by the City Engineer to ensure the adequacy of the site plan.

Mitigation Measure 3.13-18 Mitigation of the potential temporary hazardous conditions can be achieved through preparation of a Construction Phasing and Management Plan for each construction phase. The Construction Phasing and Management Plan shall be approved by the City and may include the following elements:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure procedures; signs, cones, and other warning devices for drivers; and designation of construction access routes.
- Location of construction staging, and provision of on-site parking for all construction employees, site visitors, and inspectors.
- Provision for monitoring surface streets used for haul routes so that any damage attributable to the haul trucks can be identified and corrected.

Mitigation Measure 3.13-19 All development in the East Cypress Corridor Specific Plan shall pay its fair share of the cost to signalize the Knightsen Avenue @ East Cypress Road intersection through payment of the City of Oakley Transportation Impact Fee as required.

Mitigation Measure 3.13-20 The intersection shall be signalized and the following improvements constructed: 1) One left-turn, one through, and one shared through/right-turn lane in the northbound direction; 2) one left-turn, one through, and one right-turn lane in the eastbound direction; 3) one left- turn, two through, and one right-turn lane in the southbound direction; 4) two left-turn, and one shared through/right-turn lane in the westbound direction. The City shall add the intersection improvements to the Transportation Impact Fee program and all development in the project shall be required to pay its fair share towards the cost to construct the improvements. The City shall determine the fair share cost for each development allowed within the project. The fair share development fee shall be paid to the City prior to the issuance of building permits.

Mitigation Measure 3.13-21 The intersection shall be signalized and an exclusive left-turn lane provided at all four approaches. If not included in a County fee program at the time of project approval, the City will request that the project be added to the appropriate County fee program. All development in the project shall be required to pay its fair share towards the cost to signalize and construct an exclusive left-turn lane at all four intersection approaches. The City, in conjunction with the County, shall determine the fair share cost for each development allowed within the project. The fair share fee shall be paid to the City prior to the issuance of building permits.

Mitigation Measure 3.13-22 The intersection of Byron Highway @ Delta Road shall be signalized and an exclusive right-turn lane on the southbound approach shall be added. The project shall construct the traffic signal and turn lane at this intersection.

Mitigation Measure 3.13-23 All development shall be required to pay its fair share towards the cost to signalize and construct an exclusive left-turn lane at all four intersection approaches. If not included in a Brentwood fee program at the time of project approval, the City will request that the project be added to the Brentwood fee program. The City, in conjunction with the City of Brentwood, shall determine the fair share cost for each development allowed within the project. The development fee shall be paid to the City of Oakley prior to the issuance of building permits.

Mitigation Measure 3.13-24 All development in the project shall be required to pay its fair share towards the cost to signalize and construct an exclusive left-turn lane at all four intersection approaches. If

not included in a Brentwood fee program at the time of project approval, the City will request that the project be added to the Brentwood fee program. The City, in conjunction with the City of Brentwood, shall determine the fair share cost for each development allowed in the project. The fair share fee shall be paid to the City of Oakley prior to the issuance of building permits.

Mitigation Measure 3.13-25 All development within the project shall pay a fair share impact fee, based on the City of Brentwood Transportation Impact Fee, to the City of Oakley to signalize the intersection prior to the issuance of building permits.

Mitigation Measure 3.13-26 All development within the project shall be required to pay a fair share impact fee towards the cost to signalize the intersection. If not included in a County fee program at the time of project approval, the City will request that the project be added to the appropriate County fee program. The City, in conjunction with the County, shall determine the fair share cost for each development allowed within the project. The fair share impact fee shall be paid to the City prior to the issuance of building permits.

Mitigation Measure 3.13-27 All development within the project shall be required to pay its fair share towards the cost to signalize the intersection. If not included in a County fee program at the time of project approval, the City will request that the project be added to the appropriate County fee program. The City, in conjunction with the County, shall determine the fair share cost for each type of development allowed within the project. The development fee shall be paid prior to the issuance of building permits.

Mitigation Measure 3.13-28 If not included in the County fee program at the time of project approvals, the City will request appropriate County fee program shall be amended to include the signalization. All development within the project shall be required to pay its fair share towards the cost to signalize the intersection. The City, in conjunction with the County, shall determine the fair share cost for each development allowed within the project. The fair share fee shall be paid to the City prior to the issuance of building permits.

Mitigation Measure 3.13-29 If not included in the County fee program at the time of project approvals, the City will request the project be added to the appropriate County fee program to include the improvement. All development within the project shall be required to pay its fair share towards the cost to construct a second left-turn lane on the northbound approach to the

intersection. The City, in conjunction with the County, shall determine the fair share cost for each development allowed within the project. The fair share fee shall be paid to the City prior to the issuance of building permits.

Mitigation Measure 3.13-30 If not included in the County fee program at the time of project approvals, the City will request that the project be added to the appropriate County fee program to include the signalization. All development within the project shall be required to pay its fair share towards the cost to signalize the intersection. The City, in conjunction with the County, shall determine the fair share cost for each development allowed within the project. The fair share fee shall be paid to the City prior to the issuance of building permits.

The implementation of the above mitigation measures from the certified Specific Plan EIR will reduce transportation and circulation impacts of the Amendments to less than significant, with the exception of the Sellers Avenue at Marsh Creek Road intersection, as established by the Specific Plan EIR[32] and Resolution No. 46-09. The approval and development of the Amendments will not result in any new, or substantially more adverse, significant public transportation or circulation impacts than were otherwise disclosed in the Specific Plan EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Specific Plan EIR was certified, that shows any new, or substantially more adverse, significant transportation or circulation impacts than those disclosed in the Specific Plan EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant effects of the project related to transportation or circulation. Therefore, the Amendments do not trigger need for a subsequent EIR on the basis of its potential transportation or circulation impacts.

m) Wildfires

The review of the California Department of Forestry and Fire Protection's (Cal Fire) Fire and Resource Assessment Program (FRAP) shows that the Specific Plan is not in a designated Fire Hazard Severity Zone in a State Responsibility Area (SRA).[33] Similarly, the FRAP shows the Specific Plan is not in a designated Very High Fire Hazard Severity Zone in a Local Responsibility Area (LRA).[34] Therefore, the development proposed for the Lesher Property and Bethel Island LLC Property by the Amendments would not be impacted by wildfires.

The Amendments propose to develop the Lesher Property and the Bethel Island LLC Property in a manner consistent with the Specific Plan. The City of Oakley utilize the National Emergency Management System (NEMS)[35] to respond to emergencies, including assigning tasks, specifying policies and general procedures and providing coordination for

[32] East Cypress Corridor Specific Plan Draft EIR, pages 3.13-19 – 3.13-40.
[33] https://osfm.fire.ca.gov/media/6662/fhszs_map7.pdf
[34] https://osfm.fire.ca.gov/media/6660/fhszl_map7.pdf
[35] https://www.ci.oakley.ca.us/community/emergency-services/

planning efforts of various emergency staff and service elements. The Amendments do not propose any substantial changes to the type or location of the development that was analyzed in the Specific Plan EIR that would impair or impact the city's ability to implement the NEMS to a city emergency.

The closest SRA designated Very High Fire Hazard Severity Zone to the Specific Plan is the open space located southeast of the city of Clayton, California and approximately 13 miles southwest of the Specific Plan. The closest LRA designated Very High Fire Hazard Severity Zone to the Specific Plan is the open space located east of the city of Danville, California and approximately 18 miles southwest of the Specific Plan. The topography of the Specific Plan and the immediate surrounding properties are generally flat with no significant topographic relief that could expose the development, including residents, allowed by the Amendments to a wildfire risk. While local or regional winds could expose future project residents to smoke and other pollutants associated with wildfires away from the site and outside of the city, that exposure would not be site specific and directly impact project residents only and not other residents outside of the Lesher Property and Bethel Island LLC Property. Therefore, the Amendments would not specifically expose future project residents to pollutant concentrations from a wildfire due to slope, prevailing winds or other factors.

The development proposed by the Amendments would not be required to install and maintain any roads, fuel breaks, emergency water sources, power lines or other utilities specifically to protect the development and the immediate area from a wildfire because the project is not located in a LRA or SRA. The project would be required to construct and install roads, fuel breaks, emergency water sources, power lines and other utilities to serve the development allowed by the East Cypress Corridor Specific Plan and their construction would be required to meet and comply with the California Fire Code as applicable.

As discussed above, neither the Lesher Property nor the Bethel Island LLC Property are located within a Moderate, High or Very High fire hazard zone. As also discussed above, the Specific Plan and surrounding properties are generally flat with no significant topographic relief that would expose future structures or residents of the development allowed by the Amendments to significant risks due to downslope or downstream flooding or landslides associated with a wildfire. Because the project is not located in a fire hazard zone or downstream of any hillsides of areas of topographic relief the Amendments would not expose future residents or dwelling units to significant risks due to downstream or downstream flooding or landslides due to post-fire slope instabilities.

The approval and development of the Amendments will not result in any significant wildfire impacts that would trigger the need for a subsequent EIR on the basis of its potential wildfire impacts.

V. Conclusion

Based on the foregoing, none of the circumstances requiring preparation of a subsequent or supplemental EIR to the East Cypress Corridor Specific Plan EIR or East Cypress Corridor Specific Plan Supplemental EIR (as specified in CEQA section 21166 and CEQA Guidelines 15162 and 15163) exist. The Amendments propose no substantial changes to

the development proposed for the Lesher Property portion of Planning Area 1 and the Bethel Island LLC for Planning Area 4 under the Specific Plan. In the case of biological resources, the proposed Amendments would have less biological impacts than the originally adopted Specific Plan by providing 325.91 acres of additional biological resource and wetlands areas due to permit and agreement requirements than required by the Specific Plan EIR. Furthermore, no substantial changes are proposed or would occur with respect to the circumstances that development of the Lesher Property or the Bethel Island LLC Property would be undertaken that would require major revisions to the Specific Plan EIR and no new information that was not known and could not have been known at the time the Specific Plan EIR was certified has become available.

RESOLUTION NO. XX-20

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING THE AMENDED LESHER SUBDIVISION 9404 VESTING TENTATIVE MAP (TM 04-20) SUBDIVIDING APPROXIMATELY 14.7 ACRES INTO 227 RESIDENTIAL LOTS AND OTHER IMPROVEMENTS CONSISTENT WITH PLANNING AREA 1 OF THE ADOPTED EAST CYPRESS CORRIDOR SPECIFIC PLAN. APNS 032-082-005 AND 032-082-013.

FINDINGS

WHEREAS, on August 11, 2020, ACD-TI Oakley, LLC filed an application for approval of a an amendment to the Vesting Tentative Map known as Subdivision 9404 and Application Number TM 04-20 ("Project"); and

WHEREAS, the application for approval of the amended Vesting Tentative Map proposes to subdivide approximately 14.7 acres into 227 residential lots and other improvements consistent with Planning Area 1 of the adopted East Cypress Corridor Specific Plan; and

WHEREAS, on March 13, 2006, the City Council adopted City Council Resolution No. 30-06, certifying the Initial Final EIR (SCH # 2004092011) and City Council Resolution No. 31-06, approving Amendments to the Oakley 2020 General Plan, approving the "SP" Land Use Designation for the East Cypress Corridor Expansion Area, adopting the East Cypress Corridor Specific Plan, and making Mitigation Findings and adopting a statement of overriding considerations, as required by the California Environmental Quality Act ("CEQA"); and

WHEREAS, in response to a Peremptory Writ of Mandate issued on August 20, 2007, regarding a challenge to the adequacy of the EIR, the City Council adopted City Council Resolution No. 111-07, rescinding City Council Resolutions 30-06 and 31-06; and

WHEREAS, the Initial Final EIR and the Final Supplemental EIR, including all appendices and documents incorporated in them by reference, together comprise the Revised Final EIR for the East Cypress Corridor Specific Plan project ("Revised Final EIR"); and

WHEREAS, the Revised Final EIR identifies potentially significant environmental impacts and related mitigation measures, shall apply to development in the Specific Plan Area; and

WHEREAS, the Revised Final EIR also identifies potentially significant environmental impacts that will remain significant despite adoption of the mitigation measures that will apply to development in the Specific Plan Area, and for which the City must adopt a statement of overriding considerations pursuant to CEQA; and

WHEREAS, the components of the Revised Final EIR are separately bound documents, incorporated herein by reference, and are available for review in the City's Planning Division. The custodian of the documents and other materials which constitute the record of proceedings for the East Cypress Corridor Specific Plan and the Revised Final EIR is the City of Oakley Community Development Director at 3231 Main Street, Oakley, California 94561; and

WHEREAS, on March 10, 2009 the City Council adopted City Council Resolution 46-09 certifying the East Cypress Corridor Specific Plan Revised Final EIR, making certain findings concerning environmental impacts and mitigation measures, adopting a mitigation monitoring program, making findings concerning alternatives, and adopting a statement of overriding consideration in connection with the East Cypress Corridor Specific Plan; and

WHEREAS, on March 24, 2009, the City Council adopted City Council Ordinance 10-09 with the second reading waived, making findings and adopting the East Cypress Corridor Specific Plan; and

WHEREAS, on October 28, 2020 the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. On October 15, 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 November 10, 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 on the City's General Plan, the City's Zoning and Subdivision Ordinances, the East Cypress Corridor Specific Plan and the information submitted to the City Council at its November 10, 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 Subdivision (hereafter the "Record").

WHEREAS, the City Council hereby makes the following factual findings regarding this application:

A. The real property affected by this vesting tentative map is designated SP (Specific Plan) in the Oakley 2020 General Plan and zoned SP-1 (East Cypress Corridor Specific Plan) District; and

B. The Revised Environmental Impact Report (EIR) for the East Cypress Corridor Specific Plan (Project EIR) was certified by the City Council on March 10, 2009. The Project EIR, which is made up of the Initial EIR and Supplemental EIR, was prepared to support adoption of the East Cypress Corridor Specific Plan. The Project EIR contains a project level analysis of the development of the real property affected by this vesting tentative map also referred to as Planning Area 1 of the East Cypress Corridor Specific Plan; and

C. Pursuant to Public Resources Code Section 21166, and as further clarified by CEQA Guideline Section 15162, an addendum to the Project EIR was prepared and included as an attachment to the project Staff Report. The Addendum incorporates, by reference, the analysis contained in the certified Project EIR, and addresses only those issues specific to the project. The Addendum concludes that approval of the Project does not trigger need for a subsequent EIR under Section 21166 because development of the Project will not result in new, or substantially more adverse, significant environmental impacts than those disclosed in the Project EIR. Moreover, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Project EIR was certified, that shows any new, or substantially more adverse, environmental impacts than those disclosed in the Project EIR, or that shows that new, or previously identified infeasible, mitigation measures or alternatives would substantially reduce one or more significant environmental effects of the project. Accordingly, per Section 21166, the City has not required a subsequent EIR for the Project.

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

A. Regarding the application requesting approval of an amendment to Vesting Tentative Map (9404) to subdivide approximately 14.7 acres into 227 residential lots and other improvements consistent with Planning Area 1 of the adopted East Cypress Corridor Specific Plan, the City Council finds that:

   1. The proposed Vesting Tentative Map, together with the provisions of its design and improvements, is consistent with the Zoning Code, adopted SP-1 District (East Cypress Corridor Specific Plan), and applicable General Plan land use designations, as approved by City Council for the Project, in that it allows for orderly residential development in a residential area that

meets the General Plan density allowance and complies with all of the applicable regulations set forth in the Project's SP-1 District;

2. The site is physically suitable for the type of development in that the proposed Vesting Tentative Map meets all of the applicable development standards in the Project's SP-1 District and is designed in a manner consistent with Planning Area 1 (PA 1) of the East Cypress Corridor Specific Plan. As conditioned, it will be served by public streets and utilities;

3. The site is physically suitable for the proposed density and number of dwelling units. The number of acres planned to be used for the commercial village center, neighborhood parks, open space, lake, trails, the levee, and other land uses are also consistent with the numbers anticipated in the East Cypress Corridor Specific Plan;

4. The proposed Vesting Tentative Map and all identified mitigation measures have been incorporated into Project EIR Mitigation and Monitoring Plan, certified March 10, 2009, and prepared in accordance with the CEQA Guidelines;

5. The design of the subdivision and type of improvements are not likely to cause serious public health problems in that the proposed subdivision consists of 227 single family residential lots and other improvements consistent with Planning Area 1 of the East Cypress Corridor Specific Plan. Construction and grading of the project are subject to building or grading permits, and violations of any such permits are subject to appropriate enforcement;

6. The design of the subdivision includes the construction of improvements within public right-of-way that are consistent with major subdivisions, the City's design standards and design standards approved in the East Cypress Corridor Specific Pan. The improvements consist of roads, sidewalks, curbs and gutters; and

7. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. The Vesting Tentative Map does not conflict with easements acquired by the public for access and utilities.

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

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council take the following actions:

A. Approval of the amended Vesting Tentative Map 9404 (TM 04-20) subdividing approximately 14.7 acres into 227 residential lots and other improvements consistent with Planning Area 1 of the adopted East Cypress Corridor Specific Plan.

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 amended Vesting Tentative Map 9404 (TM 04-20), subject to the following conditions:

A. Applicant shall comply with the requirements of the Oakley Municipal Code and the adopted East Cypress Corridor Specific Plan. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the plans received by the Community Development Department and made a part of the City Council's meeting packet for November 10, 2020.

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

Planning Division Conditions

General:

1. This Vesting Tentative Map is approved, as shown on the plans, date stamped by the City of Oakley Planning Department on October 1, 2020, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.

2. This approval shall be effectuated within the timeframe allowed by the Development Agreement between the City of Oakley and the Lesher Trust and if not effectuated shall expire on December 13, 2025. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Municipal Code. Approval of a development agreement, subject to City Council approval, may also provide an extension of time.

3. All construction drawings submitted for plan check shall be in substantial compliance with the plans presented to and approved by the City Council on November 10, 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.

7. All applicable mitigation measures addressed in the Project EIR shall be complied with and addressed as outlined in the Mitigation Monitoring Program approved by the City Council on March 10, 2009 by Resolution 46-09 and as reaffirmed by this Resolution.

8. 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).

9. The model home complex shall have a copy of the City of Oakley's General Plan Land Use Map and East Cypress Corridor Land Use Diagram posted within the sales office or included with the informational material provided to prospective home buyers.

Development Regulations:

10. All development regulations shall be subject to Section 6 of the East Cypress Corridor Specific Plan, unless otherwise specified in this resolution.

11. Prior to recording a Final Map that would create legal parcels for residential use in the area of the property identified as village R-17B on Vesting Tentative Map for Subdivision 9404, the applicant shall provide the Community Development Director detailed documentation of applicant's commercially reasonable, good faith efforts to sell or lease (for fair market value, as determined by a qualified appraiser mutually acceptable to applicant and the City) the entirety, or significant portion thereof acceptable to the City, of such real property to one or more commercial development entities for the purposes of developing a commercial project. The applicant shall not request the Final Map that creates residential parcels for area R-17B until December 13, 2025 or a total of 1,056 building permits have been issued for the balance of Subdivision 9404, whichever occurs first.

Parks, Open Space, and Trails:

12. The applicant shall work with the Community Development Department with the design, construction and completion of the parks, open space, and trails concurrent with the development of the subdivision. As part of the plan check process, the applicant shall develop a construction schedule approved by the Community Development Director to provide for the timely completion of the parks, open space, and trails concurrent with development.

13. Details of all trails, including lake edges, overlooks, and levee trails shall be submitted with the future design review application. All details shall be consistent with Section 7 of the East Cypress Corridor Specific Plan.

14. A mix of evergreen and deciduous trees as well as shrubs and ground cover shall be planted along the street frontage as specified in the East Cypress Corridor Specific Plan per the review and approval of the Community Development Director.

15. 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 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.

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

17. 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.

18. Each residential lot shall have a minimum of two trees along the street frontage, with the exception of corner lots, which shall have four, per the review and approval of the Community Development Department. The Community Development Department may allow for a reduction of frontage trees on any given lot line where constraints may occur that limit the number of installed trees.

19. The applicant shall maintain all private landscaping until occupancy.

20. A street tree plan, including species and sizes shall be submitted for review prior to issuance of Building Permits, or with the future design review application. The street trees shall be inter-mixed throughout the subdivision so there are a variety of trees on every street, per review of the Community Development Department.

Fences and Walls:

21. Within the subdivision good neighbor fences shall be constructed as detailed in Appendix B of the East Cypress Corridor Specific Plan.

22. Sound walls and community accent walls be submitted with the future design review application.

23. Sound walls shall attenuate, not just deflect sound. The use of sound absorbing material should be used for the construction of sound walls per the review and approval of the Community Development Director.

24. Anti-graffiti techniques shall be used on sound walls, per the review of the Community Development Director.

Subdivision Design:

25. The community and neighborhood entries, arrival elevations and plans, and neighborhood icons, and park entries shall be detailed and submitted with the future design review application. All details shall be consistent with Section 7 of the East Cypress Corridor Specific Plan.

26. Driveway openings shall be a maximum 18' in width or up to 25% of a lot's frontage (except on cul de sacs), whichever is greater.

27. The street names shall be approved by the Community Development Department and the East Contra Costa Fire Protection District.

Subdivision Disclosures:

28. 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.

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

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

Design Review:

30. The future design review application shall include details of all home designs, and any landscaping in parks, on trails, rights of way, open spaces, and other common areas. All design elements shall be analyzed for consistency with the East Cypress Corridor Specific Plan. For elements not covered in the East Cypress Corridor Specific Plan, the Oakley Residential Design Guidelines shall be used.

Energy Efficiency:

31. Water heaters shall provide an energy efficiency factor of 0.62 or better.

32. Dual zone air conditioning shall be provided on all two-story residential units.

33. 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.

34. 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:

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

Building Division Conditions

36. 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.

37. An Automatic Life Safety Sprinkler System shall be required in all new construction pursuant to Ordinance 22-06. The automatic Life Safety Sprinkler Systems in commercial and industrial buildings shall be designed and installed to the standards and requirements found in the most recent version of the NFPA (National Fire Protection Association). Automatic Life Safety Sprinkler Systems in hotels and apartments shall be installed to the standards and requirements found in the most recent version of the NFPA Standard 13R. After July 1, 2011, the Automatic Life Safety Sprinkler Systems in one and two family dwellings, and townhouses not more than three stories above grade plane, shall be designed and installed to the standards and requirements found in the 2010 California Residential Code section R313.

38. 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.

Public Works and Engineering Conditions

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

39. GENERAL. All public improvements shall be made according to the design standards as set forth in the East Cypress Corridor Specific Plan and where no such standards are identified 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. All conditions of approval shall be satisfied by the owner(s)/developer(s). All costs associated with compliance with the conditions shall be at the owner(s)/developer(s)’s expense. All applicable Mitigation Measures contains in the master EIR shall be complied and responded to.

40. DEVELOPMENT STANDARDS. All development regulations shall be subject to Section 6 of the East Cypress Corridor Specific Plan, unless otherwise specified in this Conditions of Approval, including but limited to the Trail Master Plan Exhibit, Emergency Evacuation Plan. All requirements outlined in the Development Agreement and any other agreements with other agencies must be adhered to.

41. PLAN SUBMITTAL. All civil engineering improvement such as but not limited to: traffic improvements, traffic signals, modification of existing improvements 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. Submit of Joint Trench Intent and design is required as part of this submittal for complete review of the project

42. 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.

43. LEVEES. The levee system design and construction shall be coordinated between two or more subdivision projects within the East Cypress Corridor Specific Plan (ECCSP) area as needed to provide adequate flood protection and to the satisfaction of the City Engineer.

44. WELLS. All abandoned or inactive wells on the subject site shall be destroyed accordance with the required abandonment wells standards by the agencies responsible for the wells. Proof of work completed is required to be provided to the City prior issuances of any permits.

45. MAINTENANCE. Provide table or exhibit of all private and public improvements items to be maintained privately or by public agencies and responsible entities.

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

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

48. 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.

49. 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.

50. EASEMENTS. Owner/Applicant/Developer shall provide copy of recorded Grant of Easements and/or land acquisitions and duly executed rights of entry for all permanent and temporary construction of improvements required for the project and shall fully comply with their requirements.

51. WETLANDS/VERNAL POOLS. Prior to the first submittal of any improvement/grading plans the Owner(s)/Developer(s) shall provide a wetland delineation map showing the location, quantity of vernal pools, water courses and wetland in the project area. Map and report shall be prepared by a recognized environmental consultant in this field. Any work within the identified wetland delineation map would need to have an approved Section 404 permit from the Army Corps of Engineers prior to any construction, grading, ground disturbance at the site.

52. 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.

53. FINAL MAP. Submit a Final Map prepared by a Licensed Land Surveyor. The final map shall be recorded, and the subdivision agreement must be executed before any building permits for production homes are issued.

54. DEDICATIONS. The following shall be dedicated on the final map. The dedication shall be recorded before any permits are issued.

55. Streets/ Road/Trails: Dedicate the required right-of-way as defined in the ECCSP, Development Agreement, or any other agreements with other agencies.

56. Public Utility Easement (PUE): A PUE shall be provided whenever there will be less than 15’ from the face of curb to all public rights-of-way lines. The width of the required PUE will be such as to provide for 15’ from the face of curb to the edge of PUE.

57. Ingress-egress, storm drainage easements, or any other easements as required by the local jurisdictional agencies.

58. Emergency Access Easement: As required by the City engineer, County Fire Department or Police Department.

59. 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.

60. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the

commencement of any site work, the general contractor shall:

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;

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.

61. 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.

62. 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.

63. FIRE CONTROL. The project developer shall keep the site free of fire hazards from the start of construction until final inspection. The plan must adhere to the satisfaction of the East Contra Costa Fire District.

64. 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.

65. 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:
    a) Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, and special events.
    b) 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.
    c) 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 or as permitted by the City Engineer.
    d) The traffic control plan shall be reviewed for compliance to the project's Haul Route, approved by the City of Oakley.
    e) A full road closure will require a detour plan and a road closure permit issued by the Public Works Department.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

73. GRADING

a) 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.

b) 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.

c) 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.

d) 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.

e) 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.

f) The burying of any construction debris is prohibited on construction sites.

74. 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

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:

75. 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.

76. 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 each cul-de-sac or knuckle. Show truck turning radius for garbage truck for garbage pickup. Please provide narrative on how this process will be handled for private roadways and alleys. If the applicant can receive East Contra County Fire District approval, they may use the 42 foot outside turning radius as allowed in the ECCSP.

77. STREET IMPROVEMENTS. Project is required to complete all street improvements identified in the recorded Development Agreement, previously

approved conditions and ECCSP.

a. Construct the roadway improvements along Jersey Island Road, East Cypress Road, and Bethel Island Road to conform to the ECCSP guidelines.

b. Construct the East Cypress Road and Bethel Island Road Signalized Intersection at ultimate configuration as shown in the exhibit dated October 23, 2020 prepared by Bellecci & Associates, Inc. and consistent with the improvements necessary as identified in the project EIR Traffic Report for the ECCSP. Prior to the recordation of the first final map, developer shall enter into a Reimbursement Agreement for the above referenced improvements. The intersection improvements must be constructed with the ultimate improvements of East Cypress Road fronting the development

c. Install traffic calming measures consistent with the City's Neighborhood Traffic Management Program and Section 5.1.3 of the ECCSP. The traffic calming measures shall be included in the improvement plans and are subject to the review and approval of the City Engineer.

d. Install standard street barricades at the terminus of all streets that will be extended by future developments. The barricades shall include a sign notifying residents that the streets are planned to be extended in the future.

e. Submit a phasing plan for roadway and infrastructure improvements along with schedule for completion to the City Engineer for approval. The plan shall include provisions for emergency vehicle access, evacuation routes, solid waste truck access, temporary turn-around facilities, and safe access to occupied lots.

f. Provide Signal Warrants for main entrances to the development from arterial roadways.

78. DRAINAGE IMPROVEMENTS.

a. Submit a Master Drainage Plan to provide for onsite and offsite storm water drainage for the project, designed by a California registered civil engineer and approved by the City Engineer.
b. A final hydrology and hydraulic report including 10-year and 100-year frequency event calculations for all the proposed drainage system and stormwater pond approval by the City Engineer is required prior to issuance of grading permit
c. Approval of detention ponds prepared by a licensed civil engineer is required prior to issuance of grading permits
d. Developer shall submit a water management plan prepared by a licensed limnologist to provide direction for the ongoing water quality maintenance

of the proposed ponds.

e. Pond's edge treatment shall be subject to the review and approval of the city of Oakley prior to approval of the first map. The edge treatment shall meet the requirements identified in the ECCSP.
f. Design and construct all storm drainage facilities in compliance with the Municipal Code and City design standards.
g. Prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.
h. All storm drain systems onsite are to be private shall be maintained by the property owner and/or HOA.

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

79. 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.

80. 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.

81. BONDS. The applicant shall supply suitable securities for all improvements that are a part of the development in a form acceptable to the City in the amount of 100% (performance), 50% (labor and material) prior to issuance of any permit.

82. 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.

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

84. LIGHTING. Submit a photometrics plan outlining the public street lights required for this development.

85. 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.

86. 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.

87. UTILITY EASEMENTS. Deed restrictions shall be placed on lots containing utility easements, as applicable. The deed restrictions shall specify that no trees, fences, or hardscape are allowed within the easement boundaries, and that maintenance access must be provided. The City will assist and provide guidance for the deed language and the Applicant's surveyor shall prepare the legal description and plat. The Applicant shall pay any recordation costs

88. MAINTENANCE ACCESS. Maintenance access agreement and easement need to be in place for any public improvements located within private property/lot.

89. HOMEOWNER'S ASSOCIATION: Prior to the sale of any lot or acceptance of site improvements, whichever occur first, Conditions, Covenants and Restrictions (CC&R's), creating a Homeowners Association (HOA) for the project shall be reviewed and approved by the City of Oakley and recorded. The HOA shall own and maintain the private roadways, alleys and common landscape, private infrastructures and on-site storm drain systems within the development.

90. FENCING. Any proposed fencing and walls shall be located on private property and maintained by the property owner(s) and/or HOA. The design and placement of walls, fences, signs, landscape features near intersections and driveways shall allow stopping site distance per Caltrans standards and comply with the City's corner sight distance requirements. Landscaping in the area required for adequate

stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the City Engineer.

91. GATE: Any proposed private gates are to be set be minimum 20' from all public and private streets, roads, alleys.

92. LANDSCAPING IN PUBLIC RIGHT OF WAY.
    a) Install public right-of-way landscaping along the project's frontages concurrently with the construction of the sound wall. Public right of way landscaping along the project streets shall be installed prior to occupancy of homes adjacent to that street.

    b) Maintain all landscaping within the public right-of-way until such time that the adjacent roadway improvements have been accepted for maintenance. Frontage landscaping shall be maintained by the HOA.

    c) Prior to the issuance of certificate of occupancy, an inspection will be performed to verify the health and location of the street trees per lot. Trees in poor health or those without adequate clearance from utilities will require replacement or relocation.

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

93. 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 final map.
94. EASEMENTS. All easements of record that affect this property are to be shown on the Final Map. Any easements no longer in use shall be abandoned/quitclaimed. Recorded documents shall be provided to the City prior to release of any building permits.

95. RIGHTS OF ENTRY. Provide necessary rights of way, rights of entry, permits, and/or easements for the construction of off-site, temporary or permanent, public and private roads, utility and drainage improvements.

96. 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.

97. 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.

98. AGREEMENT FOR STORMWATER BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE OBLIGATIONS. The property owner/HOA 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/HOA 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.

99. 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.

100. 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);

d) 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);

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

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

101. 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.

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.

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. The applicant shall be responsible for paying the County Recorder's Fee for the Notice of Determination as well as the State Department of Fish and Game's Filing Fee.

I. East Contra Costa County Habitat Conservation Plan Fee (adopted by Resolution No. 112-07 & 124-07).

J. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 10th of November, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor Date

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

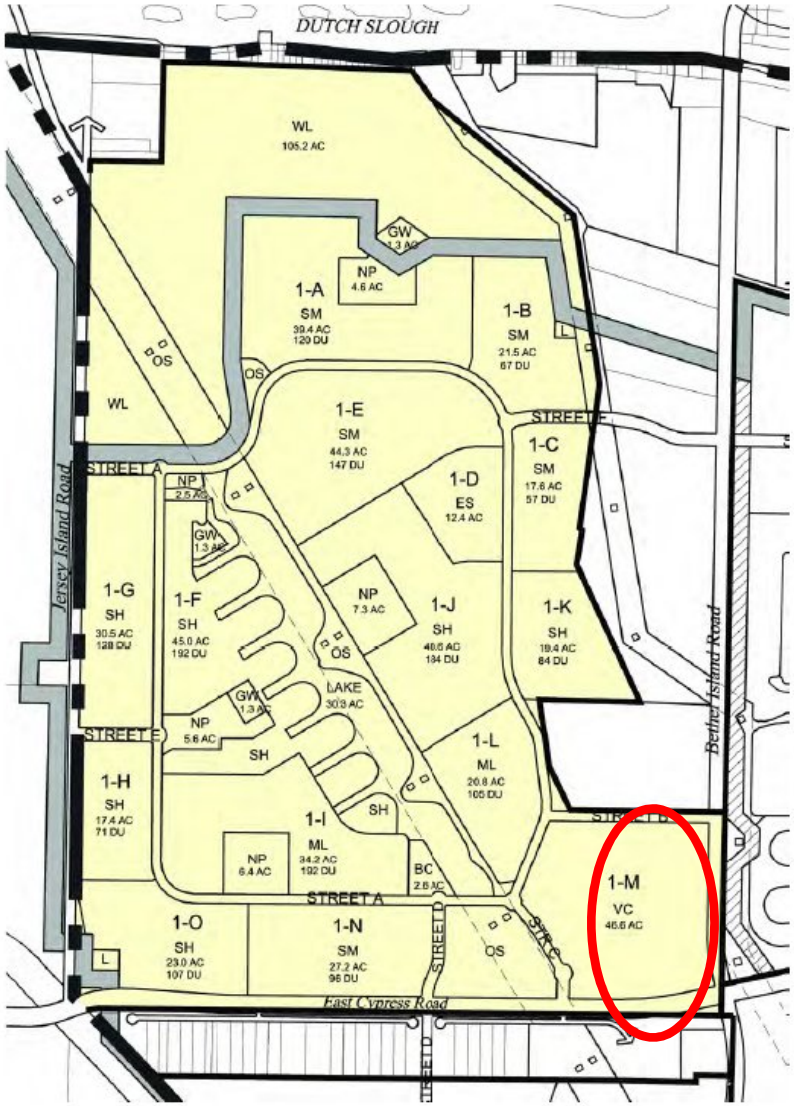
Cypress Preserve
Vesting Tentative Map 9156
Vesting Tentative Map 9404

City Council

November 10, 2020

History of Project's

- Specific Plan - Approved in 2006
- EIRs - Certified in 2009
- VTM 9156 – Approved in 2011
- VTM 9404 – Approved in 2015


DUTCH SLOUGH
WL
105.2 AC
GW
1.3 AC
NP
4.6 AC
1-A
SM
39.4 AC
129 DU
1-B
SM
21.5 AC
67 DU
OS
OS
WL
1-E
SM
44.3 AC
147 DU
STREET F
1-C
SM
17.6 AC
57 DU
STREET A
NP
2.5 AC
GW
1.3 AC
1-D
ES
12.4 AC
Jersey Island Road
1-G
SH
30.5 AC
128 DU
1-F
SH
45.0 AC
192 DU
NP
7.3 AC
1-J
SH
46.6 AC
134 DU
1-K
SH
19.4 AC
84 DU
OS
LAKE
30.3 AC
GW
1.3 AC
Bethel Island Road
STREET E
NP
5.6 AC
SH
1-L
ML
26.8 AC
105 DU
1-H
SH
17.4 AC
71 DU
1-I
ML
34.2 AC
192 DU
SH
NP
6.4 AC
BC
2.6 AC
STREET A
1-M
VC
46.6 AC
1-O
SH
23.0 AC
107 DU
1-N
SM
27.2 AC
96 DU
STREET D
OS
L
East Cypress Road
STREET D

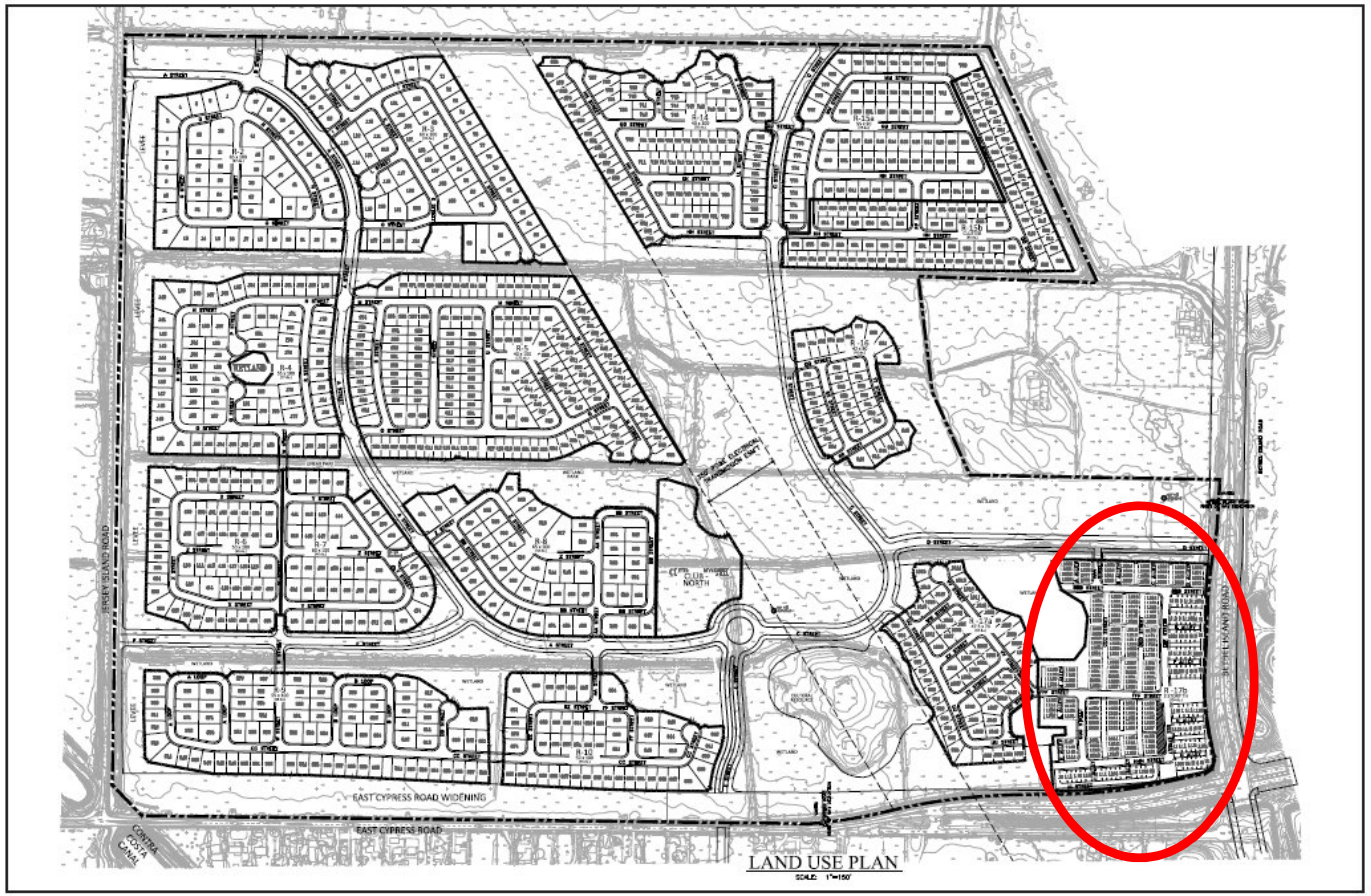
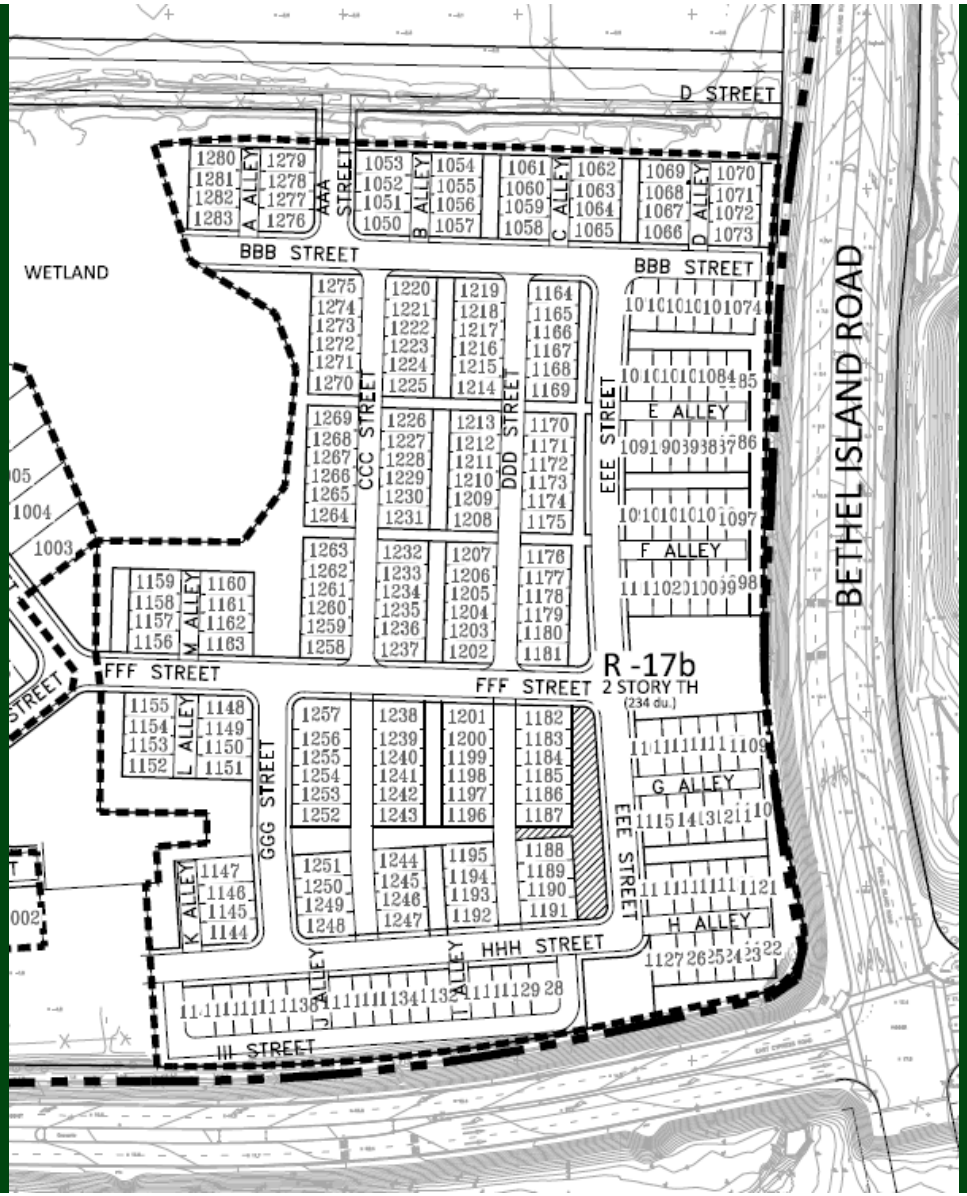
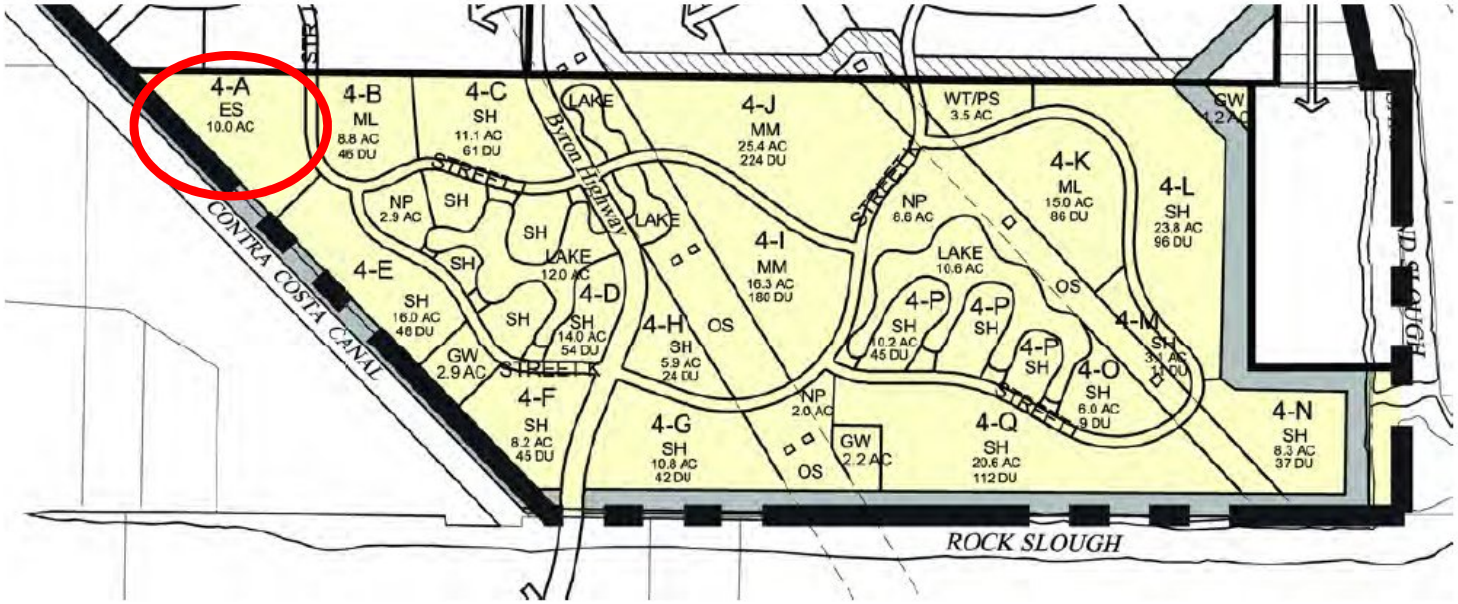


Exhibit A

Vesting Tentative Map 9404


D STREET
BBB STREET
BBB STREET
WETLAND
BETHEL ISLAND ROAD
AAA STREET
CCC STREET
DDD STREET
EEE STREET
FFF STREET
FFF STREET
GGG STREET
EEE STREET
HHH STREET
III STREET
A ALLEY
B ALLEY
C ALLEY
D ALLEY
E ALLEY
F ALLEY
G ALLEY
H ALLEY
J ALLEY
K ALLEY
L ALLEY
M ALLEY
R -17b
2 STORY TH
(234 du.)


4-A
ES
10.0 AC
4-B
ML
8.8 AC
46 DU
4-C
SH
11.1 AC
61 DU
LAKE
4-J
MM
25.4 AC
224 DU
WT/PS
3.5 AC
GW
1.2 AC
4-K
ML
15.0 AC
86 DU
4-L
SH
23.8 AC
96 DU
NP
2.9 AC
SH
Byron Highway
LAKE
NP
6.6 AC
LAKE
10.6 AC
4-I
MM
16.3 AC
180 DU
4-E
SH
16.0 AC
48 DU
LAKE
12.0 AC
4-D
SH
14.0 AC
54 DU
4-H
SH
5.9 AC
24 DU
OS
4-P
SH
10.2 AC
45 DU
4-P
SH
4-P
SH
4-M
SH
3.1 AC
11 DU
4-O
SH
6.0 AC
9 DU
GW
2.9 AC
4-F
SH
8.2 AC
45 DU
4-G
SH
10.8 AC
42 DU
NP
2.0 AC
OS
GW
2.2 AC
4-Q
SH
20.6 AC
112 DU
4-N
SH
8.3 AC
37 DU
CONTRA COSTA CANAL
ROCK SLOUGH

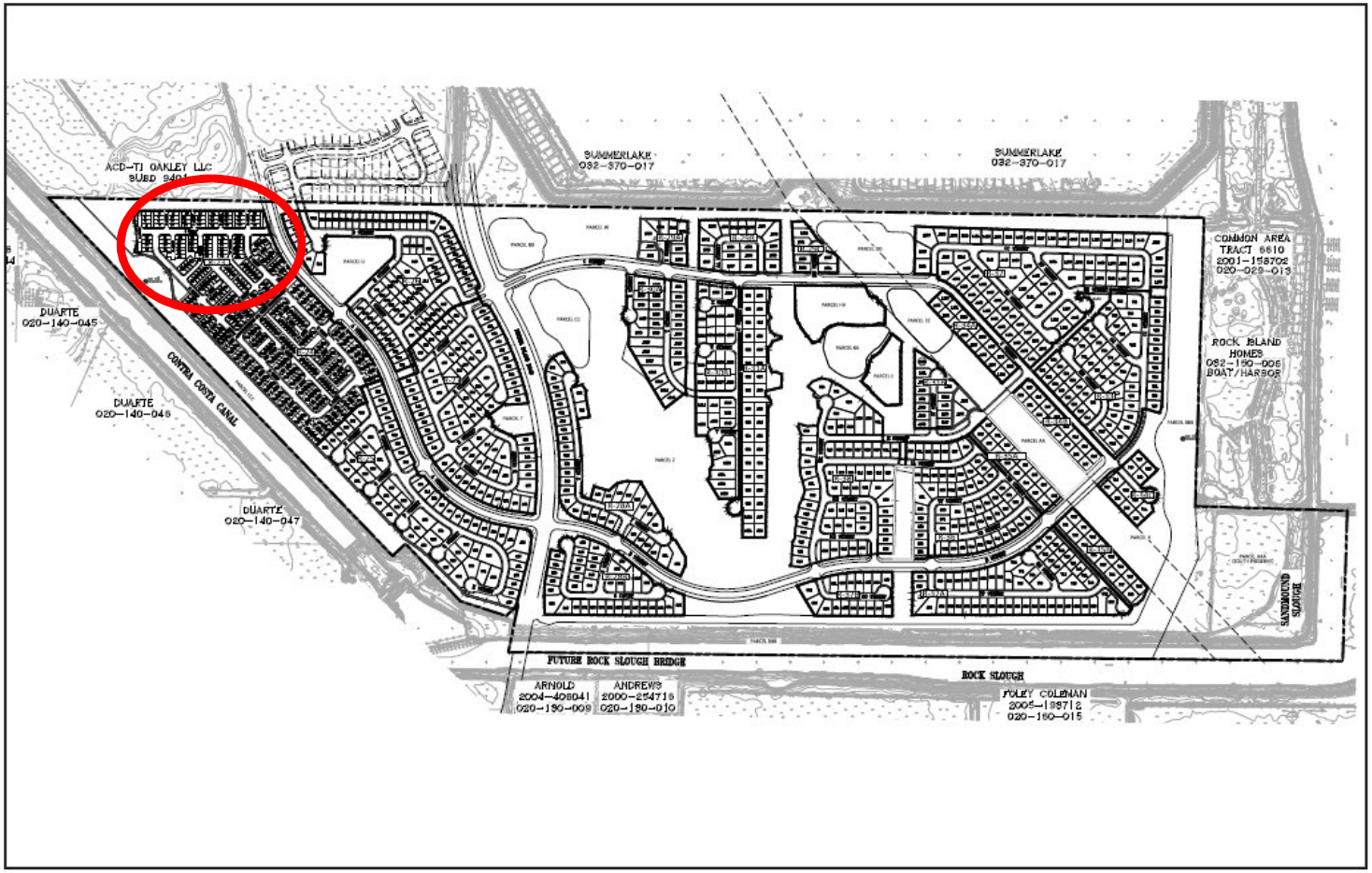
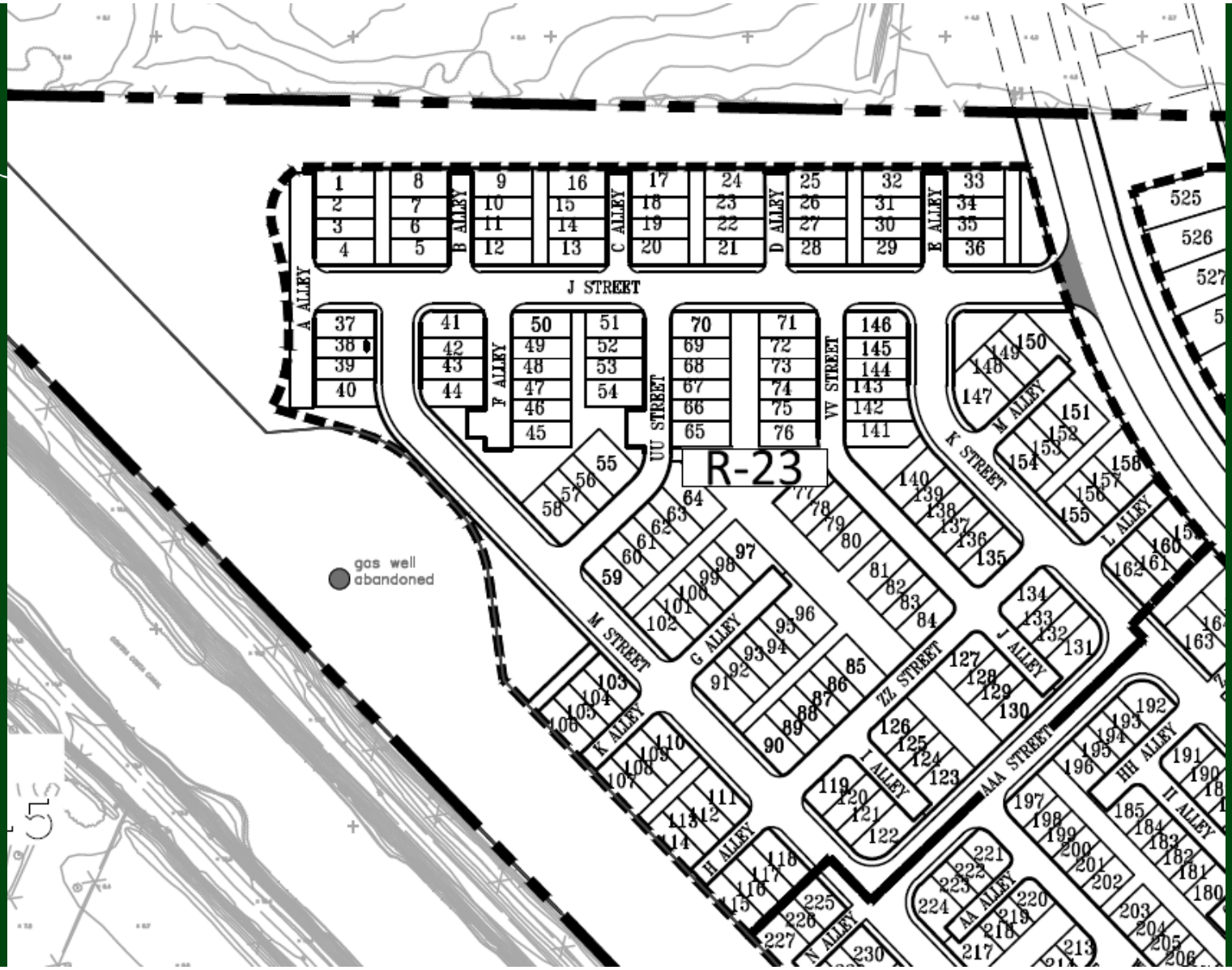


Exhibit B

Vesting Tentative Map 9156


R-23
J STREET
A ALLEY
B ALLEY
C ALLEY
D ALLEY
E ALLEY
F ALLEY
G ALLEY
H ALLEY
I ALLEY
J ALLEY
K ALLEY
L ALLEY
M ALLEY
M STREET
UU STREET
VV STREET
ZZ STREET
AAA STREET
AA ALLEY
HH ALLEY
II ALLEY
K STREET
gas well
abandoned



FRONT ELEVATION - TOWNHOMES ALT-1

SCALE: 1/4" = 1'-0"



FRONT ELEVATION - TOWNHOMES ALT-2

SCALE: 1/4" = 1'-0"

CEQA

- Prepared an Addendum to the Certified EIR(s)
- No new impacts
- Within the limits of what was approved within the Specific Plan

Recommendation's

- Staff recommends the City Council adopt a resolution approving the Amended Vesting Tentative Map 9156 (TM 03-20), as conditioned.

- Staff recommends the City Council adopt a resolution approving the Amended Vesting Tentative Map 9404 (TM 04-20), as conditioned.